

MAINE STATE LEGISLATURE

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

Legislative Document

No. 294

H. P. 532

House of Representatives, January 31, 1951.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Delahanty of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to Descent of Real Estate in Divorce.

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

R. S., c. 153, § 64-A, additional. Chapter 153 of the revised statutes is hereby amended by adding thereto a new section to be numbered 64-A, to read as follows:

‘Sec. 64-A. Descent of real estate in divorce. The rights acquired under the provisions of sections 62 and 64 by a libelant in the real estate of the libelee shall not be effectual against any person not having actual notice of such divorce, unless an abstract of the decree of divorce, setting forth the names, residence of the parties, the date of the decree and the court where granted, is filed in the registry of deeds in the county where the real estate is situated.

The clerk of the court granting the divorce, at the written request of the libelant or his attorney, shall file such abstract in such registry or registries as so requested within 10 days of the date of the decree of divorce.

If said written request of the libelant or his attorney is filed with the clerk of the court more than 10 days after the date of the decree, said clerk of the court shall then file such abstract within 10 days of the filing of said

request, and the rights of the libelant under said decree of divorce shall then be effectual only against persons whose interest in said real estate arose subsequent to the recording of such abstract or persons who had actual notice of such divorce.

When a divorce has been granted out of the state, the libelant shall cause a duly authenticated copy of such divorce decree to be filed with the clerk of courts in one of the counties where the real estate or any part thereof is situated, and upon written request of the libelant or his attorney said clerk of courts shall make and file an abstract of said divorce decree in such registry or registries as so requested, within 10 days of the filing of said request, and the rights of the libelant shall be effectual only against persons whose interest in said real estate arose subsequent to the recording of such abstract or persons who had actual notice of such divorce.

The clerk of courts shall be paid \$2 for each such abstract, \$1 of which he shall pay to the register and \$1 of which he shall retain, and an additional \$1 as filing fee of the authenticated copy of foreign divorce decree.'