

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4273

A bill to amend 1945 PA 200, entitled

"An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof,"

by amending sections 1, 2, 3, and 6 (MCL 565.101, 565.102, 565.103, and 565.106) and by adding section 1a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. Any person, having the legal capacity to own land
2 in this state, who has an unbroken chain of title of record to
3 any interest in land for ~~40~~ 20 years FOR MINERAL INTERESTS AND
4 40 YEARS FOR OTHER INTERESTS, shall at the end of ~~such~~ THE
5 APPLICABLE period be ~~deemed~~ CONSIDERED to have a marketable
6 record title to ~~such~~ THAT interest, subject only to ~~such~~

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1 claims ~~thereto~~ TO THAT INTEREST and defects of title as are not
2 extinguished or barred by application of ~~the provisions of suc-~~
3 ~~ceeding sections of~~ this act and subject also to ~~such~~ ANY
4 interests and defects as are inherent in the provisions and limi-
5 tations contained in the muniments of which ~~such~~ THE chain of
6 record title is formed and which have been recorded WITHIN 3
7 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
8 SECTION 1A OR during ~~said 40~~ THE 20-year period ~~:-~~ Provided,
9 however, ~~That no one~~ FOR MINERAL INTERESTS AND THE 40-YEAR
10 PERIOD FOR OTHER INTERESTS. HOWEVER, A PERSON shall NOT be
11 ~~deemed~~ CONSIDERED to have ~~such~~ a marketable record title by
12 reason of ~~the terms of~~ this act, if the land in which ~~such~~
13 THE interest exists is in the hostile possession of another.

14 SEC. 1A. AS USED IN THIS ACT, "MINERAL INTEREST" MEANS AN
15 INTEREST IN MINERALS IN ANY LAND IF THE INTEREST IN MINERALS IS
16 OWNED BY A PERSON OTHER THAN THE OWNER OF THE SURFACE OF THE
17 LAND. MINERAL INTEREST DOES NOT INCLUDE AN INTEREST IN OIL OR
18 GAS OR AN INTEREST IN SAND, GRAVEL, LIMESTONE, CLAY, OR MARL.

19 Sec. 2. A person ~~shall be deemed~~ IS CONSIDERED to have
20 ~~the~~ AN unbroken chain of title to an interest in land as ~~such~~
21 ~~terms are used in the preceding~~ PROVIDED IN section 1 when the
22 official public records disclose EITHER OF THE FOLLOWING:

23 (a) A conveyance or other title transaction not less than
24 ~~40~~ 20 years in the past FOR MINERAL INTERESTS AND 40 YEARS FOR
25 OTHER INTERESTS, which ~~said~~ conveyance or other title transac-
26 tion purports to create ~~such~~ THE interest in ~~such~~ THAT

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1 person, with nothing appearing of record purporting to divest
2 ~~such~~ THAT person of ~~such~~ THE purported interest. ~~or,~~

3 (b) A conveyance or other title transaction not less than
4 ~~40~~ 20 years in the past FOR MINERAL INTERESTS AND 40 YEARS FOR
5 OTHER INTERESTS, which ~~said~~ conveyance or other title transac-
6 tion purports to create ~~such~~ THE interest in some other person
7 and other conveyances or title transactions of record by which
8 ~~such~~ THE purported interest has become vested in the person
9 first referred to in this section, with nothing appearing of
10 record purporting to divest the person first referred to in this
11 section of ~~such~~ THE purported interest.

12 Sec. 3. ~~Such marketable~~ MARKETABLE title shall be held by
13 ~~such~~ A person and shall be taken by his OR HER successors in
14 interest free and clear of any and all interests, claims, and
15 charges whatsoever the existence of which depends in whole or in
16 part upon any act, transaction, event, or omission that occurred
17 prior to ~~such 40~~ THE 20-year period FOR MINERAL INTERESTS, AND
18 THE 40-YEAR PERIOD FOR OTHER INTERESTS, and all ~~such interest~~
19 INTERESTS, claims, and charges are hereby declared to be null and
20 void and of no effect ~~whatever~~ at law or in equity. ~~+~~
21 ~~Provided, however, That any such~~ HOWEVER, AN interest, claim, or
22 charge may be preserved and kept effective by filing for record
23 WITHIN 3 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
24 THAT ADDED SECTION 1A OR during ~~such 40~~ THE 20-year period FOR
25 MINERAL INTERESTS AND THE 40-YEAR PERIOD FOR OTHER INTERESTS, a
26 notice in writing, ~~duly~~ verified by oath, setting forth the
27 nature of the ~~claims~~ CLAIM. ~~No~~ A disability or lack of

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1 knowledge of any kind on the part of anyone ~~shall~~ DOES NOT
2 suspend the running of ~~said 40~~ THE 20-year period FOR MINERAL
3 INTERESTS OR THE 40-YEAR PERIOD FOR OTHER INTERESTS. For the
4 purpose of recording notices of claim for homestead interests the
5 date from which the ~~40~~ 20-year period FOR MINERAL INTERESTS AND
6 THE 40-YEAR PERIOD FOR OTHER INTERESTS shall run shall be the
7 date of recording of the instrument, ~~non-joinder~~ NONJOINDER, in
8 which is the basis for ~~such~~ THE claim. ~~Such~~ A notice may be
9 filed for record by the claimant or by any other person acting on
10 behalf of any claimant ~~who is~~ IF 1 OR MORE OF THE FOLLOWING
11 CONDITIONS EXIST:

12 (a) ~~Under~~ THE CLAIMANT IS UNDER a disability. ~~,~~

13 (b) ~~Unable~~ THE CLAIMANT IS UNABLE to assert a claim on his
14 OR HER own behalf. ~~,~~

15 (c) ~~One~~ THE CLAIMANT IS 1 of a class but whose identity
16 cannot be established or is uncertain at the time of filing
17 ~~such~~ THE notice of claim for record.

18 Sec. 6. This act shall be construed to effect the legisla-
19 tive purpose of simplifying and facilitating land title transac-
20 tions by allowing persons dealing with the record title owner, as
21 defined ~~herein~~ IN THIS ACT, to rely on the record title cover-
22 ing a period of not more than ~~40~~ 20 years FOR MINERAL INTERESTS
23 AND 40 YEARS FOR OTHER INTERESTS prior to the date of such deal-
24 ing and to that end to extinguish all claims that affect or may
25 affect the interest ~~thus~~ dealt with, the existence of which
26 claims arises out of or depends upon any act, transaction, event,
27 or omission antedating ~~such 40~~ THE 20-year period FOR MINERAL

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1 INTERESTS AND THE 40-YEAR PERIOD FOR OTHER INTERESTS, unless
2 within ~~such 40~~ THE 20-year period FOR MINERAL INTERESTS OR THE
3 40-YEAR PERIOD FOR OTHER INTERESTS a notice of claim as provided
4 in section 3 ~~hereof shall have~~ HAS been ~~duly~~ filed for
5 record. The claims ~~hereby~~ extinguished ~~shall mean~~ BY THIS
6 ACT ARE any and all interests of any nature whatever, however
7 denominated, and whether ~~such~~ THE claims are asserted by a
8 person sui juris or under disability, whether ~~such~~ THE person
9 is within or ~~without~~ OUTSIDE the state, and whether ~~such~~ THE
10 person is natural or corporate, or private or governmental.