

GENERAL SCHEDULE #3 – Register of Deeds

This Retention and Disposal Schedule covers records that are commonly found in Register of Deeds offices. The records that are described on the attached pages are deemed necessary (1) for the continued effective operations of Michigan government, (2) to constitute an adequate and proper recording of it's activities, and (3) to protect the legal rights of the government of the State of Michigan and of the people. We, the undersigned, believe that this schedule meets the administrative, legal, fiscal and archival requirements of the State of Michigan.

Lori Wilson

Lori Wilson, President
Michigan Association of Register of Deeds

4/10/06

(Date)

Mark E. Harvey

Mark Harvey, State Archivist
Department of History, Arts and Libraries, State Archives of Michigan

6/8/06

(Date)

Debra Gearhart

Debra Gearhart, Director
Department of History, Arts and Libraries, Records Management Services

5/3/06

(Date)

APPROVED

State Administrative Board

10/17/2006

(Date)

General Retention Schedule #3 Register of Deeds Offices

Item Number	Series Title and Description	Total Retention
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Intro:

The Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended) defines public records as recorded information “prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created.

Michigan law (MCL 399.5 and 750.491) requires that all public records be listed on an approved Retention and Disposal Schedule that identifies how long the records must be kept to satisfy administrative, legal, fiscal and historical needs. Records cannot be destroyed unless they’re listed on an approved Retention and Disposal Schedule. Retention and Disposal Schedules are not authorized until the Records Management Services, the State Archives of Michigan and the State Administrative Board approve them. There are two types of schedules that local government agencies may use alone or in conjunction with each other:

A “**general schedule**” will cover records that are common to a particular type of government agency. General schedules may not address every single record that a particular agency may have in its possession. General schedules do not mandate that any of the records listed on the schedule be created. However, if they are created in the normal course of business, the schedule establishes a minimum retention period for them.

Any record that is not covered by a general schedule must be listed on an “**agency specific schedule**” that will address records that are unique to a particular government agency. Items listed on agency-specific schedules always supersede items listed on general schedules. Agency-specific schedules only address the specific records of the agency named on the schedule, and may not be used by another agency.

A scenario of where a government agency may want to use a combination of schedules would be to adopt General Schedule # 3 for Register of Deeds Offices while also adopting General Schedule # 1 – Non Record Material. Then if the government agency still has a specific record series that is not covered on these schedules, they would submit an agency specific schedule for that particular record series. Once the agency specific schedule was authorized by the state, the local government agency could utilize all three schedules in conjunction with each other to meet their destruction needs. This would allow a local government agency to have a comprehensive retention and disposal schedule in place with minimal effort on their part.

Records can exist in a wide variety of formats, including paper, maps, photographs, digital images, e-mail messages, databases, etc. The retention periods listed on this general schedule may or may not specify the format that the record may exist in because each government agency that adopts this schedule may choose to retain its records using different formats.

Government agencies are responsible for ensuring that their records are properly retained and remain accessible during the entire retention period. Various laws identify acceptable formats for retaining public records; agencies are responsible for understanding and complying with these laws. Select records series that are listed on this schedule may be exempt from public disclosure, in accordance with the provisions of the Freedom of Information Act or other applicable laws. Please consult with your attorney or Records Management Services if you need additional information.

PERM = Permanent	ACT = Active	EXP = Expiration
SUP = Superseded	CR = Creation	FY = Fiscal Year
EVT = Event		

State of Michigan
Department of History, Arts and Libraries - Records Management
Records Retention and Disposal Schedule

DeptCode DeptName
 /GS03/ *Register of Deeds*

Item Number	Series Title	Total Retention	State Administrative Board Approval Date
0.INTRO -	<u>Index</u>		
	Administrative and Financial Records 3.100 - 3.120		
	Recordings and Filings 3.200 - 3.270		
	Obsolete Records 3.300 - 3.345		
3.100 -	<u>Accounts Receivable Records</u>	CR+7	10/17/2006
	<p>These records document the receipt of monies for services provided, taxes assessed or products sold by the Register of Deeds Office. Files may include balance sheets, cash receipts, cash register tapes, revenue vouchers, or any other record used to document and balance daily, weekly, and/or monthly transactions.</p>		
3.105 -	<u>Transmittal Advices</u>	CR+7	10/17/2006
	<p>These records document the amount of funds remitted to other departments or agencies, e.g. receipts transmitted to the general fund of the county, or to the state treasurer for the remonumentation act on a quarterly basis in accordance with MCL 600.2567a. This file may also contain any documentation supporting the calculation of the amounts transmitted.</p>		

