

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2022

H.P. 1415

House of Representatives, March 24, 1999

An Act to Improve the Marketability of Real Estate Titles.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Representatives: SCHNEIDER of Durham, THOMPSON of Naples, Senator:
BENOIT of Franklin.

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

2
3 Sec. 1. 33 MRSA §772-A, as enacted by PL 1981, c. 367, §2, is
4 repealed and the following enacted in its place:

6 **§772-A. Effect of release**

8 1. Testimonium clause. A deed or other instrument executed
9 after the effective date of this subsection that includes the
10 following language: "[name] (wife or husband) of said Grantor,
11 joins as Grantor and releases all rights by descent and all other
12 rights" or similar language within the testimonium clause conveys
13 any and all interests of the joining spouse to the property
14 described in the deed or other instrument. This subsection
15 applies to a deed or other instrument even if the joining spouse
16 is not set forth in the beginning of the deed as a grantor to the
17 conveyance.

18 This subsection does not apply to a deed dated before the
19 effective date of this subsection that contains language in the
20 testimonium clause as described in this subsection until November
21 1, 2000, at which time this subsection applies unless notice of a
22 claim of right, title or interest is recorded in the registry of
23 deeds for the county in which the land is located and an action
24 is commenced on or before November 1, 2000 in any court with
25 jurisdiction to adjudicate this action.

28 2. Filing of notice. In order for the notice specified in
29 subsection 1 to be effective, it must contain an adequate
30 description of the property in which the right, title or interest
31 is claimed; a reference to the deed or other instrument on which
32 the claim is based; the name of the current record owner of the
33 property; and must be duly verified by oath taken by any person
34 authorized to perform notarial acts. The register of deeds for
35 the county in which the land is located shall accept all such
36 notices presented that describe property located in the county
37 and shall enter and record them in the same manner that deeds and
38 other instruments are recorded and may charge the same fee for
39 the recording of these notices as is charged for recording
40 deeds. In indexing the notice, the register of deeds shall enter
41 it in the grantee index of deeds under the name of the claimant
42 appearing in the notice and in the grantor index of deeds under
43 the name of the record owner appearing in the notice. Within a
44 reasonable time after recording the notice, the register of deeds
45 shall enter upon the margin of the record of the deed or other
46 instrument on which the claim is based the volume and page in
47 which the record of the notice may be found. The person filing
48 the notice shall deliver or mail a copy of the notice to the
49 current record owner of the property at the last known address of
50 that owner.

