

**Public Policy Position  
SB 671**

The Real Property Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,360 members. The Real Property Law Section is not the State Bar of Michigan and the position expressed herein is that of the Real Property Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Real Property Law Section has a public policy decision-making body with 18 members. On February 14, 2018, the Section adopted its position after a discussion and vote at a scheduled meeting. 11 members voted in favor of the Section's position on SB 671, 1 member voted against this position, 0 members abstained, 6 members did not vote.

**The Real Property Law Section Opposes SB 0671.****Explanation:**

The Bill proposes to amend the Marketable Title Act primarily to address the aged and outdated deed restrictions.

The Council of the Real Property Law Section opposes SB 671 for the following reasons:

- A. The Bill might have the unintended consequence of terminating more than aged and outdated deed restrictions. Current, desired deed restrictions could also be terminated by the Bill without the benefitted parties being aware of the Bill's import.
- B. Aged and outdated deed restrictions can still be terminated by a quiet title action without amending the Marketable Title Act.
- C. The operative provisions of the Bill would not address the identified issue in every instance.
- D. If the Bill were revised to either narrow the application to aged and outdated deed restrictions that should no longer apply or there is a clear process to assure that benefitted parties are given sufficient notice of what they must do to retain current, desired restrictions, the Council is willing to re-consider its position opposing the Bill.

**Contact Person:** Melissa N. Collar

**Email:** [mcollar@wnj.com](mailto:mcollar@wnj.com)