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3.110 - Contractual Agreements ACT+6 10/17/2006

These records document agreements for purchase or sale of items and services between the Register of Deeds Office and other entities. Examples include service agreements on equipment or software, agreements with county departments or outside agencies for delivery or access to records and/or information. Files may contain signed agreements, amendments, extensions, warranties, procurement documentation, etc. (ACT = after life of contract and after all guarantees and warranties have expired)

3.115 - General Correspondence CR+2 10/17/2006

General correspondence does not pertain to a specific project and is often organized chronologically or by correspondent's name. General correspondence may exist in a variety of formats, including memos, letters, notes and electronic mail messages.

3.120 - Special Subjects, Policy Items, etc. PERM 10/17/2006

Correspondence or project records of special subjects and policy items may consist of notifications from the Board or Administration regarding changes in county policy or procedure, directives from the State or other origin regarding changes in laws or procedures affecting the office.

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3.200 - Recorded Documents and Related Indexes PERM 10/17/2006

These files include any instrument recorded as required or authorized by statute or recorded at the discretion of the Register. Files may include, but are not limited to: deeds, condominium master deeds, easements, right of ways, resolutions, power of attorney, fixture filings, liens, leases, releases, land contracts, mortgages, subordinations, affidavits, leases, agreements, certificates, discharges, death certificates, foreclosures, notices of default, judgments, modifications, sheriff deeds, master plans, plats, etc. Recordings are generally associated with real property. Original documents are returned or destroyed after recording as required by statute.

3.205 - Treasurer Tax Certificates (if separate from recorded document) CR+2 10/17/2006

These records are received and maintained in accordance with MCL 211.135. Files may include: certificates from the state or county treasurer stating whether there are any tax liens or titles held by this state, or by any individual, against the property sought to be conveyed by the recording instrument; certificates from government entities such as a city, village, or township indicating that all taxes or special assessments due on that property have been paid for the 5 years preceding the date of the document. (MCL 211.135 will lapse December 31, 2006, and a treasurer's tax certificate will not be required after this date.)

3.210 - Undeliverable Recorded Items CR+6 10/17/2006

Original recorded documents are returned to the individual or office designated to receive them upon completion of the recording process. Recorded documents may be returned by mail, special courier, or picked up in the office. If for any reason these documents do not reach the intended destination, and after sufficient investigation to determine an alternate delivery address, the documents are held in the office as undeliverable recorded items.

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3.215 - Preliminary Condominium Documents (executed) ACT+1 10/17/2006

These maps and supporting records document the layout of a condominium, including survey, site and utility plans. Files may contain preliminary drawings, title policies, approvals from various approving boards and agencies, correspondence, etc. (ACT = after recording of master deed)

3.220 - Preliminary Condominium Documents (un-executed) ACT+2 10/17/2006

These maps and supporting records document the layout of a condominium, including survey, site and utility plans. Files may contain preliminary drawings, title policies, approvals from various approving boards and agencies, correspondence, etc. (ACT = after last activity)

3.225 - Condominium Plans PERM 10/17/2006

These maps or development plans are filed in accordance with MCL 559.174 to document the layout of a condominium, including survey, site and utility plans. These are not the condominium master deed as recorded (see "Recorded Documents and Related Indexes" item number 3.200). However, the master deed is required to contain reduced copies of the filed plans. These copies are available for viewing by the public and are filed to provide a large, legible copy of the information found in the master deed.

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Item Number	Series Title	Total Retention	State Administrative Board Approval Date
3.230 -	<u>Jeopardy Tax Assessments & Releases</u>	ACT	10/17/2006
	Documents filed in the personal property records by local treasurers upon belief that the taxpayer: has absconded; is about to abscond from the state; has removed or is about to move property out of this state; or is about to assign, dispose of or conceal this property and jeopardize the collection of any personal property tax assessed or levied. (ACT = until discharged)		
3.235 -	<u>Personal Property Tax Lien Filings/Discharges (state)</u>	ACT+7/2	10/17/2006
	Liens filed by state treasuries attaching personal property. (ACT + 7/2 = 7 years and 60 days after no further action has been taken) Retention in accordance with MCL 211.684.		
3.240 -	<u>Personal Property Tax Lien Filings/Discharges (federal)</u>	ACT+10/2	10/17/2006
	Liens filed by federal treasuries attaching personal property. (ACT + 10/2 = 10 years and 60 days after no further action has been taken) Retention in accordance with MCL 211.665.		
3.245 -	<u>Land Patents</u>	PERM	10/17/2006
	Transcript of land granted by the government to individuals who had "homesteaded" the land to perfect a claim to the land, or a certified transcript of the transaction whereby land was granted by the government to the original homesteader or purchaser.		

