

SENATE BILL No. 894

May 25, 1988, Introduced by Senators CROPSEY, J. HART, DILLINGHAM,
GEO. HART, GEAKE, GAST, WELBORN, DI NELLO and CARL and
referred to the Committee on Energy.

A bill to amend section 5 of Act No. 13 of the Public Acts
of 1968, entitled

"An act to limit the duration of possibilities of reverter and
rights of entry in conveyances of real property in certain
cases,"

being section 554.65 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 13 of the Public Acts of
2 1968, being section 554.65 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 5. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
5 (2), A right of termination may be preserved by the recording,
6 within a period of not less than 25 nor more than 30 years after
7 creation of the terminable interest or ~~within 1 year after the~~
8 ~~effective date of this act~~ BY MARCH 29, 1969, whichever is
9 later, of a written notice that the owner of ~~such~~ THE right of

1 termination desires to preserve the same. ~~such~~ THE notice
2 ~~to~~ SHALL be recorded in the register of deeds office of the
3 county where the real property subject to ~~such~~ THE right of
4 termination is located. ~~Such~~ THE notice shall be verified by
5 oath, shall describe the land involved and the nature of ~~such~~
6 THE right of termination, including the specified contingency,
7 and shall state the name and address of the owner of ~~such~~ THE
8 right of termination. The recording of ~~such~~ THE notice shall
9 operate to preserve ~~such~~ THE right of termination from the
10 operation of this act for a period of 30 years from the date of
11 recording of ~~such~~ THE notice.

12 (2) IN ADDITION TO THE RIGHTS PROVIDED UNDER SUBSECTION (1),
13 IF A TERMINABLE INTEREST IS HELD FOR RAILROAD PURPOSES, A RIGHT
14 OF TERMINATION MAY BE PRESERVED BY THE HOLDER OF THE RIGHT OF
15 TERMINATION IF HE OR SHE IS THE OWNER OF A PARCEL ADJOINING THE
16 RAILROAD RIGHT-OF-WAY AND RECORDS THE WRITTEN NOTICE PRESCRIBED
17 IN SUBSECTION (1), WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
18 AMENDATORY ACT WHICH ADDED THIS SUBSECTION, OR WITHIN 90 DAYS
19 AFTER RECEIVING THE NOTICE REQUIRED BY SUBSECTION (3), WHICHEVER
20 IS LATER.

21 (3) A PERSON HOLDING A TERMINABLE INTEREST FOR RAILROAD PUR-
22 POSES SHALL NOTIFY, UPON ABANDONING THE RAILROAD RIGHT-OF-WAY,
23 ALL ADJOINING LANDOWNERS THAT THE RAILROAD RIGHT-OF-WAY HAS BEEN
24 ABANDONED. THE NOTICE SHALL BE IN WRITING, SHALL BE SENT BY REG-
25 ISTERED MAIL RETURN RECEIPT REQUESTED, AND SHALL INCLUDE A STATE-
26 MENT OF THE CIRCUMSTANCES UNDER WHICH A RIGHT OF TERMINATION MAY
27 BE PRESERVED BY THE ADJOINING LANDOWNER UNDER THIS ACT.