

SUBSTITUTE FOR
SENATE BILL NO. 1160

A bill to amend 1846 RS 65, entitled
"Of alienation by deed, and the proof and recording of conveyances,
and the canceling of mortgages,"
by amending sections 27, 28, and 43 (MCL 565.27, 565.28, and
565.43), sections 28 and 43 as amended by 1992 PA 212; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 27. The register ~~shall certify~~ **MAY NOTE** upon every
2 instrument ~~recorded by him,~~ **HE OR SHE RECORDS** the **DATE AND** time
3 when it was ~~received,~~ **and ACCEPTED, AFTER THE INSTRUMENT MET ALL**
4 **RECORDING REQUIREMENTS INCLUDING THE PAYMENT OF FEES. THE REGISTER**
5 **ALSO SHALL NOTE** a reference to the ~~book~~ **LIBER** and page, **OR OTHER**
6 **UNIQUE IDENTIFYING NUMBER,** where it is recorded.

7 Sec. 28. (1) Each register of deeds shall keep a ~~proper~~

1 ~~general index to each set of books in which he or she shall enter~~
 2 ~~alphabetically the name of each party to each instrument recorded~~
 3 ~~by the register of deeds, with a reference to the book and page~~
 4 ~~where the instrument is recorded. In a county in which~~
 5 ~~reproductions pursuant to the records media act are combined in 1~~
 6 ~~set of books, the register of deeds shall keep separate indexes of~~
 7 ~~the instruments. The register of deeds shall also keep a separate~~
 8 ~~index in which shall be entered daily a minute of all discharges of~~
 9 ~~mortgages as the discharges are entered, whether by written~~
 10 ~~discharge or entered upon the margin of the record, together with a~~
 11 ~~reference to the volume and page where recorded, or entered upon~~
 12 ~~the margin.~~ **OF INSTRUMENTS ACCEPTED FOR RECORDING, AFTER THE**
 13 **INSTRUMENTS HAVE MET ALL RECORDING REQUIREMENTS, INCLUDING THE**
 14 **PAYMENT OF FEES, BY MEANS OF BOOKS OR COMPUTERIZATION OR A**
 15 **COMBINATION OF BOTH. THE INDEX SHALL INCLUDE THE FOLLOWING**
 16 **INFORMATION:**

17 (A) LIBER AND PAGE, OR OTHER UNIQUE IDENTIFYING NUMBER, WHICH
 18 SHALL BE SEQUENTIALLY, NOT RANDOMLY, ASSIGNED.

19 (B) INSTRUMENT TYPE.

20 (C) THE NAME OF EACH PARTY TO EACH INSTRUMENT.

21 (D) DATE PROCESSED, HAVING MET ALL RECORDING REQUIREMENTS,
 22 INCLUDING PAYMENT OF FEES.

23 (E) LOCATION OF LAND: SECTION, TOWN AND RANGE, PLATTED
 24 DESCRIPTION, OR OTHER DESCRIPTION AUTHORIZED BY LAW.

25 (F) OTHER REFERENCE INFORMATION AS REQUIRED.

26 (2) Each **COMPUTERIZED** index ~~required by this act may be~~
 27 ~~maintained wholly, or in part, by computerization of the index~~

1 SHALL BE MAINTAINED TO ALLOW FOR AN ALPHABETICAL SEARCH OF THE
2 NAMES OF EACH PARTY TO EACH INSTRUMENT RECORDED BY THE REGISTER OF
3 DEEDS.

4 (3) Each computerized index shall be secured by a duplicate
5 index maintained at a separate location from the primary index.

6 (4) The primary index shall be secured by a code, key, or
7 other system designed to prohibit an unauthorized person from
8 altering the index.

9 Sec. 43. Every certificate described in section 42 **OF THIS**
10 **CHAPTER**, and the proof or acknowledgment of the certificate, shall
11 be recorded at full length, and a reference shall be made to the
12 ~~book-LIBER~~ and page, **OR OTHER UNIQUE IDENTIFYING NUMBER**, containing
13 the certificate, in the ~~minute-MINUTES~~ of the discharge of the
14 mortgage made by the register upon the mortgage. If the register of
15 deeds is authorized by the board of commissioners to reproduce
16 deeds, mortgages, maps, instruments, or writings, as provided in
17 section 2 of ~~Act No. 105 of the Public Acts of 1964, being section~~
18 ~~691.1102 of the Michigan Compiled Laws 1964 PA 105, MCL 691.1102,~~
19 and the mortgage does not exist in a hard copy medium, it is not
20 necessary for him or her to make reference to the ~~book-LIBER~~ and
21 page containing the certificate on the ~~book-or-LIBER AND~~ page
22 containing the mortgage. Instead, reference to the ~~book-LIBER~~ and
23 page containing the certificate shall be made in the index to the
24 ~~entry-book-PERMANENT INDEX~~ of mortgages.

25 Enacting section 1. Section 26 of 1846 RS 65, MCL 565.26, is
26 repealed.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. 927 of the 94th Legislature is enacted into
2 law.