

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 271

S. P. 599

In Senate, February 28, 1929.

Referred to Committee on Revision of Statutes and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weatherbee of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT to Amend Chapter Seventy-six of the Revised Statutes as Amended, Relative to Sales of Real Estate by License of Probate Court.

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

Section 1. Section one of chapter seventy-six of the revised statutes as amended by chapter one hundred ninety-three of the public laws of nineteen hundred seventeen, as amended by sections one and two of the public laws of nineteen hundred twenty-one, as amended by chapter eleven of the public laws of nineteen hundred twenty-three, is hereby amended by striking out the words "in the counties where the applicants hereinafter named were appointed" in the first

9 and second lines of said section as amended and by inserting
10 in place thereof the words 'who have jurisdiction of the
11 estate,' so that the introductory paragraph of said section
12 as amended shall read as follows:

'Section 1. Judges of probate who have jurisdiction of the
2 estate may license the sale, lease or exchange of real estate
3 and any interests therein, in whatever county situated, in
4 the following cases, on application:'

Sect. 2. Section three of chapter seventy-six of the re-
2 vised statutes is hereby amended by inserting after the word
3 "leases" in the second line of said section the word 'mort-
4 gages' and by inserting after the word "sureties" in the
5 fourth line of said section the words 'resident in the state'
6 and by inserting after the word "leasing" in the seventh
7 line of said section the word 'mortgaging' and by striking
8 out the word "or" in the tenth line of said section and by
9 inserting after the word "lease" in the eleventh line of said
10 section the words 'or mortgage,' so that said section as
11 amended shall read as follows:

'Sect. 3. *Bond.* Persons licensed as aforesaid, before pro-
2 ceeding to make such sales, leases, mortgages or exchanges,
3 except executors exempted therefrom by the provisions of
4 section ten of chapter sixty-eight, shall give bond to the
5 judge for a sum, and with sureties resident in the state, or
6 with a surety company authorized to do business in the
7 state, as surety, to his satisfaction, with the following con-
8 ditions:

I. That they will observe all provisions of law for the
2 sale, leasing, mortgaging or exchange of such real estate
3 or interests therein, and use due diligence in executing the
4 trust.

II. That they will truly apply and account for the pro-
2 ceeds of sale, lease or mortgage according to law.'

Sect. 3. Section three-A of chapter seventy-six of the re-
2 vised statutes as added by chapter two hundred eighty-
3 six of the public laws of nineteen hundred seventeen, is
4 hereby amended by striking out the whole of said section
5 and by substituting therefor the following:

'Sect. 3A. *Conditions of bond, when deemed to have been*
2 *performed.* Persons licensed as aforesaid shall be deemed
3 to have performed the conditions of the aforesaid bond
4 when they have complied with all its terms and conditions
5 and shall have charged themselves with the amount received
6 from the sale, lease or mortgage of said real estate in an
7 account duly filed and allowed by the judge of probate in
8 and for the county having jurisdiction of the estate, which
9 account must be filed within one year from the sale, lease or
10 mortgage of the said real estate, and shall have given an
11 additional bond to the said judge of probate, if required
12 by him, to cover the balance of property found in their
13 hands upon the settlement of said account, unless the bond
14 of such person is exempted by the provisions of sections ten
15 and twenty of chapter seventy-six; and thereafter said per-

16 sons shall be liable on said bond or bonds for the amount so
17 received from the sale of said real estate as shown in said
18 account.'