

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 633

MINING AUTHORIZATION, MULTIPLE OWNERS

324.63301 Definitions.

Sec. 63301. The following words and terms as used in this part have the meaning ascribed to them in this section:

(a) "Mineral", when employed in a conveyance, includes every inorganic substance that can be extracted from the earth for profit whether it is solid, as rock, fire clay, the various metals, and coal, or fluid, as mineral waters. Mineral does not include oil or gas.

(b) "Person" means any natural person, corporation, association, partnership, receiver, trustee, judiciary or common law trust, guardian, executor, administrator, or fiduciary of any kind.

(c) "Royalty interest" means that share of the product or profit that the owner of the land or mineral rights in the land reserves or is entitled to, whether under a lease or under this part, in consideration of permitting the development of the mineral rights. Royalty interest does not include oil or gas or interests in oil or gas.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.63302 Exploration of certain lands for mining purposes.

Sec. 63302. Whenever lands or mineral rights in lands in this state are owned by tenants in common, joint owners, co-tenants, or co-parceners, whether title is derived by purchase, devise, descent, or otherwise, or whether or not any or all of the owners are minors, the tenants in common, joint owners, co-tenants, or co-parceners who hold not less than 3/4 interest in the title to the lands or mineral rights in the lands may explore, drill, mine, develop, and operate the lands for mining purposes, except for oil and gas, and may remove and transport the minerals or mineral products from the lands or store the minerals or mineral products on the lands and sell and dispose of the minerals and mineral products in the manner provided for in this part.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.63303 Decree of court to lease land; complaint.

Sec. 63303. The owner or owners of not less than 3/4 in interest desiring to lease land or the mineral rights in the land for mining purposes, except for oil and gas, or desiring to explore, drill, develop, or operate the land for minerals or mineral products and to remove the minerals or mineral products from the land, may file a complaint in a circuit court for the county in which the land or a part of the land is located, to obtain a decree of the court authorizing the owner or owners to lease the land or the mineral rights or to explore, drill, mine, develop, and operate the land for mining purposes, except for oil and gas, and remove and transport minerals or mineral products from the land or store the minerals or mineral products on the land of all owners of the land. The complaint shall set forth the relevant facts and the interests of all persons to the extent these are known to the plaintiffs.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.63304 Decree of court; distribution of proceeds.

Sec. 63304. If the court finds that the material assertions of the complaint are true and that the plaintiffs do own the required interest in the land or mineral rights as joint tenants, tenants in common, co-tenants, or co-parceners, or that the required proportion in interest of such owners consent to the granting of the relief prayed in the complaint, the court shall enter a decree authorizing the plaintiffs to lease for exploring, drilling, mining, and operating the land for mining purposes, except for oil and gas, and to remove the minerals or mineral products from the land and sell or dispose of the minerals or mineral products so as to realize the full value of the minerals or mineral products for the benefit of all entitled parties. The defendants and minority interest holders, whether owner of fee or royalty interests or their lessees, shall participate in their proportionate share of the proceeds derived from the sale of minerals or mineral products produced from the

land. If the court finds that a lease of a royalty interest should be granted, the terms and conditions of the lease shall be fixed by the court in its decree, but the royalty payable to the royalty interest shall not be less than 1/10 of the minerals or mineral products or the value of the minerals or mineral products as produced and severed from the land at the point of production. The court shall provide by decree for the disposition by the plaintiffs of the proportionate part of the proceeds from the sale of the defendants' portion of the minerals or mineral products produced and shall provide for the payment and distribution of the proceeds to the defendants as their respective interests may appear, after deduction of the proportionate costs of the proceedings and those other expenses incurred by the plaintiffs that are approved by the court.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.63305 Deposit with clerk of court when defendant is unknown.

Sec. 63305. If the whereabouts of any of the defendants is unknown, the court may require the plaintiffs to deposit those defendants' share of the net proceeds from minerals or mineral products with the clerk of the court, to be held for the defendants, as the court may direct.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.63306 Suits by lessees.

Sec. 63306. If a person or persons holding not less than a 3/4 interest in the land has or have executed a mineral lease or leases to any person, the lessee or lessees may institute and maintain or defend any suit provided for by this part, either in the name of the lessee or in the name of his or her lessor.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA