LOST DEEDS AND OTHER INSTRUMENTS

Act 59 of 1875

AN ACT to provide for recording certified copies of lost deeds, and other instruments affecting the title to real estate.

History: 1875, Act 59, Eff. Aug. 3, 1875

The People of the State of Michigan enact:

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565.321 Lost or destroyed instrument; recordation of certified transcript; procedure.

Sec. 1.

In all cases where a deed, mortgage, or other instrument affecting the title to real estate, shall have been, or shall be executed, affecting land in 2 or more counties, and when the same shall have been duly recorded in the office of the register of deeds in any county in which any part of the lands to be affected thereby is situate, and such instrument shall have been lost or destroyed before being recorded in other counties in which land affected thereby shall be situate, it shall be lawful for any party, or parties interested in such lost deed, or other writing, or in the real estate the title to which shall be affected thereby, to apply to the judge of the probate court of the county where such real estate may be situate in which the record shall not have been made, for an order to record a duly certified transcript of such deed, mortgage or other instrument, in such county, and thereupon such judge of probate shall give notice, by publication in accordance with the practice of such court, for 3 successive weeks, of such application, and of the time and place, when and where, a hearing will be had thereon, and on such hearing, if it shall appear to such probate judge that such deed, mortgage or other instrument, was duly executed, and has been legally recorded in any county in this state, and that the same was lost or destroyed before being recorded in other counties in which real estate to be affected thereby was situate, such probate judge shall make an order authorizing a certified transcript of such deed, mortgage, or other writing, to be recorded in said county, and shall annex a duly certified copy of such order to such copy of such deed, mortgage, or other instrument, and thereupon such certified copy of deed, mortgage, or other instrument, and such order authorizing a record thereof, may be recorded in the office of the register of deeds of the county in which such order shall be made, and such record shall have the same force and effect as the record of the original would have had had the same been recorded before being lost or destroyed.

History: 1875, Act 59, Eff. Aug. 3, 1875 ;-- How. 5717 ;-- CL 1897, 9031 ;-- CL 1915, 11766 ;-- CL 1929, 13346 ;-- CL 1948, 565.321