

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 123

H. P. 169

House of Representatives, January 22, 1947.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Poulin of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Relating to Proceedings to Bar Action on Undischarged Real
Estate Mortgages.**

Be it enacted by the People of the State of Maine, as follows :

R. S., c. 163, § 35, amended. Section 35 of chapter 163 of the revised statutes is hereby amended to read as follows :

‘Sec. 35. Proceedings to bar action on undischarged mortgage. When the record title of real estate is encumbered by an undischarged mortgage, and the mortgagor and those having his estate in the premises have been in uninterrupted possession of such real estate for 20 years after the expiration of the time limited in the mortgage for the full performance of the conditions thereof; he or they, or any person having a freehold estate, vested or contingent in possession, reversion, or remainder, in the land originally subject to the mortgage or in any undivided or any aliquot part thereof, or any interest therein which may eventually become a freehold estate, or any person who has conveyed such land or any such interest therein with covenants of title or warranty, may apply to **any justice in vacation** or the superior court in the county where the whole or any part of the mortgaged premises is situated, by petition setting forth the facts, and asking for a decree as hereinafter provided; and if after notice to all

persons interested as provided in section 38, no evidence is offered of any payment within said 20 years or of any other act within said time, in recognition of its existence as a valid mortgage, the court **or any justice in vacation** upon hearing may enter a decree setting forth such facts and its findings in relation thereto, which decree shall within 30 days be recorded in the registry of deeds where the mortgage is recorded; and thereafter no action at law or proceeding in equity shall be brought by any person to enforce a title under said mortgage.'