

MARKETABLE RECORD TITLE

Act 200 of 1945

AN ACT to define a marketable record title to an interest in land; to require the recording of notices of claim of interest in land in certain cases within a definite period of time; to make invalid and of no force or effect all claims with respect to the land affected if no notices of claim of interest are recorded within the required period and to provide certain exceptions; and to provide for certain penalties for recording slanderous notices of claim of interest.

History: 1945, Act 200, Eff. Sept. 6, 1945 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

The People of the State of Michigan enact:

565.101 Marketable record title.

Sec. 1.

Any person, that has the legal capacity to own land in this state, that has an unbroken chain of title of record to any interest in land for 20 years for mineral interests and 40 years for other interests, is at the end of the applicable period considered to have a marketable record title to that interest, subject only to claims to that interest and defects of title that are not extinguished or barred by the application of this act and subject also to any interests and defects that are inherent in the provisions and limitations contained in the muniments of which the chain of record title is formed and that are recorded on or before September 29, 2025 or during the 20-year period for mineral interests and the 40-year period for other interests or preserved and kept effective by recording under section 3 not later than 2 years after the effective date of the amendatory act that added section 5a. However, a person is not considered to have a marketable record title under this act if the land in which the interest exists is in the hostile possession of another.

History: 1945, Act 200, Eff. Sept. 6, 1945 ;-- CL 1948, 565.101 ;-- Am. 1997, Act 154, Imd. Eff. Dec. 22, 1997 ;-- Am. 2018, Act 572, Eff. Mar. 29, 2019 ;-- Am. 2024, Act 20, Imd. Eff. Mar. 28, 2024 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.101a Definitions.

Sec. 1a.

As used in this act:

(a) "Claimant" means a person that holds an interest, claim, or charge on land and records a notice of claim under section 3 with the office of the register of deeds of the county in which that land is located.

(b) "Mineral interest" means an interest in minerals in any land if the interest in minerals is owned by a person other than the owner of the surface of the land. Mineral interest does not include an interest in oil or gas or an interest in sand, gravel, limestone, clay, or marl.

(c) "Person" means an individual, corporation, limited liability company, partnership, firm, organization, governmental entity, trust, trustee, or other legal entity. Person includes a property owners' association.

(d) "Property owners' association" means any of the following:

(i) A person or an unincorporated association with a voting membership that is made up of owners of land or the owners' agents, or a combination of the owners of land and the owners' agents, that is either of the following:

(A) Responsible for the operation or management of land.

(B) Authorized to enforce a document recorded with the office of the register of deeds of the county in which the land is located that subjects the land to any use or other restriction or obligation.

(ii) An association of co-owners as that term is defined in section 3 of the condominium act, 1978 PA 59, MCL 559.103.

History: Add. 1997, Act 154, Imd. Eff. Dec. 22, 1997 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.102 Unbroken chain of title to interest in land; conditions.

Sec. 2.

(1) A person is considered to have an unbroken chain of title to an interest in land as provided in section 1 if the office of the register of deeds of the county in which the land is located discloses either of the following:

(a) A conveyance or other title transaction not less than 20 years in the past for mineral interests and 40 years for other interests, except as otherwise provided under section 3 for interests that may be preserved and kept effective by recording not later than 2 years after the effective date of the amendatory act that added section 5a, which conveyance or other title transaction purports to create the interest in that person, with nothing appearing of record purporting to divest that person of the purported interest.

(b) A conveyance or other title transaction not less than 20 years in the past for mineral interests and 40 years for other interests, except as otherwise provided under section 3 for interests that may be preserved and kept effective by recording not later than 2 years after the effective date of the amendatory act that added section 5a, which conveyance or other title transaction purports to create the interest in some other person and other conveyances or title transactions of record by which the purported interest has become vested in the person first referred to in this section, with nothing appearing of record purporting to divest the person first referred to in this section of the purported interest.

(2) If a person is considered to have an unbroken chain of title to an interest in land under this section, the interest in land is subject to all interests preserved under section 3 or excepted under section 4, including interests filed or recorded in accordance with the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, or its predecessor.

