

## **Register of Deeds Office**

**Courthouse**

**300 Walnut Street, Room 164**

**Manistique, MI 49854**

**Phone: (906)341-3618 FAX: (906)341-5680**

**Office Hours: Mon-Fri 8a.m.-4 p. m.**

**Dan McKinney, Register Of Deeds**

**Keith White, Deputy County Clerk**

**Shirley Thennes, Deputy Circuit Court Clerk**

**Jan Varoni, Recording Clerk**

**Kim Fannin, Accounts Payable Clerk**

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The Register of Deeds Office is the place where people record documents relating to land transactions.

Different types of deeds as well as land contracts, mortgages, liens, surveys, and land corners are recorded at the Register of Deeds Office. The Register of Deeds Office also has copies of plats and corner records.

After a document is recorded, it becomes a public record, which can be reviewed or copied by any person. The Register of Deeds Office does not keep the original documents; instead, the transaction is recorded in a book, called a "liber", which is stamped on the deed or document. A copy or image of the document is then made for permanent record.

This office **DOES NOT PREPARE DOCUMENTS** and **DOES NOT ANSWER LEGAL QUESTIONS.**

Please contact an attorney if you need legal assistance.

### **Preparing New Document/ Changing Existing Documents**

To add or delete a person(s) from a deed, you must create a new document. You may create the document yourself or contact an attorney to draw up the document for you. Please note, the State of Michigan has specific requirements for deeds. A copy of the requirements is available

The County Register maintains an index and copy of all recorded documents pertaining to property located within Schoolcraft County. This includes: deeds, mortgages, miscellaneous documents, surveys, land corners, plats and condominiums. Paper records stored in the Register's vault goes back to 1854, with computer images available from 1997 to present. The Register of Deeds also serves as Chairman of the County Plat Board which reviews and approves all new subdivisions within the County and serves as Chairperson of the Ad Hoc Remonumentation Committee.

## **Recording Information**

### **Tax Certificates:**

**A tax certificate *MUST BE OBTAINED* from the County Treasurer's Office prior to recording any of the following (MCLA 211.135)**

**Warranty Deed**

**A deed which contains a covenant of warranty**

**Land Contract**

**Assignment of Land Contract**

**Personal Representative Deed**

### **Fee for Tax Certificate:**

**Up to 5 descriptions      \$1.00  
each additional description \$ .20**

## **Copies**

Copy, real estate records, per page	\$1.00
Copy, State or Federal Tax Lien, per page	\$1.00
Copy, Plats	\$2.00
Fee for certification of any of the above copies per document	\$1.00

If you have any questions, call the Schoolcraft County Register of Deeds Office (906)341-3618. Or stop in during regular business hours, Monday through Friday, 8:00 a.m. to 4:00 p.m.

**You may pay by credit card** by calling Government Payment Services toll-free at: 1-888-604-7888, or on the web at <https://www.govpaynow.com/gps/user/> You will need to obtain a code from County Officials before credit card payment can be made.

### **Recording Requirements**

Article 19 of Public Acts of 2002, Effective March 4, 2002

- 1) The names of each person purporting to execute the instrument is legibly printed, typewritten or stamped beneath the original signature or mark of the person.
- 2) A discrepancy must 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.

**3)** The name of the 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.

**4)** Address of each of the grantees in each deed of conveyance or assignment of real estate.

**5)** Instruments conveying or mortgaging any interest in real estate shall state the marital status of any male grantors. *MCLA 565.221.*

**6)** The name and address of the person who drafted the instrument must appear on the instruments executed in Michigan. *MCLA 565.201a, 565.203.*

**7)** A certified copy of a death certificate or proof of death must be recorded when the instrument of conveyances states "survivor" in the grantor's section. *MCLA 565.48*

**8)** Court orders must be certified and sealed by the clerk of the court to be eligible for recording. *MCLA 565.401, 565.411*

**9)** If the instrument is executed **before** April 1, 1997, each sheet of the instrument contains all of the following:

**a.** Typewritten or printed in type not smaller than 8-point type size.

**b.** Not more than 8 1/2 by 14 inches.

**c.** Legible

**d.** On paper of not less than 13 pound weight.

**10)** If the instrument is executed **after** April 1, 1997, each sheet of the instrument complies with all of the following requirements:

**a.** 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.

**b.** Displays on the first line of print of the first page of the instrument a single statement identifying the recordable event that the instrument evidences.

