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**REGISTER OF DEEDS: Duty to pass on legal sufficiency of a deed.**

**COUNTY COMMISSIONERS: Authority to impose duties upon register of deeds.**

A county board of commissioners may not impose a duty upon the register of deeds to review deeds being registered in the county for accuracy.

Opinion No. 4924

January 27, 1976.

Honorable Gary Byker  
State Senator  
The Capitol  
Lansing, Michigan 48901

You have written this office requesting an answer to the following question:

“May a County Commission order a review of all deeds being registered in the county conveying property, for accuracy prior to the recording of said deeds?”

The official responsibility for the recordation of instruments of conveyance in a county is the Register of Deeds. Const 1963, art 7, § 4, provides in pertinent part:

“There shall be elected for four-year terms in each organized county . . . a register of deeds . . . whose duties and powers shall be provided by law. . . .”

Thus under Michigan law, the county register of deeds is a constitutional officer and the conditions under which deeds are entitled to be recorded rests entirely within the legislature's discretion. *Youngblood v United States*, 141 F2d 912, 913 (CA 6, 1944); *Van Husan v Heames*, 96 Mich 504, 508; 56 NW 22 (1893).

The duties imposed upon the register of deeds by the legislature may be found in the general law relating to county officers, RS 1846, ch 14, as amended; MCLA 53.89 *et seq*; MSA 5.981 *et seq*, and in the recording laws, 1867 PA 20, as amended; MCLA 565.491 *et seq*; MSA 26.761 *et seq*. The register of deeds is required and has the duty to record a deed which complies with these statutory requirements, upon the offering of the deed for recording, together with tender of the requisite fee. OAG, 1955-1956, No 2065, p 576 (November 1, 1955); *Nelson v Scofield*, 219 Mich 595, 597; 189 NW 185 (1922). Furthermore, the register of deeds is under no duty to pass upon the legal sufficiency of any deed of conveyance proffered for recording. II OAG, 1959-1960, No 3459, pp 72, 73 (April 21, 1960).

Therefore, it is my opinion that a county board of commissioners may not order a review by the register of deeds of deeds being registered in the county for accuracy because a county board of commissioners is without statutory authority to increase the ministerial burdens of the register of deeds.

FRANK J. KELLEY,  
*Attorney General.*