(3) For purposes of this section, unless preserved under section 3 or excepted under section 4 and except as to mineral interests, a conveyance or other title transaction in the chain of title purports to divest an interest in the land only if it does either of the following:

(a) Purports to create the divestment.

(b) If recorded after March 28, 2019, and except as otherwise provided in section 5a(1), specifically refers by liber and page or other county-assigned unique identifying number to a previously recorded conveyance or other title transaction that purported to create the divestment.

History: 1945, Act 200, Eff. Sept. 6, 1945 ;-- CL 1948, 565.102 ;-- Am. 1997, Act 154, Imd. Eff. Dec. 22, 1997 ;-- Am. 2018, Act 572, Eff. Mar. 29, 2019 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.103 Marketable record title; successors in interest; notice of claims; recording for record.

Sec. 3.

(1) Except as otherwise provided in section 4, marketable record title is held by a person and is taken by the person's successors in interest free and clear of any and all interests, claims, and charges the existence of which depends in whole or in part on any act, transaction, event, or omission that occurred before the 20-year period for mineral interests, and the 40-year period for other interests, and all such interests, claims, and charges are void and of no effect at law or in equity. However, an interest, claim, or charge may be preserved and kept effective by recording not later than 2 years after the effective date of the amendatory act that added section 5a or during the 20-year period for mineral interests or the 40-year period for other interests a notice of claim that satisfies the requirements of section 5. However, unless the interest is excepted under section 4, an interest, claim, or charge that became void and of no effect under this subsection before March 29, 2019 or that expires or terminates based on its own terms is not effective and is not preserved by recording a notice of claim under this subsection.

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

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

(4) A notice under this section may be recorded by any of the following:

(a) The claimant.

(b) Any other person acting on behalf of a claimant as an agent or as authorized in writing.

(c) A property owners' association.

(d) Any other person acting on behalf of any claimant if 1 or more of the following conditions exist:

(i) The claimant is under a disability.

(ii) The claimant is unable to assert a claim on the claimant's own behalf.

(iii) The claimant is 1 of a class but whose identity cannot be established or is uncertain at the time of recording the notice of claim.

(5) The recording of a notice of claim under this section by a claimant that meets all the requirements of this act to preserve the claimant's rights in the land is an effective notice under this section for all other persons whose rights originate from the same instrument as the claimant's.

History: 1945, Act 200, Eff. Sept. 6, 1945 ;-- CL 1948, 565.103 ;-- Am. 1997, Act 154, Imd. Eff. Dec. 22, 1997 ;-- Am. 2018, Act 572, Eff. Mar. 29, 2019 ;-- Am. 2020, Act 294, Imd. Eff. Dec. 29, 2020 ;-- Am. 2024, Act 20, Imd. Eff. Mar. 28, 2024 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.104 Marketable record title; failure to record notice not to bar right to possession; applicability to government property or oil and gas interests.

Sec. 4.

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

(a) Bar a lessor or a lessor's successor as reversioner of the lessor's right to possession on the expiration of a lease or a lessee or the lessee's successor of the lessee's rights in and to a lease.

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

(c) Bar or extinguish an easement or interest in the nature of an easement, the existence of which is clearly observable.

(d) Bar or extinguish an easement or interest in the nature of an easement, or any rights appurtenant to the easement or interest granted, excepted, or reserved by a recorded instrument creating the easement or interest, including any rights for future use, due to a failure to record the notice required under this act, if the easement, observable or not, is for any of the following:

(i) The operation, installation, construction, maintenance, improvement, repair, removal, replacement, or protection of a pipe, driveway, trailway, valve, road, wire, cable, conduit, duct, sewer, drain, track, substation, pole, tower, or electric generation facility, energy storage facility or other energy facility, stormwater or drainage facility, utility facility, or any other physical facility, whether or not the existence of the facility is observable.

(ii) Flowage rights for an impoundment that exists as part of a federally licensed hydroelectric facility.

(iii) The management of vegetation within the easement.

(e) Bar or extinguish any of the following land or resource use restrictions:

(i) A restrictive covenant or other recorded instrument that restricts the use of property for the protection of health or safety from the environmental condition of the property, including, but not limited to, a restrictive covenant or other recorded instrument that specifically cites the state or federal environmental statute that is the basis for the restriction, including any of the following:

(A) The natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

(B) The resource conservation and recovery act of 1976, Public Law 94-580.