**c.** Is electronically, mechanically, or hand printed in 10-point type or the equivalent of 10-point type.

**d.** Is legibly printed in black ink on white paper that is not less than 20 pound weight.

**e.** 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.

**f.** A Register of Deeds shall not record an instrument executed after April 1, 1997 if the instrument purports to evidence more than one recordable event.

### Michigan Real Estate Transfer Tax

MCL 207.505(5) ( ) Mcl 207.526(26) ( )

Or MSA 7.456(5) ( ) or MSA 7.456(26) ( )

A written instrument subject to the tax imposed by MCL 207.505 Section 5 and MCL 207.526 Section 6 shall state on its face the TOTAL CONSIDERATION of the real property. Transfer tax imposed by **each act** shall be collected unless said instrument of transfer is exempt from either or both acts and such **exemptions are stated on the face of the deed.**

The tax shall be upon the person who is the seller or the grantor. MCL 207.502(2) or MCL 207.523(2)

In the case of an exchange of two properties, the deeds transferring title to each are subject to tax, and in each case shall be computed on the basis of the **actual value of the property conveyed**. MCL 207.502a

Conveyances affecting property situated in more than one county must state the portion of the sale price attributable to each parcel lying in the separate counties and transfer tax must be paid to each county for that portion of the sale price.

Documentary stamps shall be purchased only in the county in which the property is located.

MCL 207.507, MCL 207.528

No fee is charged for filing the "Real Estate Transfer Tax Valuation Affidavit", however it must state "Real Estate Valuation Affidavit on file" on the face of the document. MCL 207.511, MCL 207.525

### County Transfer Tax Exemptions

Section 1. Section 5 of Act No. 134 of the Public Acts of 1996, as

amended by Act No. 327 of the Public Acts of 1968, being Sect. 207.505 of the Compiled Laws of 1948, is amended as follows:

#### 207.505 Real Estate Transfer Tax exemptions MSA 7.456 (5) Sec. 5

The following written instruments and transfers shall be exempt from this act:

- a. Instruments in which the value of the consideration for the property is less than \$100.00.
- b. Instruments evidencing contracts or transfers which are not to be performed wholly within this state in-so-far as such instruments include land lying outside of this state.
- c. Written instrument that this state is prohibited from taxing under the constitution or statues of the United States.
- d. Written instrument or writing given as security or any assignment or discharge thereof.
- e. Instruments evidencing leases, including oil and gas leases, or transfers of leasehold interests.
- f. Instruments evidencing any interests which are assessable as personal property.
- g. Instruments evidencing the transfer of rights and interests for underground gas storage purposes.
- h. Any of the following written instruments:
  1. Instruments given in which the grantor is the United States, the state, or political subdivision or municipality thereof acting in his or her official capacity.
  2. Instruments given in foreclosure or in lieu of foreclosure of a loan made, guaranteed, or insured by the United States, the state, any political

subdivision or municipality thereof, or officer thereof, acting in his or her official capacity.

3. Instruments given to the United States, the state, or one of their officers acting as grantees, pursuant to the terms or guarantee or insurance of a loan guaranteed or insured by the grantee.
  - i. Conveyance from a husband or wife or husband and wife creating or disjoining a tenancy by the entireties in the grantors or the grantor and his or her spouse.
  - j. Judgments or orders of court of record making or ordering transfer, except where a specific monetary consideration is specified or ordered by the court therefore.
  - k. Instruments to straighten boundary lines if no monetary consideration is given.
  - l. Instruments to confirm titles already vested in grantees, such as quit claim deeds to correct flaws in titles.
  - m. Land contracts whereby the legal title does not pass to the grantee until the total consideration specified in the contract has been paid.
  - n. Instruments evidencing the transfer of mineral rights and interests.
  - o. Instruments creating a joint tenancy between two or more persons where at least one of the persons already owns the property.

