

DISCHARGE OF PROHIBITED RESTRICTIVE COVENANTS ACT (EXCERPT)
Act 234 of 2022

565.868 Standing to file action for discharge of prohibited restriction.

Sec. 8.

(1) If a recorded deed or other recorded instrument contains a provision that is prohibited under this act, the owner, occupant, or tenant of the property that is subject to the provision or any member of the board of a homeowners' or property owners' association or of the board of directors of an association of co-owners of a condominium that would have a right to enforce the provision may bring an action in the circuit court in the county in which the property is located to have a discharge form recorded with the register of deeds.

(2) An action under this section must be brought as an in rem, declaratory judgment action and the title of the action must be the description of the property. The owners, occupants, and tenants of the property or any part of the property are necessary parties to the action.

(3) In an action under this section, if the court finds that any provisions of the deed or instrument are prohibited under this act, it shall enter an order requiring a discharge form to be recorded with the register of deeds in accordance with this act.

History: 2022, Act 234, Imd. Eff. Dec. 13, 2022