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3.250 - Preliminary Plat Documents (executed plats) ACT+1 10/17/2006

These records document the application for the development of land in accordance with the Land Division Act (MCL 560.101). Files may contain preliminary plat drawings, title policies, approvals from various approving boards and agencies, correspondence, etc. (ACT = after recording of final plat)

3.255 - Preliminary Plat Documents (un-executed plats) ACT+2 10/17/2006

These records document the application for the development of land in accordance with the Land Division Act (MCL 560.101). Files may contain preliminary plat drawings, title policies, approvals from various approving boards and agencies, correspondence, etc. (ACT = after last activity)

3.260 - Plat Documents PERM 10/17/2006

These records document the final development of land in accordance with the Land Division Act (MCL 560.101).

3.265 - Reception Entry Books PERM 10/17/2006

These records, created and maintained in accordance with MCL 565.24, list recorded documents in the order in which they were received by the Register of Deeds.

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3.270 - Transfer Tax Valuation Affidavits CR+5 10/17/2006

These records document the consideration paid for real estate when a valuation affidavit is filed to suppress the amount of consideration from the public record in accordance with MCL 207.511. The affidavits are used for audit purposes and may not be released to anyone other than an auditor without an order from a court of record.

3.300 - UCC's (Uniform Commercial Code) ACT 10/17/2006

These records pertain to personal property and are now filed with the State of Michigan - Secretary of State (MCL 440.1102), and are no longer required to be retained by the Register of Deeds. Records may be disposed of after 8/1/2006, pursuant to MCL 440.9522.

3.305 - Articles of Association (Obsolete) ACT 10/17/2006

Transfer to Clerk if not recorded, otherwise retain with Recorded Documents and Related Indexes (see item 3.200)

3.310 - Attachments (Obsolete) DISP 10/17/2006

These documents are no longer filed or maintained by the Register of Deeds office. If recorded, retain with Recorded Documents and Related Indexes (see item 3.200).

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3.315 -	<u>Chattel Mortgage Discharges, Indexes (Obsolete)</u>	DISP	10/17/2006
	These documents are no longer filed or maintained by the Register of Deeds office. If recorded, retain with Recorded Documents and Related Indexes (see item 3.200).		
3.320 -	<u>Deed - Circuit Court Commissioner (Obsolete)</u>	DISP	10/17/2006
	These documents are no longer filed or maintained by the Register of Deeds office. If recorded, retain with Recorded Documents and Related Indexes (see item 3.200).		
3.325 -	<u>Mortgage Tax Affidavit and Certificate (Obsolete)</u>	DISP	10/17/2006
	These documents are no longer filed or maintained by the Register of Deeds office. If recorded, retain with Recorded Documents and Related Indexes (see item 3.200).		
3.330 -	<u>Notice of Levy on Executions (Obsolete)</u>	DISP	10/17/2006
	These documents are no longer filed or maintained by the Register of Deeds office. If recorded, retain with Recorded Documents and Related Indexes (see item 3.200).		
3.335 -	<u>Ejectment Suit Record (Obsolete)</u>	DISP	10/17/2006
	These records are now filed with the District Court. If recorded, retain with Recorded Documents and Related Indexes (see item 3.200).		

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DeptCode
/GS03/

DeptName
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3.340 -	<u>Affidavit of Publication (Obsolete)</u>	DISP	10/17/2006
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These documents are no longer filed or maintained by the Register of Deeds office. If recorded, retain with Recorded Documents and Related Indexes (see item 3.200).

3.345 -	<u>Bills of Sale (Obsolete)</u>	DISP	10/17/2006
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These documents are no longer filed or maintained by the Register of Deeds office. If recorded, retain with Recorded Documents and Related Indexes (see item 3.200).

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