

# MAINE STATE LEGISLATURE

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**PROPERTY**

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**CHAPTER 1**

**CONTRACTS FOR SALE OF REAL ESTATE**

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**§ 1. Termination date**

All contracts entered into for the sale or transfer of real estate and all contracts whereby a person, company or corporation becomes an agent for the sale or transfer of real estate shall be-

come void in one year from the date such contract is entered into unless the time for the termination thereof is definitely stated.

R.S.1954, c. 119, § 13.

### § 2. Specific performance after death of seller

If a person, who has contracted in writing to convey real estate, dies before making the conveyance, the other party may file a complaint in the Superior Court to enforce specific performance thereof against his heirs, devisees, executors or administrators, if commenced within 3 years from the grant of administration or from the time when he is entitled to such conveyance, but not exceeding 4 years after the grant of administration, provided written notice of the existence of the contract is given to the executor or administrator within one year after the grant of administration.

R.S.1954, c. 119, § 14; 1961, c. 317, § 415.

### § 3. —Decree

If it appears that the plaintiff is entitled to a conveyance, the court may authorize and require the executor or administrator to convey the estate as the deceased ought to have done. If any of the heirs or devisees are in the State and competent to act, the court may direct them, instead of the executor or administrator, to convey the estate or join with either in such conveyance. The conveyance shall pass the estate as fully as if made by the contractor.

R.S.1954, c. 119, § 15.

### § 4. —Enforcement of decree

If the defendant neglects or refuses to convey according to the decree, the court may render judgment for the plaintiff for possession of the land, to hold according to the terms of the intended conveyance, and may issue a writ of seizin as in a real action, under which the plaintiff, having obtained possession, shall hold the premises as effectually as if conveyed in pursuance of the decree; or the court may enforce its decree by any other process.

R.S.1954, c. 119, § 16; 1961, c. 317, § 416.

### § 5. Specific performance after death of purchaser

If the person entitled to such conveyance dies before bringing his action, or before the conveyance is completed or such

seizin and possession are obtained, his heir, devisee or other person entitled to the estate under him may bring and prosecute such action, and shall be entitled to the conveyance or seizin and possession in like manner as the obligee.

R.S.1954, c. 119, § 17; 1961, c. 317, § 417.

### § 6. Action by estate representatives

If the party to whom any such conveyance was to be made or those claiming under him do not commence an action as provided, and the heirs of the deceased party are under age or otherwise incompetent to convey the lands contracted for, the executor or administrator of the deceased may file a complaint in the Superior Court, setting forth the contract and circumstances of the case. Whereupon the court by its decree may authorize such executor or administrator to convey the estate as the deceased should have done. Such conveyance shall be deemed a performance of the contract on the part of the deceased so as to entitle his heirs, executors or administrators to demand a performance thereof on the part of the other party.

R.S.1954, c. 119, § 18; 1961, c. 317, § 418.

### § 7. Court authority to convey on death of seller

When it appears to the judge of probate having jurisdiction that any deceased person had made a legal contract to convey real estate and was prevented by death from so doing, or that such deceased person had made such a contract to convey an estate upon a condition which in its nature could not be fully performed before his decease, and that in either case the person contracted with or the petitioner has performed or is ready to perform the conditions required of him by the terms thereof, he may on petition of such person, his heirs, assigns or legal representatives authorize the executor or administrator, or special administrator of the deceased, or when there is no executor or administrator, the guardian of the heirs of the deceased, to execute deeds to carry said contract into effect. When such conveyance is made to an executor or administrator, he shall stand seized of such estate to the same uses as in case of real estate set off to him on execution.

R.S.1954, c. 163, § 16.

### § 8. —Notice and bond

Before granting such authority, the judge shall cause due notice to be given to the heirs and all other parties interested and

require the person authorized to make conveyance, except executors exempted therefrom by Title 18, section 109, to give bond with sufficient sureties to account for whatever he receives therefor.

R.S.1954, c. 163, § 17.

**§ 9. Refusal or incapacity of spouse to release interest; rights of creditors**

If the owner of real estate contracts to sell the same and the husband or wife of the owner refuses to release his or her interest and right by descent, or if the owner is a nonresident and the husband or wife is incapacitated and has no guardian in this State or if the owner is a resident of this State and the husband or wife is under guardianship the owner may apply to a Justice of the Superior Court, who, after such notice to the other party as he may order, and hearing, may, in his discretion, approve the sale and price, and order the owner to pay to the clerk of court for such husband or wife of the owner, such sum as would amount to  $\frac{1}{3}$  of the price approved if the owner has issue, and  $\frac{1}{2}$  if he has no issue, at the expiration of the owner's expectancy of life, computed at 3%, compound interest. The clerk shall give a certificate of such approval by the court, and of the fact that said money has been paid, to be filed with the register of deeds in the county or registry district where the land lies, with the owner's deed thereof, and such register shall record the same. Thereafter such interest or right by descent in such real estate shall be barred. An assignee for the benefit of creditors, or in insolvency, or a trustee in bankruptcy, or any person holding title by levy or sale on execution may make application for proceedings under this section in relation to any real estate held by him in such capacity, to bar the interest and right by descent therein, of the husband or wife of the assignor, insolvent or bankrupt, or the interest and right by descent therein of the husband or wife of the judgment debtor.

R.S.1954, c. 170, § 19.