

HOUSE BILL NO. 5260

November 13, 2019, Introduced by Rep. Paquette 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 4 (MCL 565.104), as amended by 2018 PA 572.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



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1 Sec. 4. (1) This act must not be applied to do any of the
2 following:

3 (a) Bar a lessor or his or her successor as reversioner of his
4 or her right to possession on the expiration of a lease or a lessee
5 or his or her successor of his or her rights in and to a lease.

6 (b) Bar any interest of a mortgagor or a mortgagee or interest
7 in the nature of that of a mortgagor or mortgagee until after the
8 instrument under which the interest is claimed has become due and
9 payable, except if the instrument has no due date expressed, if the
10 instrument has been executed by a railroad, railroad bridge,
11 tunnel, or union depot company, or a public utility or public
12 service company.

13 (c) Bar or extinguish an easement or interest in the nature of
14 an easement, the existence of which is clearly observable by
15 physical evidences of its use.

16 (d) Bar or extinguish an easement or interest in the nature of
17 an easement, or any rights appurtenant to the easement or interest
18 granted, excepted, or reserved by a recorded instrument ~~creating~~
19 **that creates** the easement or interest, including any rights for
20 future use, if the existence of the easement or interest is
21 evidenced by the location beneath, on, or above any part of the
22 land described in the instrument of a pipe, valve, road, wire,
23 cable, conduit, duct, sewer, track, pole, tower, or other physical
24 facility and whether or not the existence of the facility is
25 observable, by reason of failure to file the notice required by
26 this act.

27 (e) **Bar the enforcement of any provision contained in or**
28 **referred to in a recorded master deed for a condominium and its**
29 **recorded amendments.**



1 (2) This act does not affect any right, title, or interest in
2 land owned by the United States, or any right, title, or interest
3 in any land owned by this state, or by any department, commission,
4 or political subdivision. ~~thereof.~~

5 (3) This act does not affect any oil and gas lease, or other
6 interest in oil or gas, owned by a person other than the owner of
7 the surface, or any storage agreement or other interest in
8 subsurface storage formations owned by a person other than the
9 owner of the surface.

