

HOUSE BILL No. 5404

February 22, 2000, Introduced by Reps. Bishop, Law, Shulman, Sanborn, Kukuk, LaSata, Baird, Minore, Schermesser, Koetje, Voorhees, Hart, Richner, Switalski and Faunce and referred to the Committee on Family and Civil Law.

A bill to amend 1983 PA 102, entitled
"Uniform federal lien registration act,"
by amending section 5 (MCL 211.665), as amended by 1991 PA 132.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) If a notice of a federal lien or a notice of
2 revocation of any certificate described in subsection (2) is
3 presented to the secretary of state, the secretary of state shall
4 cause the notice to be marked, held, and indexed pursuant to sec-
5 tion ~~9403(4)~~ 9519 of the uniform commercial code, ~~Act No. 174~~
6 ~~of the Public Acts of 1962, being section 440.9403 of the~~
7 ~~Michigan Compiled Laws~~ 1962 PA 174, MCL 440.9519, as if the
8 notice were a financing statement within the meaning of that
9 act. If the notice of a federal lien, a refiled notice of a
10 federal lien, or a notice of revocation of a certificate
11 described in subsection (2) is presented to the register of deeds

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1 in a county, the register of deeds shall endorse the notice with
2 his or her identification and the date and time of receipt and
3 immediately file it alphabetically or enter it in an alphabetical
4 index showing the name and address of the person named in the
5 notice, the date and time of receipt, the title and address of
6 the official or entity certifying the lien, and the total amount
7 appearing on the notice of lien.

8 (2) If a refiled notice of a federal lien or a certificate
9 of release, nonattachment, discharge, or subordination of any
10 lien is presented to the secretary of state for filing, the sec-
11 retary of state shall do all of the following:

12 (a) Subject to subsection (5), cause a refiled notice of a
13 federal lien to be marked, held, and indexed as if the refiled
14 notice of a federal lien is a continuation statement within the
15 meaning of the uniform commercial code, ~~Act No. 174 of the~~
16 ~~Public Acts of 1962, being sections 440.1101 to 440.11102 of the~~
17 ~~Michigan Compiled Laws~~ 1962 PA 174, MCL 440.1101 TO 440.11102.

18 (b) Cause a certificate of release or nonattachment to be
19 marked, held, and indexed as if the certificate were a termina-
20 tion statement within the meaning of ~~Act No. 174 of the Public~~
21 ~~Acts of 1962~~ THE UNIFORM COMMERCIAL CODE, 1962 PA 174,
22 MCL 440.1101 TO 440.11102.

23 (c) Cause a certificate of discharge or subordination to be
24 marked, held, and indexed as if the certificate were a release of
25 collateral within the meaning of ~~Act No. 174 of the Public Acts~~
26 ~~of 1962~~ THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1101
27 TO 440.11102.

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1 (3) Subject to subsection (5), if a refiled notice of a
2 federal lien or any of the certificates or notices referred to in
3 subsection (2) is presented for filing to the register of deeds
4 in a county, the register of deeds shall attach the refiled
5 notice or the certificate to the original notice of lien and
6 enter the refiled notice or the certificate with the date of
7 filing in any alphabetical lien index on the line where the orig-
8 inal notice of lien is entered.

9 (4) Upon request of any person, the filing officer shall
10 issue his or her certificate showing whether there is on file, on
11 the date and hour stated, any notice of lien, certificate, or
12 notice affecting any lien filed under this act or former ~~Act~~
13 ~~No. 162 of the Public Acts of 1967~~ 1967 PA 162, naming a partic-
14 ular person, and if a notice or certificate is on file, giving
15 the date and hour of filing of each notice or certificate. The
16 fee for a certificate is \$3.00. Upon request, the filing officer
17 shall furnish a copy of any notice of federal lien, or notice or
18 certificate affecting a federal lien, for a fee of \$1.00 per
19 page.

20 (5) If a refiled notice of a federal lien is not presented
21 to the filing officer for filing within 10 years and 60 days
22 after the date on which the notice of a federal lien or the
23 latest refiled notice of that federal lien is filed, the filing
24 officer may remove the notice of a federal lien and any related
25 refiled notice of a federal lien or any certificate described in
26 subsection (2) from the file. If a refiled notice of a federal
27 lien is presented to the filing officer after the removal of any

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1 document from the file pursuant to this subsection, the notice
2 shall be indexed as provided for a notice of a federal lien under
3 subsection (1).

4 (6) If a federal lien has been assessed and filed or
5 recorded in error, the certificate of release or discharge shall
6 contain a statement that explains that the federal lien has been
7 assessed and filed or recorded in error.

[Enacting section 1. This amendatory act takes effect July 1,
2001.]

8 Enacting section [2]. This amendatory act does not take
9 effect unless House Bill No. 5228 of the 90th Legislature is
10 enacted into law.