

MARKETABLE RECORD TITLE (EXCERPT)
Act 200 of 1945

565.104 Marketable record title; failure to file notice not to bar right to possession.

Sec. 4. This act shall not be applied to bar any lessor or his successor as reversioner of his right to possession on the expiration of any lease or any lessee or his successor of his rights in and to any lease; or to bar any interest of a mortgagor or a mortgagee or interest in the nature of that of a mortgagor or mortgagee until after such instrument under which such interests are claimed shall have become due and payable, except where such instrument has no due date expressed, where such instrument has been executed by a railroad, railroad bridge, tunnel or union depot company, or any public utility or public service company; or to bar or extinguish any easement or interest in the nature of an easement, the existence of which is clearly observable by physical evidences of its use; or to bar or extinguish any easement or interest in the nature of an easement, or any rights appurtenant thereto granted, excepted or reserved by a recorded instrument creating such easement or interest, including any rights for future use, if the existence of such easement or interest is evidenced by the location beneath, upon or above any part of the land described in such instrument of any pipe, valve, road, wire, cable, conduit, duct, sewer, track, pole, tower, or other physical facility and whether or not the existence of such facility is observable, by reason of failure to file the notice herein required. Nor shall this act be deemed to affect any right, title or interest in land owned by the United States, nor any right, title or interest in any land owned by the state of Michigan, or by any department, commission or political subdivision thereof.

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.