

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

324.33914 Applications for leases; meetings to determine validity; record; notice and certificate for land; contents; neglect to perfect lease; delinquent lease.

Sec. 33914. The department shall schedule regular meetings at which it shall hear and determine the validity of all the applications then on file made by applicants for leases, and it shall keep a record of written evidence, if any, which may be filed with each application, in a suitable record book to be provided by the department. Each claimant adjudged entitled to a lease shall receive from the department, within 10 days after that action has been taken by the department, a notification in writing of the action by the department and a certificate for the land, or as much of the land as has been adjudged to the claimant or his or her heirs or assigns, in which shall be certified the name of the claimant, a description of the land adjudged to be leased to him or her, and the rental or consideration therefor. The notification shall include a statement of the time when rental shall be due and the penalties for failure to comply with this part, both as regards payment of rental and taxes, which rental consideration shall be paid to the state treasurer in full at the time the lease is executed by both parties to the lease. The certificate shall further state that the claimant or his or her heirs or assigns shall, upon payment of the amount named in the lease, be entitled to a lease of the lands as provided in this part to be executed by the department upon presentation and surrender of the certificate to the department, together with the receipt of the state treasurer showing the payment of the rental or consideration. However, if the lessee or applicant neglects for a period of 90 days after the date of the certificate to perfect the lease to the lands as described in the certificate and to remit the rent as provided in this part, the department has the authority to cancel the determination and certificate of the determination, and all rights thereunder shall be considered to be forfeited by the lessee or applicant. If any person who has by August 10, 1917 obtained a lease to any of the lands described in section 33901 under this part or former Act No. 326 of the Public Acts of 1913 fails or neglects to make the second and final payment of the rental consideration for the lands so leased and the interest on those unpaid amounts for a period of 3 months from and after the date on which the payments become due, then that person shall be notified by the department in writing of his or her failure to pay, and at the same time the department shall also notify the delinquent leaseholder that a further failure or neglect upon his or her part to make that payment within 90 days after the date of that notification will be held as a forfeiture of his or her leasehold rights in the land and that the department will thereupon cancel the lease held by him or her and his or her rights under the lease shall be held as naught, and the department shall hold such forfeited lands subject to lease by any party applying for the same under the terms of this part. Immediately upon formal determination by the department that a lease has been forfeited, a certificate of cancellation of the lease shall be executed under the seal of the department and shall be forwarded to the register of deeds of the county in which the land is located. Upon receipt of such certificate, the register of deeds shall at once cause the same to be recorded in a suitable book provided for that purpose by said register. If the lease is of record in the office, the register shall note thereon the fact that a certificate of cancellation has been issued and shall also note the citation to the record of the certificate.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995.

Popular name: Act 451