

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 459

H. P. 1041

House of Representatives, Feb. 7, 1933.

On motion of Mr. Tompkins of Houlton, tabled pending reference. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Tompkins of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT Relating to Attachments of Real Estate.

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

Name of plaintiff's attorney to be recorded. Section 63 of chapter 95 of the revised statutes is hereby amended to read as follows :

'Sec. 63. No attachment of real estate is valid, unless recorded in registry of deeds and claim is specified in writ; seizure on execution creates no lien on real estate, unless filed in registry of deeds; seizure takes effect from time to time of filing. No attachment of real estate on mesne process creates any lien thereon, unless the nature and amount of plaintiff's demand is set forth in proper counts, or a specification thereof is annexed to the writ, nor unless the officer making it, within five days thereafter, files in the office of register of deeds in the county or district in which some part of said estate is situated, an attested copy of so much of his return on the writ, as relates to the attachment, with the value of the defendant's property which he is thereby commanded to attach, the names of the parties, the date of the writ, ~~and~~ the court to which it is returnable **and the name of the attorney for the plaintiff.** If the copy is not so filed within five days, the attachment takes effect from the time it is filed, if before the entry of the action, although it is after service on the defendant. No seizure of real estate on execution where there is no subsisting attachment thereof made in the suit in which such execution issues, creates any lien thereon, unless the officer

making it, within five days thereafter files in the office of the register of deeds in the county or district in which some part of said estate is situated, an attested copy of so much of his return on said execution as relates to the seizure, with the names of the parties, the date of the execution, the amount of the debt and costs named therein, and the court by which it was issued. If the copy is not so filed, the seizure takes effect from the time it is filed. And such proceedings shall be had in such office by the register of deeds, as are prescribed in chapter fifteen. Provided, however, that all recorded deeds take precedence over unrecorded attachments.'