

RECORDING REQUIREMENTS Act 103 of 1937

AN ACT to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds.

History: 1937, Act 103, Eff. Oct. 29, 1937.

The People of the State of Michigan enact:

565.201 Requirements for recording with register of deeds.

Sec. 1. (1) A register of deeds shall not receive for recording an instrument executed after October 29, 1937 unless the instrument complies with each of the following requirements:

(a) The name of each person purporting to execute the instrument is legibly printed, typewritten, or stamped beneath the original signature or mark of the person, and the signature or mark is in black or dark blue ink.

(b) A discrepancy does not exist between the name of each person as printed, typewritten, or stamped beneath his or her signature and the name as recited in the acknowledgment or jurat on the instrument.

(c) The name of any notary public whose signature appears on the instrument is legibly printed, typewritten, or stamped on the instrument and appears on the same page near the signature of the notary public.

(d) The address of each of the grantees in each deed of conveyance or assignment of real estate, including the street number address if located within territory where street number addresses are in common use, or, if not, the post office address, is legibly printed, typewritten, or stamped on the instrument.

(e) If the instrument is executed before April 1, 1997, each sheet of the instrument is all of the following:

(i) Typewritten or printed in type not smaller than 8-point size.

(ii) Not more than 8-1/2 by 14 inches.

(iii) Legible.

(iv) On paper of not less than 13 (17x22—500) pound weight.

(f) If the instrument is executed after April 1, 1997, each sheet of the instrument complies with all of the following requirements:

(i) Has a margin of unprinted space that is at least 2-1/2 inches at the top of the first page and at least 1/2 inch on all remaining sides of each page.

(ii) Subject to subsection (3), displays on the first line of print on the first page of the instrument a single statement identifying the recordable event that the instrument evidences.

(iii) Is electronically, mechanically, or hand printed in 10-point type or the equivalent of 10-point type.

(iv) Is legibly printed in black ink on white paper that is not less than 20-pound weight.

(v) Is not less than 8-1/2 inches wide and 11 inches long or more than 8-1/2 inches wide and 14 inches long.

(vi) Contains no attachment that is less than 8-1/2 inches wide and 11 inches long or more than 8-1/2 inches wide and 14 inches long.

(g) Unless state or federal law, rule, regulation, or court order or rule requires that all or more than 4 sequential digits of the social security number appear in the instrument, beginning on 1 of the following dates the first 5 digits of any social security number appearing in or on the instrument are obscured or removed:

(i) Except as provided in subparagraph (ii), September 12, 2007.

(ii) For an instrument presented to the register of deeds by the department of treasury, April 1, 2008.

(h) If the instrument or any part of it is in a language other than English, a written English translation is attached to the instrument.

(i) If the instrument is executed after January 1, 1964, the instrument contains the name and business address of the person who drafted the instrument.

(2) Subsection (1)(e) and (f) does not apply to instruments executed outside this state or to the filing or recording of a plat or other instrument, the size of which is regulated by law.

(3) A register of deeds shall not record an instrument executed after April 1, 1997, other than an instrument described in subsection (2), if the statement required under subsection (1)(f)(ii) purports to evidence more than 1 recordable event.

(4) Any instrument received and recorded by a register of deeds, including any instrument considered duly recorded under subsection (6), is conclusively presumed to comply with this act. The requirements contained in this act are cumulative to the requirements imposed by any other act relating to the recording of instruments.

(5) A register of deeds shall not reject an instrument for recording because of the content of the instrument if the instrument complies with the provisions of this act and any other act relating to the recording of instruments.

(6) If a mortgage meets all requirements for recording under this act and a copy of the mortgage is affixed to an affidavit that is recordable under section 1a(g) of 1915 PA 123, MCL 565.451a, the register of deeds shall receive the affidavit with the accompanying copy of the mortgage for record, and the mortgage is duly recorded under this act and under section 29 of 1846 RS 65, MCL 565.29, as of the date of recording of the affidavit. To the extent that the mortgage validly creates a lien, the lien is perfected as of the date of recording of the affidavit. The amendments to this section enacted by 2014 PA 347 apply retroactively to all copies of mortgages verified by affidavit regardless of whether they are recorded on, before, or after October 17, 2014, the effective date of 2014 PA 347. However, a register of deeds shall not receive an affidavit and mortgage for record under this subsection after October 16, 2014 if more than 1 mortgage is attached to the affidavit.

History: 1937, Act 103, Eff. Oct. 29, 1937;—Am. 1941, Act 179, Eff. Jan. 10, 1942;—Am. 1945, Act 213, Eff. Sept. 6, 1945;—CL 1948, 565.201;—Am. 1963, Act 150, Eff. Sept. 6, 1963;—Am. 1964, Act 196, Eff. Jan. 1, 1965;—Am. 1996, Act 459, Eff. Apr. 1, 1997;—Am. 2002, Act 19, Imd. Eff. Mar. 4, 2002;—Am. 2007, Act 56, Imd. Eff. Sept. 12, 2007;—Am. 2014, Act 347, Imd. Eff. Oct. 17, 2014;—Am. 2018, Act 197, Eff. Sept. 18, 2018.

565.201a Repealed. 2018, Act 197, Eff. Sept. 18, 2018.

Compiler's note: The repealed section pertained to name and address required on recorded instruments.

565.202 Affidavit; contents.

Sec. 2. The register of deeds shall, however, receive any such instrument for record, although the same does not comply with the requirements of this act: Provided, There is recorded therewith an affidavit of some person having personal knowledge of the facts, which affidavit shall be either printed or typewritten, shall comply with the requirements of this act, and shall state therein:

(a) The correct name of any person, the name of whom was not printed, typewritten or stamped upon such instrument as required by this act;

(b) In case such instrument does not comply with the requirements of paragraph (b) of section 1, the correct name of such person and shall state that each of the names used in such instrument refer to such person.

History: 1937, Act 103, Eff. Oct. 29, 1937;—CL 1948, 565.202.

565.203 Inapplicability of act to certain instruments.

Sec. 3. (1) This act does not apply to any of the following instruments:

(a) A decree, order, judgment or writ of a court.

(b) A death certificate or a certified copy of a death certificate described in section 2886 of the public health code, 1978 PA 368, MCL 333.2886.

(2) Section 1(1)(a), (c), and (d) does not apply to an instrument on which the signature itself is printed, typewritten, stamped, or electronically affixed.

History: 1937, Act 103, Eff. Oct. 29, 1937;—CL 1948, 565.203;—Am. 2015, Act 131, Eff. Dec. 29, 2015;—Am. 2018, Act 196, Eff. Sept. 18, 2018.