

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Filing No. H-673)

COMMITTEE AMENDMENT^A to H.P. 876, L.D. 1050, Bill, "AN ACT to Clarify Title to Land Where Marital Release is Omitted from Conveyance."

Amend said bill by striking all of those parts designated "§470." "§471." and "§472." and inserting in place thereof the following:

§470. Failure of spouse to join in release of right and interest by descent

If the spouse of a grantor in a conveyance of land fails to join in the conveyance in release of the spouse's right and interest by descent, such spouse and all persons claiming by, through or under such spouse shall be forever barred from claiming such right and interest by descent by real or mixed action for the recovery of lands, by entry, or otherwise unless such spouse has filed the notice provided in section 472 or has made some other claim of record within the time limited in section 471.

§471. Preservation of claims by filing of notice

The spouse of a grantor who, 20 years or more before the effective date of this Act, has conveyed land without the joinder therein of such spouse in release of the spouse's right and interest by descent in the land conveyed, and which spouse intends to claim such right and interest, or any person claiming by, through or under the spouse after such right and interest has become

vested in the spouse, may preserve such right and interest, or claim thereto, by filing the notice provided in section 472 in the registry of deeds for the county in which the land is located, within 2 years of the effective date of this Act.

The spouse of a grantor who, less than 20 years before or at any time after the effective date of this Act, has conveyed land without the joinder therein of such spouse in release of the spouse's right and interest by descent in the land conveyed, and which spouse intends to claim such right and interest, or any person claiming by, through or under the spouse after said right and interest has become vested in the spouse, may preserve such right and interest, or claim thereto, by filing the notice provided in section 472 in the registry of deeds for the county in which the land is located, before the recording of the conveyance or within the later of 20 years of the date of recording of the conveyance or 2 years of the effective date of this Act.

A spouse may also preserve a claim to right and interest by descent by filing the notice provided in section 472 at any time prior to a conveyance in which the spouse does not intend to join in the release of such right and interest.

In all cases the spouse must bring a claim of record for title or possession within one year of the later of the filing of the notice or the vesting of the right and interest.

§472. Filing of notice; recording fee; indexing

In order for the notice specified in section 471 to be effective, it shall contain an intelligible description of the land in which the right and interest by descent is claimed; the name of the person on whose behalf such right and interest is claimed; the

_____ name of the current record owner of the land;
a specific reference by date of recording and by volume and page
numbers to the recorded conveyance, if any, that omitted the re-
lease of such right and interest; and shall be duly verified by
oath taken by any person authorized to perform notarial acts.
The register of deeds for the county in which the land is located
shall accept all such notices presented that describe land lo-
cated in said county and shall enter and record them in the same
manner that deeds and other instruments are recorded and shall be
entitled to charge the same fee for the recording thereof as is
charged for recording deeds. In indexing such notice, the register
of deeds shall enter it in the grantee index of deeds under the
name of the claimant appearing in the notice, and in the grantor
index of deeds under the name of the record owner appearing in the
notice. Within a reasonable time after recording such notice, the
register of deeds shall enter upon the margin of the record of
the prior conveyance, if any, referred to in said notice the
volume and page in which the record of said notice may be found.
The person filing the notice shall deliver or mail a copy thereof
to the current record owner of the land at the last known address
of such owner.'

Statement of Fact

The purposes of this amendment are clarification and to reduce the time period prior to the effective date of the bill being amended which will be affected by its provisions from 40 to 20 years.

Reported by the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.
6/9/75

(Filing No. H-673)