### **State Transfer Tax Exemptions**

207.526 Sec. 6 The following written instruments and transfers are exempt from the tax imposed by this act:

- a. A written instrument in which the value of the consideration for the property is less than \$100.00.
- b. A written instrument evidencing a contract or transfer that is not to be performed wholly within this state only to the extent the written instrument includes land lying outside of this state.
- c. A written instrument that this state is prohibited from taxing under the United States constitution or federal statutes.
- d. A written instrument given as security or an assignment of discharge of the security interest.
- e. A written instrument evidencing a lease, including an oil and gas lease, or a transfer of leasehold interest.
- f. A written instrument evidencing an interest that is assessable as personal property.
- g. A written instrument evidencing the transfer of a right and interest for underground gas storage purposes.
- h. Any of the following written instruments:
  1. A written instrument given in which the grantor is the United States, this state, a political subdivision or municipality of this state, or an officer of the United States or of this state, or a political subdivision or municipality of this state, acting in his or her official capacity.
  2. A written instrument given in foreclosure or in lieu of foreclosure of a

loan made, guaranteed, or insured by the United States, this state, a political subdivision or municipality of this state, or an officer of the United States or of this state, or an officer of the United States or of this state, or a political subdivision or municipality of this state acting in his or her official capacity.

3. A written instrument given to the United States, this state, or one of their officers acting in an official capacity as grantee, pursuant to the terms of guarantee or insurance of a loan guaranteed or insured by the grantee
  - i. A conveyance from husband or wife or husband and wife creating or disjoining a tenancy by the entireties in the grantors or the grantor and his or her spouse.
  - j. A conveyance from a mother or father to a son or daughter or stepchild or adopted child.
  - k. A conveyance from a grandmother or grandfather to a grandchild or step-grandchild or adopted grandchild.
  - l. Judgments or orders of a court of record making or ordering a transfer, unless a specific monetary consideration is specified or ordered by the court for the transfer.
  - m. A written instrument used to straighten boundary lines if no monetary consideration is given.
  - n. A written instrument to confirm title already vested in a grantee, including a quit claim deed to correct a flaw in title.
  - o. A land contract in which the legal title does not pass to the grantee until the total consideration specified in the contract has been paid.
  - p. A written instrument evidencing the transfer of mineral rights and interests.
  - q. A written instrument creating a joint tenancy between two or more persons if at least one of the persons already owns the property.
  - r. A transfer made pursuant to a bona fide sales agreement made before the date the tax is imposed under sections three and four, or if the sales agreement cannot be withdrawn or altered, or contains a fixed price not subject to change or modification. However, a sales agreement for residential construction may be adjusted up to 15% to reflect the changes in construction specifications.
  - s. A written instrument evidencing a contract or transfer of property to a person sufficiently related to the transferor to be considered a single employer with the transferor under section 414(b) or (c) of the Internal Revenue code of 1986, U.S.C. 414.
  - t. A written instrument conveying an interest in homestead property for which a homestead exemption is claimed under either the school code of 1976, Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws or the state education tax act, Act No. 331 of the Public Acts of 1993, being sections 211.901 to 211.906 of the Michigan Compiled Laws, if the state equalized valuation of that homestead property is equal to or lesser than that same interest in property. If after an exemption is claimed under this subsection, the sale or transfer of homestead property is found by the Treasurer to be at a value other than the true cash value, then a

- penalty equal to 20% of the tax shall be assessed in addition to the tax due under this act to the seller or transferor.
- u. A written instrument transferring an interest in property pursuant to a foreclosure of a mortgage including a written instrument given in lieu of foreclosure of a mortgage. This exemption does not apply to a subsequent transfer of the foreclosed property by the entity that foreclosed on the mortgage.
  - v. A written instrument conveying an interest for a religious society in property exempt from the collection of taxes under section 7s of the general property tax act, 1893 PA 206, MCL211.7s. to a religious society if that property continues to be exempt from the collection of taxes under section 7s of the general property tax act, 1893 PA 206, MCL211.7s.