

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. 921

H. P. 1346

House of Representatives, February 23, 1951.

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

HARVEY R. PEASE, Clerk.

Presented by Mrs. Fay of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE

AN ACT Relating to Undischarged Real Estate Mortgages.

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

R. S., c. 163, § 35, amended. Section 35 of chapter 163 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 35. Proceedings to bar action on undischarged mortgage. When the record title of real estate is encumbered by an undischarged mortgage, and the mortgagor and those having his estate in the premises have been in uninterrupted possession of such real estate for 20 years after the expiration of the time limited in the mortgage for the full performance of the conditions thereof; he or they, or any person having a freehold estate, vested or contingent in possession, reversion, or remainder, in the land originally subject to the mortgage or in any undivided or any aliquot part thereof, or any interest therein which may eventually become a freehold estate, or any person who has conveyed such land or any such interest therein with covenants of title or warranty, may apply to the superior court, or any justice of the superior court in vacation, in the county where the whole or any part of the mortgaged premises is situated, by petition setting forth the facts, and asking for a decree as hereinafter provided;

and if after notice to all persons interested as provided in section 38, no evidence is offered of any payment within said 20 years or of any ~~other act within said time, in recognition of its existence as a valid mortgage writing~~ or memorandum assuming the obligation of the said mortgage executed within said time by the party or parties having the interest in the said mortgaged premises, the court, or any justice of the superior court in vacation, upon hearing ~~may~~ shall enter a decree setting forth such facts and its findings in relation thereto, which decree shall within 30 days be recorded in the registry of deeds where the mortgage is recorded; and thereafter no action at law or proceeding in equity shall be brought by any person to enforce a title under said mortgage.'