(C) The comprehensive environmental response, compensation, and liability act of 1980, 42 USC Chapter 103.

(ii) A conservation easement as that term is defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

(iii) Any environmental land or resource use restriction recorded by a public utility as that term is defined in section 1 of 1929 PA 69, MCL 460.501, or by an independent transmission company as that term is defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562, on real property in which the public utility or independent transmission company had an interest when recorded.

(f) Bar or extinguish the rights of any remainderman on the expiration of any life estate or trust.

(g) Bar or extinguish any interest created by any declaration or other instrument or agreement executed and recorded on or after January 1, 1950, as the declaration or other instrument or agreement may be amended, that subjects the land to any use or other restriction or obligation, burden, or benefit with respect to each lot or other parcel of land that is the subject of the declaration or other instrument or agreement.

(h) Bar or extinguish any interest created by a recorded master deed for a condominium or any recorded amendments to a recorded master deed for a condominium.

(i) Create, preserve, or continue any unlawful restrictions based on race, color, religion, sex, handicap, familial status, or national origin.

(2) This act does not affect any right, title, or interest in land owned or held by the United States, this state, or any department, commission, agency, authority, lake level assessment district, drainage district, or other political subdivision of this state.

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

History: 1945, Act 200, Eff. Sept. 6, 1945 ;-- Am. 1946, 1st Ex. Sess., Act 25, Imd. Eff. Feb. 26, 1946 ;-- Am. 1947, Act 117, Imd. Eff. May 22, 1947 ;-- CL 1948, 565.104 ;-- Am. 1951, Act 235, Eff. Sept. 28, 1951 ;-- Am. 1965, Act 323, Eff. Mar. 31, 1966 ;-- Am. 2018, Act 572, Eff. Mar. 29, 2019 ;-- Am. 2022, Act 235, Eff. Mar. 29, 2023 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.105 Notice of claim to contain land description; requirements; form; 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 and the description must be set forth in particular terms and not by general inclusions. The notice of claim 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 assigned by the office of the register of deeds for the recorded instrument creating the interest to be preserved.

(e) The legal description of the land affected by the claimed interest.

(f) The claimant's signature.

(g) An acknowledgment in the form required by the Michigan law on notarial acts, 2003 PA 238, MCL 55.261 to 55.315.

(h) The drafter's name and address.

(i) An address to which the document can be returned.

(j) The name and mailing address of all the owners of the land that is claimed to be affected by the notice of claim. For purposes of this subdivision, the names and mailing addresses of persons in whose names the land is assessed on the last completed tax assessment roll of the county in which the land is located at the time of recording are the owners of the land.

(2) The following form may be used and is sufficient to record a notice of claim under section 3, although this subsection does not preclude the use of a form that is substantially similar and meets the requirements of this section:

NOTICE

Claimant: _____

Whose address is _____

hereby claims the following described interest: _____

which was originally created by _____, recorded in liber _____, on page _____,
_____ county records, and affects land located in the _____ of _____, County
of _____, state of Michigan, and more fully described as:

Commonly known as: _____

Tax Item No. _____

The owner(s) of land affected by this notice, for purposes of MCL 565.105(1)(j), is/are:

whose address(es) is/are: _____

_____ <<Claimant>>

STATE OF _____)

_____) SS.

COUNTY OF _____)

This instrument was acknowledged before me on ____20__, by

<<Claimant>>

_____, Notary Public

_____, County, Michigan

My Commission

expires: _____

Acting in _____ County,
Michigan

Drafted by: _____ Return to:

(3) A notice of claim under section 3 must be recorded 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.

(4) 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, and the grantor indexes under the names of the owners of the land 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 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.105a Conveyance of land or title; notice of claim; preclusion of interest, claim or charge; statements.

Sec. 5a.

