

# MICHIGAN RECORDING REQUIREMENTS

## RECORDING REQUIREMENTS (EXCERPT)

### Act 103 of 1937

#### **565.201 Requirements for recording with register of deeds.**

Sec. 1.

(1) An instrument executed after October 29, 1937 by which the title to or any interest in real estate is conveyed, assigned, encumbered, or otherwise disposed of shall not be received for record by the register of deeds of any county of this state unless that 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.

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

(c) The name of any notary public whose signature appears upon the instrument is legibly printed, typewritten, or stamped upon the instrument immediately beneath the signature of that 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), the effective date of the amendatory act that added this subdivision.

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

- (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 if the instrument purports to evidence more than 1 recordable event.
- (4) Any instrument received and recorded by a register of deeds shall be 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) An instrument that complies with the provisions of this act and any other act relating to the recording of instruments shall not be rejected for recording because of the content of the instrument.
- (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, then the affidavit with the accompanying copy of the mortgage shall be received for record by the register of deeds, 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 amendatory act that added this subsection applies retroactively to all copies of mortgages verified by affidavit regardless of whether they are recorded on, before, or after the effective date of that amendatory act. However, an affidavit and mortgage shall not be received for record under this subsection on or after the effective date of the amendatory act that added this subsection 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

### **565.201a Recording requirements; scrivener's name and address on recorded instruments.**

#### **Sec. 1a.**

Each instrument described in section 1 executed after January 1, 1964 shall contain the name of the person who drafted the instrument and the business address of such person.

**History:** Add. 1963, Act 150, Eff. Sept. 6, 1963

### **565.221 Written instruments conveying or mortgaging real estate; statement of marital status; refusal to receive instrument for record; recording affidavit showing marital status; record of instrument and affidavit; effect; instrument recorded without marital status shown; elapse of 10 years; evidence.**

#### **Sec. 1.**

All written instruments conveying or mortgaging real estate or any interest therein, hereafter executed, shall state whether any and all male grantors, mortgagors, or other parties executing the

instrument are married or single, and the register of deeds of the county in which the instrument is offered for record shall refuse to receive the instrument for record unless it conforms to the provisions of this act. If the instrument has been recorded in the office of the register of deeds of any county without the instrument showing the marital status as herein required, an affidavit stating the facts, executed in conformity with the provisions of Act No. 123 of the Public Acts of 1915, as amended, being sections 565.451a to 565.453 of the Michigan Compiled Laws, may be recorded in the register's office. Upon the recording of the affidavit showing the marital status of the male grantor, mortgagor, or party executing, on the date of the instrument, the record of the affidavit and the record of the instrument shall be effectual for all purposes of a legal record, and the record of the instrument and affidavit or a transcript thereof may be given in evidence in all cases, and the instrument shall be construed to be as valid and effectual as if it had contained a statement showing the marital status of the male person or persons executing it.

If an instrument has been recorded in the office of the register of deeds of any county without the instrument showing the marital status as herein required, and a period of 10 years has elapsed since the recording of the instrument, the record of the instrument or a transcript thereof may be given in evidence in all cases and shall be effectual for all purposes of a legal record and the instrument shall be construed to be as valid and effectual as if it had contained a statement showing the marital status of the male person or persons executing it.

**History:** 1915, Act 79, Eff. Aug. 24, 1915 ;-- CL 1915, 11716 ;-- CL 1929, 13327 ;-- Am. 1937, Act 163, Imd. Eff. July 9, 1937 ;-- CL 1948, 565.221 ;-- Am. 1980, Act 489, Imd. Eff. Jan. 21, 1981

#### **565.48 Deed by surviving joint tenant of lands; recording; certified copy of death.**

Sec. 48.

No deed or other instrument in writing, purporting to convey an interest in land by the survivor or survivors under a deed to joint tenants or tenants by the entirety shall be recorded by the register of deeds of any county, unless, for each joint tenant or tenant by the entirety who is therein indicated to be deceased, a certified copy of the death certificate or other proof of death which is permitted by the laws of this state to be received for record by said register, is shown to have been recorded in said register's office by liber and page reference or shall accompany such deed for record.

**History:** Add. 1947, Act 20, Eff. Oct. 11, 1947 ;-- CL 1948, 565.48