

HOUSE BILL NO. 5611

March 11, 2020, Introduced by Rep. Lower and referred to the Committee on Local Government and Municipal Finance.

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 section 3 (MCL 565.103), as amended by 2018 PA 572.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Marketable title is held by a person and is taken
2 by his or her successors in interest free and clear of any and all
3 interests, claims, and charges the existence of which depends in
4 whole or in part on any act, transaction, event, or omission that
5 occurred before the 20-year period for mineral interests, and the
6 40-year period for other interests, and all such interests, claims,
7 and charges are void and of no effect at law or in equity. However,
8 an interest, claim, or charge may be preserved and kept effective
9 by filing for record within ~~2-5~~ years after ~~the effective date of~~
10 ~~the amendatory act that added section 2(2)~~ **March 29, 2019** or during
11 the 20-year period for mineral interests and the 40-year period for
12 other interests, a notice in writing, verified by oath, setting
13 forth the nature of the claim in the manner required by section 5.

14 (2) A disability or lack of knowledge of any kind on the part
15 of anyone does not suspend the running of the 20-year period for
16 mineral interests or the 40-year period for other interests.

17 (3) For the purpose of recording notices of claim for
18 homestead interests, the date from which the 20-year period for
19 mineral interests and the 40-year period for other interests run is
20 the date of recording of the instrument that contains the basis for
21 the claim.

22 (4) A notice under this section may be filed for record by the
23 claimant or by any other person acting on behalf of any claimant if
24 1 or more of the following conditions exist:

25 (a) The claimant is under a disability.

26 (b) The claimant is unable to assert a claim on his or her own
27 behalf.

28 (c) The claimant is 1 of a class but whose identity cannot be
29 established or is uncertain at the time of filing the notice of

1 claim for record.