(1) An instrument that conveys land or warrants title to land subject to an interest, claim, or charge or an instrument that encumbers land or warrants title to land subject to an interest, claim, or charge is not an effective

notice of claim of an interest, claim, or charge for purposes of section 2 or 3 if the instrument states that the reference to the interest, claim, or charge is for the sole purpose of limiting the warranty in the instrument and does not create, preserve, or continue the interest, claim, or charge under this act. The inclusion of the following statement in the instrument is sufficient to preclude the creation, preservation, or continuation of an interest, claim, or charge in the land, although this subsection does not preclude the use of a statement that is substantially similar to the statement under this section:

"The references to the exceptions to title by liber and page or other county-assigned unique identifying number in this instrument are for the sole purpose of limiting the warranty or covenant of title, as applicable, in this instrument and do not create, preserve, or continue the interest, claim, or charge under 1945 PA 200, MCL 565.101 to 565.108."

(2) A statement in an instrument recorded after March 28, 2019, with the office of the register of deeds of the county in which the land is located that includes a statement that an interest is conveyed "subject to easements and restrictions of record" or substantially similar language, without reference to any liber and page or other county-assigned unique identifying number, is not effective to create, preserve, or continue any recorded easements or restrictions of record for purposes of section 2 or 3.

History: Add. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.106 Construction of act; purpose; extinguishment of claim.

Sec. 6.

This act must be construed to effect the legislative purpose of simplifying and facilitating land title transactions by allowing persons dealing with the record title owner, as defined in this act, to rely on the record title covering a period of not more than 20 years for mineral interests and 40 years for other interests before the date of such dealing and to that purpose, to extinguish all claims that affect or may affect the interest dealt with, subject to the exception under section 3 for interests that may be preserved and kept effective by recording not later than 2 years after the effective date of the amendatory act that added section 5a or the exceptions under section 4, the existence of which claims arises out of or depends on any act, transaction, event, or omission antedating the 20-year period for mineral interests and the 40-year period for other interests, unless within the 20-year period for mineral interests or the 40-year period for other interests a notice of claim as provided in section 3 has been recorded, or a notice of claim as provided in section 3 has been recorded not later than 2 years after the effective date of the amendatory act that added section 5a for interests that may be preserved and kept effective by recording under section 3, or the interest is excepted under section 4. The claims extinguished by this act are any and all interests of any nature whatever, however denominated, and whether the claims are asserted by a person sui juris or under disability, whether the person is within or outside this state, and whether the person is natural or corporate, or private or governmental.

History: 1945, Act 200, Eff. Sept. 6, 1945 ;-- CL 1948, 565.106 ;-- Am. 1997, Act 154, Imd. Eff. Dec. 22, 1997 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.107 Limitations of actions.

Sec. 7.

Nothing contained in this act shall be construed to extend the periods for the bringing of an action or for the doing of any other required act under any existing statutes of limitation nor to affect the operation of any existing acts governing the effect of the recording or of the failure to record any instruments affecting land nor to affect the operation of Act No. 216 of the Public Acts of 1929 nor of Act No. 58 of the Public Acts of 1917 as amended by Act No. 105 of the Public Acts of 1939.

History: 1945, Act 200, Eff. Sept. 6, 1945 ;-- CL 1948, 565.107

Compiler's Notes: For provisions of Act 216 of 1929, Act 58 of 1917, and Act 105 of 1939, referred to in this section, see MCL 565.381 et seq., MCL 558.81 et seq., and MCL 558.91 et seq., respectively.

565.108 Recording slanderous notices of claims; costs awarded to plaintiff.

Sec. 8.

A person shall not use the privilege of recording notices under this act for the purpose of slandering the title to land. In any action brought for the purpose of quieting title to land, if the court finds that any person has filed a claim solely for the purpose of slandering the title to land, the court shall award the plaintiff all the costs of the action, including attorney fees as the court may allow, and in addition, the court shall order the defendant asserting the claim to pay to the plaintiff all damages that the plaintiff may have sustained as the result of the recording of the notice of claim.

History: 1945, Act 200, Eff. Sept. 6, 1945 ;-- CL 1948, 565.108 ;-- Am. 2025, Act 13, Imd. Eff. Sept. 29, 2025

565.109 Repealed. 2018, Act 572, Eff. Mar. 29, 2019.

Compiler's Notes: The repealed section pertained to claims not barred.