

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1267

H. P. 1037

House of Representatives, March 24, 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. Carroll of Limerick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Providing that an Heir's Claim to Real Property Shall, in Certain
Cases, Lapse after 50 Years from the Time his Claim Arose.**

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

33 MRSA § 163 is enacted to read:

§ 163. Lapsing of heir's claim to an interest in real property

1. Interest to lapse after 50 years. A claim of an heir to an interest in real property shall lapse upon the expiration of 50 years after the date on which the claim arose, unless the heir has taken one of the acts set out in subsection 2.

2. Maintenance of claim. Any one of the following acts taken within 50 years after the date on which the claim arose shall bar the operation of subsection 1:

A. Payment of any portion of the taxes due on that real property;

B. Assertion of an interest in that real property by recording that interest in accordance with subsection 3;

3. Recording of the interest. An interest recorded under subsection 2, paragraph B, shall be recorded in the registry of deeds within the county where the land lies, or if the land is in 2 or more counties, then by recording the interest in the registry of deeds of each of those counties, or if the land lies in a county where there are 2 or more registry districts, then by recording the interest in the district legal for that recording.

STATEMENT OF FACT

This bill will bar an heir's claim to real property unless the heir has, within 50 years after his claim arose, either paid a portion of the taxes due on that real property or recorded his interest in the property in a registry of deeds. This bill will therefore prevent an heir who has not concerned himself with real property within a 50-year period from coming in at the last moment preventing the sale of that property by another heir who has taken care of it.