



# SENATE BILL No. 828

January 30, 1996, Introduced by Senators BENNETT, GAST, STEIL, MC MANUS, DUNASKISS and SHUGARS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend section 25 of chapter 65 of the Revised Statutes of 1846, entitled

"Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,"

being section 565.25 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 25 of chapter 65 of the Revised Statutes  
2 of 1846, being section 565.25 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 25. (1) In the entry book of deeds, the register shall  
5 enter all deeds of conveyance absolute in their terms, and not  
6 intended as mortgages or securities, and all copies left as  
7 cautions. ~~, and in~~ IN the entry book of mortgages ~~he~~ THE  
8 REGISTER shall enter all mortgages and other deeds intended as  
9 securities, and all assignments of any ~~such~~ mortgages or

1 securities. ~~and in~~ IN the entry book of levies ~~he~~ THE  
2 REGISTER shall enter all levies, attachments, LIENS, notices ~~or~~  
3 OF lis pendens, sheriffs' certificates of sale, ~~and~~ United  
4 States marshals' certificates of sale, AND OTHER INSTRUMENTS OF  
5 ENCUMBRANCES, noting in ~~such~~ THE books, the day, hour, and  
6 minute of ~~the reception~~ RECEIPT, and other particulars, in the  
7 appropriate columns in the order in which ~~such~~ THE instruments  
8 are respectively received. ~~, and every such~~

9 (2) THE RECORDING OF A LEVY, ATTACHMENT, LIEN, LIS PENDENS,  
10 SHERIFF'S CERTIFICATE, MARSHAL'S CERTIFICATE, OR OTHER INSTRUMENT  
11 OF ENCUMBRANCE, IS NOT PERFECTED UNLESS BOTH OF THE FOLLOWING  
12 ACCOMPANY THE INSTRUMENT:

13 (A) A FULL AND FAIR ACCOUNTING OF THE FACTS THAT SUPPORT  
14 RECORDING OF THE INSTRUMENT OR ENCUMBRANCE AND SUPPORTING DOCU-  
15 MENTATION, AS AVAILABLE.

16 (B) PROOF OF SERVICE THAT NOTICE HAS BEEN GIVEN TO THE  
17 RECORDED LANDOWNER OF THE LAND TO WHICH THE INSTRUMENT OF ENCUM-  
18 BRANCE APPLIES.

19 (3) THE instrument shall be considered as recorded at the  
20 time so noted ~~. And the record of such levies, attachments,~~  
21 ~~notices, lis pendens, sheriffs' certificates, marshals' certifi-~~  
22 ~~cates, and the original papers required by statute to be recorded~~  
23 ~~to perfect such levies, attachments, notices, lis pendens and~~  
24 ~~certificates on record in the office of the register of deeds,~~  
25 AND shall be notice to all persons EXCEPT THE RECORDED LANDOWNER,  
26 of the liens, rights and interests acquired by or involved in  
27 ~~such~~ THE proceedings. ~~, and all~~ ALL subsequent owners or

1 ~~incumbrances~~ ENCUMBRANCES shall take subject to ~~such~~ THE  
2 PERFECTED liens, rights, or interests.