

Act No. 358
Public Acts of 2008
Approved by the Governor
December 23, 2008
Filed with the Secretary of State
December 23, 2008
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STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008

Introduced by Senator Jansen

ENROLLED SENATE BILL No. 1160

AN ACT 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:

Sec. 27. The register may note upon every instrument he or she records the date and time when it was accepted, after the instrument met all recording requirements including the payment of fees. The register also shall note a reference to the liber and page, or other unique identifying number, where it is recorded.

Sec. 28. (1) Each register of deeds shall keep a general index of instruments accepted for recording, after the instruments have met all recording requirements, including the payment of fees, by means of books or computerization or a combination of both. The index shall include the following information:

- (a) Liber and page, or other unique identifying number, which shall be sequentially, not randomly, assigned.
- (b) Instrument type.
- (c) The name of each party to each instrument.
- (d) Date processed, having met all recording requirements, including payment of fees.
- (e) Location of land: section, town and range, platted description, or other description authorized by law.
- (f) Other reference information as required.

(2) Each computerized index shall be maintained to allow for an alphabetical search of the names of each party to each instrument recorded by the register of deeds.

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

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

Sec. 43. Every certificate described in section 42 of this chapter, and the proof or acknowledgment of the certificate, shall be recorded at full length, and a reference shall be made to the liber and page, or other unique identifying number, containing the certificate, in the minutes of the discharge of the mortgage made by the register upon the mortgage. If the register of deeds is authorized by the board of commissioners to reproduce deeds, mortgages, maps, instruments, or writings, as provided in section 2 of 1964 PA 105, MCL 691.1102, and the mortgage does not exist in a hard copy medium, it is not necessary for him or her to make reference to the liber and page containing the certificate on the liber and page containing the mortgage. Instead, reference to the liber and page containing the certificate shall be made in the index to the permanent index of mortgages.

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

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

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor