



Senate Fiscal Agency
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BILL ANALYSIS



Telephone: (517) 373-5383
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Senate Bills 731 and 732 (as reported without amendment)
Senate Bill 733 (Substitute S-1 as reported)
Senate Bills 734 and 735 (as reported without amendment)
Senate Bill 736 (Substitute S-1 as reported)
Senate Bills 737 through 740 (as reported without amendment)
Sponsor: Senator Dale W. Zorn (S.B. 731, 732, & 733)
Senator Ian Conyers (S.B. 734)
Senator David Knezek (S.B. 735)
Senator Curtis Hertel, Jr. (S.B. 736 & 737)
Senator John Proos (S.B. 738, 739, & 740)
Committee: Local Government

CONTENT

Senate Bill 731 would amend Public Act 55 of 1956, which authorizes the jeopardy assessment of personal property taxes, to require jeopardy tax assessment affidavits to be recorded, instead of filed, with the register of deeds.

Senate Bill 732 would amend Public Act 236 of 1929, which provides for the recording of waivers of priority of mortgages, to specify that the register of deeds would be entitled to the same fee as charged for recording a real estate mortgage under the Revised Judicature Act.

Senate Bill 733 (S-1) would amend Public Act 132 of 1970, which provides for the filing of surveys in the office of the register of deeds, to do the following:

- Require a survey to be recorded in the office of the register of deeds if land were surveyed into parcels under Sections 108 through 109b of the Land Division Act; and delete provisions under which a survey may be recorded if land is surveyed into a certain number of parcels.
- Require the professional surveyor who prepared a survey to record a certified copy of it.
- Require a certified copy of a survey to be filed for recording within 90 days after it was delivered to the client, if the survey were made for the purpose of describing a parcel in a conveyance of title or as created in a lease for a year or more.
- Revise the requirements that a survey map must meet with respect to established corners.
- Require a register of deeds to keep a separate card file or an electronic file of the county land records system; and delete current requirements for a separate card file.

Senate Bill 734 would amend Public Act 133 of 1991, which allows the use and recording of certain documents regarding trusts in the case of conveyed real property, to require a trust agreement to be recorded as a separate document if the agreement accompanied an instrument.

Senate Bill 735 would amend Chapter 65 of the Revised Statutes of 1846, which governs the conveyance of real property, to require a death certificate to be filed concurrently with the

deed or other instrument that purported to convey an interest in land by the survivor or survivors.

Senate Bill 736 (S-1) would amend Public Act 103 of 1937, which prescribes conditions related to the execution of instruments to be recorded in the office of the register of deeds, to delete an exemption from the Act for wills and an exemption for instruments executed or acknowledged outside of Michigan.

Senate Bill 737 would amend Public Act 103 of 1937 to prohibit a register of deeds from receiving or recording certain instruments executed after October 29, 1937, if the instrument or any part of it were in a language other than English and a written English translation were not attached.

Senate Bill 738 would amend Public Act 19 of 1917, which authorizes the Department of Natural Resources to issue certificates of correction concerning a deed that was recorded erroneously, to state, for recording a certificate of correction, the register of deeds would be entitled to the same fee as charged under the Revised Judicature Act for recording a mortgage.

Senate Bills 739 and 740 would repeal sections of the Fourth Class City Act and Public Act 185 of 1957 (which provides for county departments and boards of public works), respectively, that provide for prima facie evidence of ownership of property taken by condemnation when a register of deeds testifies in court.

MCL 211.693 & 211.694 (S.B. 731)
565.391 (S.B. 732)
54.211 & 54.213 (S.B. 733)
565.434 (S.B. 734)
565.48 (S.B. 735)
565.203 (S.B. 736)
565.201 (S.B. 737)
322.381 (S.B. 738)
105.27 (S.B. 739)
123.785 (S.B. 740)

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

Senate Bills 733 (S-1), 734, 735, and 736 (S-1) would have no fiscal impact on the State and an indeterminate fiscal impact on local government. Under the bills, certain documents that are either exempt or allowed to be attached to another recorded document would have to be recorded with the register of deeds. The register of deeds in any given county could experience higher administrative costs, which could be offset by additional recording fees. As the administrative costs and recording fees vary by county, the amount and direction of the fiscal impact could vary as well.

The remaining bills would have no fiscal impact on State or local government.

Date Completed: 1-31-18

Fiscal Analyst: Ryan Bergan

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Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.