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**SENT VIA FIRST CLASS MAIL AND FAX**

July 23, 2007

The Honorable Barb Byrum  
State Representative  
State Capitol  
P.O. Box 30014  
Lansing, MI 48909-7514

**Re: HB 4518, HB 4519 and HB 4520 – Consumer Protection: Social Security Numbers**

Dear Representative Byrum:

At its July 20, 2007 meeting, the Board of Commissioners unanimously voted to **support in principle<sup>1</sup> HB 4518, HB 4519 and HB 4520**. The State Bar commends your efforts in protecting the rights of individuals who engage in legal transactions that may unintentionally result in personal harm because of personal information disclosed.

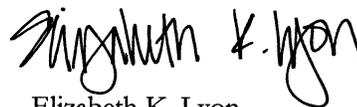
We would like to call your attention to the position of the Real Property Law Section of the State Bar of Michigan (enclosed). The State Bar has partnered with the Section to address a problem with a “time gap” concerning recording at the register of deeds. The “time gap” is the delay between the receipt of a document by the register of deeds and the date it is recorded, which can become a serious issue because Michigan is a race-notice state. A solution to this problem is currently being reviewed. However, the Real Property Law Section has concerns that this package of legislation could inadvertently exacerbate the current situation.

If you would like to discuss this position in further detail or have questions, please contact us directly at your convenience.

Sincerely,



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CC. The Honorable Gerald Van Woerkom, Chair, Senate Local, Urban and State Affairs Committee  
Kimberly M. Cahill, President  
Nell Kuhnmuensch, Governmental Consultant Services, Inc.

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<sup>1</sup> Definition of support in principle: pending legislation that the State Bar supports, but that is not the subject of active lobbying effort. The State Bar is on record with this position and will explain it upon request.



## Report on Public Policy Position

**Name of Section:**

Real Property Law

**Contact Person:**

C. Leslie Banas

**E-mail:**

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**Bill Numbers:**

**HB 4515** (Byrum) Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction in certified copies unless prohibited by law. Amends sec. 1 of 1836 PA 25 (MCL 565.581).

**HB 4516** (Byrum) Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction by person submitting document unless prohibited by law. Amends sec. 1 of 1937 PA 103 (MCL 565.201).

**HB 4517** (Byrum) Consumer protection; privacy; social security numbers in documents submitted to register of deeds for recordation; require redaction by register of deeds unless prohibited by law. Amends sec. 1 of 1867 PA 20 (MCL 565.491).

**HB 4518** (Byrum) Consumer protection; privacy; social security numbers in judgments submitted to register of deeds for recordation; require redaction unless prohibited by law. Amends sec. 1 of 1873 PA 5 (MCL 565.401).

**HB 4519** (Byrum) Consumer protection; privacy; social security numbers in affidavits submitted to register of deeds for recordation; require redaction unless prohibited by law. Amends sec. 2 of 1915 PA 123 (MCL 565.452).

**Date position was adopted:**

April 18, 2007

**Process used to take the ideological position:**

Vote of the Council of the Section

**Number of members in the decision-making body:**

16

**Number who voted in favor and opposed to the position:**

12 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

The Section opposes HB 4515-4519 for several reasons, including the following:

There have been and continue to be delays in the prompt recording of documents in the land records by the county registers of deeds. Also, the order in which documents are accepted for recording varies from one register of deeds to the other. Imposing the requirement on registers of deeds that social security numbers must be redacted before recording with further interfere with timely recording of documents;

The imposition of the redacting requirement may further exacerbate the "gap" problem (i.e. the delay between receipt of a document by the register of deeds and the date it is deemed recorded);

Imposing this requirement on the registers of deeds is an unnecessary burden; it should be imposed exclusively on the filer;

If a document is recorded notwithstanding that it contains a social security number may create an issue as to whether it is void;

Requiring that a social security number be redacted from a copy of a recorded document provided to a person requesting it will delay the receipt of the document by the person requesting it, which may create a hardship.