

MAINE STATE LEGISLATURE

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

Legislative Document

No. 27

S. P. 38

In Senate, January 12, 1955.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Lessard of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Descent of Real Estate in Divorce Cases.

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

R. S., c. 166, § 65-A, additional. Chapter 166 of the revised statutes is hereby amended by adding thereto a new section to be numbered 65-A, to read as follows:

'Sec. 65-A. Descent of real estate in divorce. No rights acquired under the provisions of sections 63 and 65 by a libelant 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 for the county or registry district 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 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 libelant, or his attorney, shall cause a duly authenticated copy of such decree to be filed with the clerk of court in one of the counties where the real estate or any part thereof is situated, and upon written request of said libelant or his attorney, said clerk, within five days thereof, shall make and send such abstract, for recording, by registered mail to such registry or registries as so requested.

Such abstract shall be deemed recorded as of the time of its receipt in the registry where filed, provided however that such abstract if received within 10

days of the date of the decree of divorce shall have effect as if actually received 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 as his fee and costs of registered mail, and an additional \$2 as filing fee of the authenticated copy of foreign divorce decree.'