

SUBSTITUTE FOR
HOUSE BILL NO. 4441

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2567 (MCL 600.2567), as amended by 1990 PA
346, and by adding section 2567b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2567. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS (3)
2 AND (4), A register of deeds is entitled to the following fees,
3 which are not taxable as costs except as indicated:
4 (a) For entering and recording a deed, mortgage, certified
5 copy of an attachment, notice of the pendency of a suit, or other
6 instrument, ~~-\$5.00~~ \$10.00 for the first page and ~~-\$2.00~~ \$3.00
7 for each additional and succeeding page. ~~If a document assigns~~
8 ~~or discharges more than 1 instrument, \$1.00 shall be added to the~~
9 ~~page price for each additional instrument assigned or~~
10 ~~discharged.~~ The fee shall be paid when the deed, mortgage,

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1 certified copy of an attachment, notice of the pendency of a
2 suit, or other instrument is left for record. UNTIL DECEMBER 31,
3 2008, THE REGISTER OF DEEDS SHALL DEPOSIT \$5.00 OF THE TOTAL FEE
4 COLLECTED FOR EACH RECORDING INTO THE REGISTER OF DEEDS AUTOMA-
5 TION FUND ESTABLISHED UNDER SECTION 2567B. FOR ANY DOCUMENT THAT
6 ASSIGNS OR DISCHARGES MORE THAN 1 INSTRUMENT, \$3.00 SHALL BE
7 ADDED TO THE RECORDING FEE FOR EACH ADDITIONAL INSTRUMENT
8 ASSIGNED OR DISCHARGED.

9 (b) For copies of any records or papers, if required, \$1.00
10 per page, taxable as costs if otherwise allowed.

11 (c) For a seal to exemplification, \$1.00.

12 (d) For searching the records and files in the office of the
13 register of deeds, ~~10~~ EITHER OF THE FOLLOWING:

14 (i) FIFTY cents for each year for which GRANTOR/GRANTEE
15 searches are made, with a minimum fee of ~~-\$1.00~~ \$5.00.

16 (ii) THE COUNTY REGISTER OF DEEDS SHALL CHARGE A FEE FOR
17 TRACT INDEX SEARCHES. THE FEE SHALL BE BASED UPON THE COST OF
18 ESTABLISHING AND MAINTAINING A TRACT INDEX.

19 (e) For filing every other paper, and making an entry of it,
20 if necessary, \$1.00, unless otherwise specifically provided for.

21 (f) For searching for every other paper, on request, ~~10~~
22 cents \$1.00 for each paper examined.

23 (2) ~~In addition to any other fees prescribed in subsection~~
24 ~~(1) or (5), a register of deeds shall collect a fee of \$2.00 for~~
25 ~~entering and recording a deed, mortgage, certified copy of an~~
26 ~~attachment, notice of the pendency of a suit, or other~~
27 ~~instrument. The fee shall be paid when the deed, mortgage,~~

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1 ~~certified copy of an attachment, notice of the pendency of a~~
2 ~~suit, or other instrument is left for record.~~ AS USED IN THIS
3 SECTION, "PAGE" MEANS 1 SIDE OF A SINGLE WHITE SHEET OF PAPER NOT
4 LESS THAN 8-1/2 INCHES WIDE AND 11 INCHES LONG OR MORE THAN 8-1/2
5 INCHES WIDE AND 14 INCHES LONG, AND OF NOT LESS THAN 20-POUND
6 WEIGHT.

7 ~~(3) For purposes of this section, "page" means 1 side of a~~
8 ~~single sheet of paper not exceeding 8-1/2 inches in width and 14~~
9 ~~inches in length and not less than 13 (17 x 22--500) pound weight~~
10 ~~on which the printed or typed words are legible and not smaller~~
11 ~~than 8-point type.~~

12 (3) The county board of commissioners may reduce or elimi-
13 nate the fees specified in subsection (1)(b), (d), or (f).

14 (4) A charter county OR A COUNTY ORGANIZED UNDER 1973 PA
15 139, MCL 45.551 TO 45.573, may impose a fee schedule by ordinance
16 OR RESOLUTION with different amounts than the amounts prescribed
17 by subsection (1). A charter county OR A COUNTY ORGANIZED UNDER
18 1973 PA 139, MCL 45.551 TO 45.573, shall not impose a fee that is
19 greater than the cost of the service for which the fee is
20 charged.

21 SEC. 2567B. (1) EACH COUNTY OF THIS STATE SHALL ESTABLISH A
22 REGISTER OF DEEDS AUTOMATION FUND, AND THAT FUND SHALL RECEIVE
23 MONEY DEPOSITED BY THE REGISTER OF DEEDS OF THE COUNTY IN ACCORD-
24 ANCE WITH SECTION 2567. THE COUNTY TREASURER SHALL DIRECT
25 INVESTMENT OF THE FUND AND SHALL CREDIT TO THE FUND INTEREST AND
26 EARNINGS FROM FUND INVESTMENTS.

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1 (2) THE COUNTY REGISTER OF DEEDS OF EACH COUNTY SHALL EXPEND
2 THE FEES CREDITED TO THE FUND UNDER SECTION 2567 SUBJECT TO AN
3 APPROPRIATION UNDER THE UNIFORM BUDGETING AND ACCOUNTING ACT,
4 1968 PA 2, MCL 141.421 TO 141.440A, FOR UPGRADING TECHNOLOGY IN
5 THE REGISTER OF DEEDS OFFICE. UPGRADING INCLUDES THE DESIGN AND
6 PURCHASE OF EQUIPMENT AND SUPPLIES, AND IMPLEMENTATION OF SYSTEMS
7 AND PROCEDURES THAT ALLOW THE REGISTER OF DEEDS TO RECEIVE,
8 ENTER, RECORD, CERTIFY, INDEX, STORE, SEARCH, RETRIEVE, COPY, AND
9 OTHERWISE PROCESS BY AUTOMATED PROCEDURES AND ADVANCED TECHNOLOGY
10 DOCUMENTS, INSTRUMENTS, ABSTRACTS, MAPS, PLATS, AND OTHER ITEMS
11 RECORDED AND MAINTAINED BY THE REGISTER OF DEEDS.

12 (3) BEGINNING JANUARY 1, 2009, AND TO THE MAXIMUM EXTENT
13 FEASIBLE, A REGISTER OF DEEDS SHALL PROCESS, MAINTAIN, AND PRO-
14 VIDE ACCESS TO ITEMS RECEIVED BY THE REGISTER OF DEEDS FOR
15 RECORDING BY USING THE AUTOMATED PROCEDURES AND ADVANCED TECHNOL-
16 OGY DESCRIBED IN SUBSECTION (2).

17 (4) NOT LATER THAN JANUARY 1, 2003, EACH REGISTER OF DEEDS
18 SHALL BEGIN TO IMPLEMENT PROCEDURES TO PROCESS AND MAKE AVAILABLE
19 ALL ITEMS RECORDED, COMPILED, OR MAINTAINED BY THAT REGISTER OF
20 DEEDS AFTER JANUARY 1, 2003, USING THE AUTOMATED PROCEDURES AND
21 ADVANCED TECHNOLOGY DESCRIBED IN SUBSECTION (2).

22 (5) MONEY NOT EXPENDED BY THE FUND AT THE CLOSE OF EACH
23 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE
24 COUNTY'S GENERAL FUND UNTIL DECEMBER 31, 2011.