

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 993

H. P. 820

House of Representatives, March 15, 1977

On motion of Mr. Spencer of Standish, referred to Committee on Judiciary.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Tarbell of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Revise the Law Pertaining to Guardian Release of a Ward's  
Interest in Real Estate.**

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

18 MRSA § 2051, sub-§ 11 is enacted to read:

11. **Guardians; release of ward's interest in real estate.** Of guardians, to sell or release any interest of the ward, which is of insignificant value to the ward but which encumbers a marketable title to the estate.

STATEMENT OF FACT

The purpose of new subsection 11 is to authorize a guardian's sale or release of a ward's interest in real estate when the ward's interest is of little or no value.

Title 18, section 2051, subsection 2, authorizes a guardian to sell, lease or exchange real estate of his ward for payment of debts, expenses of sale and of guardianship, and for support and education of the ward. However, the sale, lease or exchange must clearly be for the benefit of the ward.

New subsection 11 authorizes a guardian to sell or release a ward's interest in real estate in that situation where the ward has a minor or insignificant interest in real estate that is of no practical value to him, but nevertheless constitutes a cloud or encumbrance on the title to the entire estate.