

MAINE STATE LEGISLATURE

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

Legislative Document

No. 553

S. P. 214

In Senate, February 10, 1959

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Woodcock of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Time Attachment of Property Continues After Judgment.

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

Sec. 1. R. S., c. 112, § 72, amended. Section 72 of chapter 112 of the Revised Statutes is amended to read as follows:

'Sec. 72. Attachment continues for 60 days after judgment; expiration of real estate attachment. An attachment of real or personal estate continues for ~~30~~ 60 days and no longer after final judgment in the original suit, and not in review or error; except attachments of real estate taken on execution; or equities of redemption sold on execution; or an obligee's conditional right to a conveyance of real estate sold on execution; or property attached and replevied; or property attached belonging to a person dying thereafter, or specially provided for in any other case; ~~but an.~~ An attachment of real estate shall expire at the end of 5 years from the date of filing the same in the office of the register of deeds in the county or district where the said real estate or some part of it is situated, unless the said register shall, within said period, at the request of the plaintiff or his attorney bring forward the same upon the book of attachments, and at the expiration of 5 years from the time of such first or any subsequent bringing forward, such attachment shall expire unless within said period it is again brought forward in like manner. The register shall be entitled to the same fee for bringing forward such attachment upon the said book of attachments as for the original entry thereof.'

Sec. 2. R. S., c. 171, § 37, amended. Section 37 of chapter 171 of the Revised Statutes is amended to read as follows:

'Sec. 37. Seizure when considered made; proceedings after return day, valid. The seizure on execution is considered made on the day when notice of the sale is given, and if the sale is not completed within ~~30~~ 60 days after judgment it holds the right or interest seized within that time; ~~and the~~. The subsequent proceedings and return are valid, if made after the return day of the execution or after removal or disability of the officer.'