

Researching Online Real Estate Records in Michigan

By Byron D. Cooper

Researching real estate records in Michigan is becoming more convenient as more records are being added to commercial databases and as more county registers of deeds are digitizing records and making indexes available through remote access over the Internet.

Commercial Services

Lexis has long provided index abstracts of real estate transactions records for several Michigan counties. Its MIOWN file combines the contents of the deed transfer, mortgage, and tax assessor records in the MIPROP, MISALE, and MIMORT files. Coverage varies in each file, but the MISALE file provides deed transfer records back to 1994 for six counties and less extensively for five other counties. The sales records vary in content, but generally provide the names of the grantors and grantees, the property address and legal description, the date of the transaction, and the sale price. Records often provide the assessor's parcel number and an indication of the nature of the land use as well.

Westlaw's geographic and historical scope for Michigan property records is more limited than that of Lexis, although Westlaw will soon expand its coverage of real estate transfers from three to six counties with more to come after those, while increasing the retrospective coverage as well. Tax assessors' records are currently available for eight counties in Westlaw. One advantage of Lexis is that it permits full text searching, while Westlaw relies on template searching, in which fields must match the records exactly in order to retrieve them. Westlaw is, however, planning to remedy this soon, both by enhancing the template searching and by adding Boolean searching as well.

Lexis and Westlaw are not the only commercial services available for retrieving real

estate records. Other firms are developing similar or enhanced services. CourthouseDirect.com is an Internet portal with a database of well over a billion pages of property records from over a hundred counties nationwide. Michigan coverage is currently limited to Macomb, Oakland, and Wayne counties. CourthouseDirect.com is built on and integrated with an existing document retrieval service that will dispatch a courier to retrieve a document that is not available online. Similar services can be found through Yahoo! and other search engines.

Registers of Deeds

Registers of deeds in Michigan have been making remarkable progress in the past few years in improving storage and access for real estate records.

In 2000, the Wayne County Register of Deeds brought up its new website permitting remote access at no charge to index abstracts of recorded documents (www.waynecountylandrecords.com).

The entries for deeds, for example, indicate the type of deed and the consideration and provide the names of grantors and grantees (and sometimes an indication of how the property is held), the legal description, the liber and page number, the tax identification number, and the date of the transaction. The index is comprehensive back to 1986, although efforts to transfer older records to the system are under way. The website also provides a link that enables the user to obtain for a fee copies of documents through Graphic Sciences Inc.

Likewise, Genesee County earlier this year made its index available at no charge over the Internet (www.co.genesee.mi.us/rod/). Records for deeds, for example, indicate the document type, the date and time of recording,

the names of the grantors and grantees, the consideration, the legal description, and the street address. Coverage begins with January 1, 1989.

Oakland County, through @ccess Oakland (ea2.co.oakland.mi.us/eap), provides more extensive information but charges fees either by transaction or through subscriptions. The fee for a residential property profile, for example, is \$7.50. The residential property profile, in addition to the usual indexing information, provides more tax information and a description of the primary structure along with garages, porches, and basements, which is useful for estimating comparable values. The recently added commercial and industrial property profiles, available for \$12.50, provide extensive in-

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formation, including building improvements, digital photographs, aerial maps, and structural details. Other products available include tax profiles, mortgage application acceleration programs, a residential

property analyzer, and a recorded document profile that includes the digitized documents themselves. Coverage for the programs varies somewhat, but most of them include data for all cities, villages, and townships in Oakland County. Macomb County has acquired the same system used by Oakland County and will eventually provide similar services.

A few other Michigan counties are making efforts to digitize real estate records and make indexes available on the Internet. Saginaw County has digitized its records back to 1989 and is developing an index that will be made freely available over the Internet, with full records available for a fee.

Of the 83 counties in Michigan, 37 are currently digitizing their real estate records, and another six counties have plans to begin

digitization soon. Of these other counties that are already scanning real estate records, only Allegan and Jackson counties have digitized records before 1990. Of the counties with records not currently available on the Internet, eight are developing definite plans to make them available online, and twelve others are at least discussing strategies for doing so. The obstacles for many registers of deeds in Michigan are severely limited financial resources and lack of computer expertise.

A recurring problem for counties are subdivision plat maps, which are too large for some counties to scan easily; in fact, many counties lack adequate facilities even for photocopying them. Fortunately, the Subdivision Control Section, which is now part of the Bureau of Construction Codes in Lansing, has a comprehensive collection of subdivision plat maps from before statehood. The section not only has adequate photocopying facilities, but has been scanning recorded plats with an optical imaging system. Proposals for making this data available through remote access are under consideration.

The Future

The Presidential election controversy was not the only notable event that occurred during 2000 in Florida's Broward County. In July, the first paperless, fully electronic residential closing and mortgage loan were executed there, with the loan recorded and delivered to the secondary mortgage market in less than three hours. After recording, the mortgage and deed documents were immediately available within the Broward County records office and over the Internet.

Unless some jurisdictions encounter serious problems, it seems likely that electronic recording is virtually inevitable nationwide. The new federal E-Sign Act and the Uniform Electronic Transactions Act adopted in Michigan lay the foundation for electronic signatures on many real estate related documents.¹ Software is available for electronic notarization. Statewide standards would promote both greater efficiency in the recording process and more reliable records for remote access. A fully electronic approach to recording through standardized templates could substantially reduce the demand on computer storage space, since documents stored

as ASCII text consume far less space than the same documents stored as bit-mapped images.² The work currently being done by many registers of deeds in Michigan to digitize real estate records is, however, invaluable. Whatever form electronic conveyance ultimately takes in Michigan, a fully automated research capability will benefit from having the older records remotely accessible in digital form.

A Joint State Task Force on Electronic Recording and Real Estate Transfers, with representatives from the title insurance and mortgage banking industries, from the real estate bar and from the Michigan Association of Registers of Deeds, is currently investigating these issues, within the context of constraints and possibilities in Michigan. According to Patricia Cwiek, co-chair of the task force and chair of the drafting committee, the task force hopes to have proposals ready soon to improve the efficiency and reliability of the recording process.

Michigan's registers of deeds are making great efforts to overcome serious obstacles in order to preserve real estate documents and make them available as conveniently as possible. The work of the joint task force is likely to produce significant improvements in electronic recording. The result should be a major improvement in the methods for recording and researching real estate documents in Michigan. ◆

Byron D. Cooper is a member of the State Bar Committee on Libraries, Legal Research & Publications. He is the associate dean and law library director at the University of Detroit Mercy School of Law. He thanks Colleen M. Hickey, S.S.J., associate director of the UDM Law Library, for invaluable assistance in conducting the survey of Michigan Registers of Deeds.

FOOTNOTES

1. See generally Janet P. Knause & Timothy E. Foley, *Electronic Records & Signatures*, Mich BJ, July 2001, at 39.
2. See Dale A. Whitman, *Digital Recording of Real Estate Conveyances*, 32 John Marshall L Rev 227, 238 (1999).