

MAINE STATE LEGISLATURE

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May 10, 1938

To Elbert D. Hayford, Secretary, Farm Lands Loan Commission
Re: Form of Deed

There is no authority in the statutes for the Commission to give a warranty deed and to bind the State in this way. Because of the Constitutional provision prohibiting the State from being sued, a warranty is no additional protection to a purchaser, but, undoubtedly, if the State conveyed any lands to which it did not have complete title, the Legislature would reimburse the purchaser from any loss which he suffered.

In the case of the farm about which you wrote me, assuming that the purchaser would be bothered in getting a loan from the Federal Land Bank, or a State Bank, if he did not have a warranty deed to the property, you might handle this situation by giving a quit-claim deed to some relative of the purchaser, or some other party who would be willing to give him a warranty deed because the last deed is the only one that the banks require to be a warranty.

Franz U. Burkett
Attorney General

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