

MAINE STATE LEGISLATURE

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

Legislative Document

No. 178

H. P. 183

House of Representatives, January 28, 1953

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

HARVEY R. PEASE, Clerk

Presented by Mr. Trafton of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

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. No rights acquired under the provisions of sections 62 and 64 by a libellant in the real estate of the libelee are effectual against any person except the libelee, his heirs and devisees and persons having actual notice of such divorce unless an abstract of the decree of divorce, setting forth the names and 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 courts granting the divorce, at the written request of the libellant or his attorney, shall within 5 days of the receipt of said request, make and send such an abstract, for recording, by registered mail to such registry or registries as so requested.

When a divorce has been granted out of the state, the libellant, or his attorney, shall cause a duly authenticated copy of such 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 said libellant or his

attorney, said clerk shall make and send such abstract, for recording by registered mail to such registry or registries as so requested.

Recordings of said abstract shall have the same effect as the recording of deeds, leases or other written instruments regarding real estate, provided, however, that such abstract if recorded within 10 days of the date of the decree of divorce shall have effect as if actually filed on the date of the decree of divorce.

The clerk of courts shall be paid \$2.50 for each such abstract, \$1 of which he shall pay to the register and \$1.50 of which he shall retain for his fee and cost of registered mail, and an additional \$2 as filing fee of the authenticated copy of foreign divorce decree.'