MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

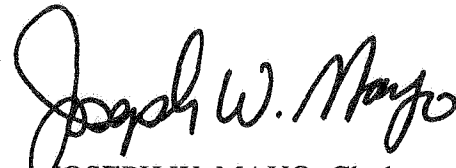| Legislative Document	No. 1088
H.P. 800	House of Representatives, February 18, 1997

An Act to Clarify the Interpretation of Property Descriptions.

Reference to the Committee on Judiciary suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative BIGL of Bucksport.

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

Sec. 1. 33 MRSA §151-A, sub-§2 is enacted to read:

2. Nonnumerical. "Nonnumerical" means lacking a definitive numerical value and includes, but is not limited to terms such as "parallel," "perpendicular" and "right angles."

Sec. 2. 33 MRSA §151-B is enacted to read:

§151-B. Property descriptions

The following provisions apply to the interpretation of a deed conveying an interest in real estate.

1. Nonnumerical descriptions. When a deed describes property using a nonnumerical term to describe the direction of a boundary, and the nonnumerical direction conflicts with a definitive numerical distance given in the same description, the definitive numerical distance controls.

2. Exceptions. Notwithstanding subsection 1, the nonnumerical direction controls in a deed covered by this section when:

A. The grantor's clear and express intent is that the nonnumerical direction controls the numerical distance; or

B. The preponderance of evidence compels a determination that the nonnumerical direction is more reliable than the numerical distance.

SUMMARY

This bill provides, with 2 exceptions, that numerical distances set forth in a deed description of property boundaries govern over nonnumerical directions, that is, terms such as "parallel" and "perpendicular," in the same description. The bill enacts law contrary to that set forth in Taylor v. Hanson, 541 A.2d 155 (Me. 1988) and Snyder v. Haagen, 679 A.2d 510 (Me. 1996). These cases held that directions control over distances in property descriptions in deeds.