

SENATE BILL NO. 721

February 15, 2024, Introduced by Senator MOSS and referred to the Committee on Local Government.

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 and 3 (MCL 565.101 and 565.103), section 1 as amended by 2018 PA 572 and section 3 as amended by 2020 PA 294.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. Any person, that has the legal capacity to own land in
 2 this state, that has an unbroken chain of title of record to any
 3 interest in land for 20 years for mineral interests and 40 years
 4 for other interests, is at the end of the applicable period
 5 considered to have a marketable record title to that interest,
 6 subject only to claims to that interest and defects of title ~~as~~
 7 **that** are not extinguished or barred by **the** application of this act
 8 and subject also to any interests and defects ~~as-that~~ are inherent
 9 in the provisions and limitations contained in the muniments of
 10 which the chain of record title is formed and that are recorded
 11 ~~within 2 years after the effective date of the amendatory act that~~
 12 ~~added section 2(2)~~ **on or before September 29, 2025** or during the
 13 20-year period for mineral interests and the 40-year period for
 14 other interests. However, a person is not considered to have a
 15 marketable record title ~~by reason of~~ **under** this act if the land in
 16 which the interest exists is in the hostile possession of another.

17 Sec. 3. (1) Marketable title is held by a person and is taken
 18 by ~~his or her~~ **the person's** successors in interest free and clear of
 19 any and all interests, claims, and charges the existence of which
 20 depends in whole or in part on any act, transaction, event, or
 21 omission that occurred before the 20-year period for mineral
 22 interests, and the 40-year period for other interests, and all such
 23 interests, claims, and charges are void and of no effect at law or
 24 in equity. However, an interest, claim, or charge may be preserved
 25 and kept effective by filing for record ~~within 5 years after March~~
 26 ~~29, 2019~~ **on or before September 29, 2025** or during the 20-year
 27 period for mineral interests and the 40-year period for other
 28 interests, a notice in writing, verified by oath, setting forth the
 29 nature of the claim in the manner required by section 5.

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

4 (3) For the purpose of recording notices of claim for
5 homestead interests, the date from which the 20-year period for
6 mineral interests and the 40-year period for other interests run is
7 the date of recording of the instrument that contains the basis for
8 the claim.

9 (4) A notice under this section may be filed for record by the
10 claimant or by any other person acting on behalf of any claimant if
11 1 or more of the following conditions exist:

12 (a) The claimant is under a disability.

13 (b) The claimant is unable to assert a claim on ~~his or her~~ **the**
14 **claimant's** own behalf.

15 (c) The claimant is 1 of a class but whose identity cannot be
16 established or is uncertain at the time of filing the notice of
17 claim for record.