

# SENATE BILL No. 1160

February 28, 2008, Introduced by Senator JANSEN and referred to the Committee on Local, Urban and State Affairs.

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

7           Sec. 28. (1) Each register of deeds shall keep a ~~proper~~  
 8 ~~general~~ **PERMANENT** index to ~~each set of books in which he or she~~  
 9 ~~shall enter alphabetically the name of each party to each~~

~~1 instrument recorded by the register of deeds, with a reference to~~  
~~2 the book and page where the instrument is recorded. In a county in~~  
~~3 which reproductions pursuant to the records media act are combined~~  
~~4 in 1 set of books, the register of deeds shall keep separate~~  
~~5 indexes of the instruments. The register of deeds shall also keep a~~  
~~6 separate index in which shall be entered daily a minute of all~~  
~~7 discharges of mortgages as the discharges are entered, whether by~~  
~~8 written discharge or entered upon the margin of the record,~~  
~~9 together with a reference to the volume and page where recorded, or~~  
~~10 entered upon the margin. OF RECORDED INSTRUMENTS BY MEANS OF BOOKS~~  
~~11 OR COMPUTERIZATION OR A COMBINATION OF BOTH. THE INDEX SHALL~~  
~~12 INCLUDE THE FOLLOWING INFORMATION:~~

- 13 (A) LIBER AND PAGE, OR OTHER UNIQUE IDENTIFYING NUMBER.
- 14 (B) INSTRUMENT TYPE.
- 15 (C) THE NAME OF EACH PARTY TO EACH INSTRUMENT.
- 16 (D) DATE RECORDED, HAVING MET ALL RECORDING REQUIREMENTS,
- 17 INCLUDING PAYMENT OF FEES.
- 18 (E) LOCATION OF LAND: SECTION, TOWN AND RANGE, PLATTED
- 19 DESCRIPTION, OR OTHER DESCRIPTION AUTHORIZED BY LAW.
- 20 (F) OTHER REFERENCE INFORMATION AS REQUIRED.

~~21 (2) Each COMPUTERIZED index required by this act may be~~  
~~22 maintained wholly, or in part, by computerization of the index~~  
~~23 SHALL BE MAINTAINED TO ALLOW FOR AN ALPHABETICAL SEARCH OF THE~~  
~~24 NAMES OF EACH PARTY TO EACH INSTRUMENT RECORDED BY THE REGISTER OF~~  
~~25 DEEDS.~~

~~26 (3) Each computerized index shall be secured by a duplicate~~  
~~27 index maintained at a separate location from the primary index.~~

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

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

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

22           Enacting section 2. This amendatory act does not take effect  
23 unless Senate Bill No. 927 of the 94th Legislature is enacted into  
24 law.