

MARKETABLE RECORD TITLE (EXCERPT)
Act 200 of 1945

***** 565.105.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2019 *****

565.105.amended Notice of claim to contain land description; requirements; recording, fees, indexing.

Sec. 5. (1) To be effective and to be entitled to record, a notice of claim under section 3 must contain an accurate and full description of all the land affected by the notice, which description must be set forth in particular terms and not by general inclusions. However, except as to mineral interests, if the claim is founded on a recorded instrument, the notice must also state the liber and page or other county-assigned unique identifying number of the recorded instrument the claim is founded on. The failure to include the liber and page or other county-assigned unique identifying number renders the recording ineffective and the claim unpreserved. The notice must contain all of the following:

- (a) The claimant's name.
 - (b) The claimant's mailing address.
 - (c) The interest claimed to be preserved.
 - (d) Except as to mineral interests, the liber and page or other unique identification number of the instrument creating the interest to be preserved.
 - (e) The legal description of the real property affected by the claimed interest.
 - (f) The claimant's signature.
 - (g) An acknowledgment in the form required by the uniform recognition of acknowledgments act, 1969 PA 57, MCL 565.261 to 565.270, and section 27 of the Michigan notary public act, 2003 PA 238, MCL 55.287.
 - (h) The drafter's name and address.
 - (i) An address to which the document can be returned.
- (2) A notice of claim under section 3 must be filed for record in the register of deeds office of the county or counties where the land described in the notice is located. The register of deeds of each county shall accept all notices of claim under section 3 that are presented to the register of deeds that describe land located in the county in which the register of deeds serves and shall enter and record full copies of the notices in the same way that deeds and other instruments are recorded.
- (3) A register of deeds is entitled to charge the same fees for the recording of a notice under section 3 as are charged for recording deeds. In indexing notices under section 3, a register of deeds shall enter the notices under the grantee indexes of deeds under the names of the claimants appearing in the notices.

History: 1945, Act 200, Eff. Sept. 6, 1945;—Am. 1947, Act 117, Imd. Eff. May 22, 1947;—CL 1948, 565.105;—Am. 2018, Act 572, Eff. Mar. 29, 2019.