

March 17, 2015

ATTN: Legislative Committee Members

RE: Senate Bill # 1

Dear Sirs and Madams

I have attached an explanation of the problems associated with property being held in a fee tail state as opposed to a fee simple. My reason for requesting this change is personal. My parents deeded their property to my brother and I in 1988 by Warranty Deed with a fee tail provision and with life use for my parents. Upon my parents deaths, my brother and I were informed that we were unable to sell the property deeded to us in 1988 due to the fee tail provision.

It was explained to us that with a fee tail provision clear title could not be given to a buyer as there would always be an opportunity for a child to be born and that child's interest in the property could not be ignored. We contacted several attorneys who all came to the same conclusion which is that the property could not be sold with the fee tail provision.

One attorney advised that other states who had a fee tail provision have all abolished such interests and have adopted a fee simple in place of the fee tail. It is our understanding that if the legislature is able to change fee tail to fee simple retroactively my brother and I could sell the property as there would be no barrier to clear title any longer.

My brother and I therefore request that this committee pass Senate Bill 1 which would abolish the fee tail provision by replacing it with a fee simple provision retroactively.

Thank you for your anticipated consideration of this request.

Sincerely,

Kathleen McCoy and Anthony Good.

What does it mean to abolish" Fee Tail"

The present state of Connecticut law recognizes the Fee-Tail estate. The proposed change to the General Statutes is to convert the Feet tail estate to Fee Simple and this is hoped to have retroactive effect to resolve the legal barrier to a property conveyed subject to this condition. In short to bring Connecticut Real Estate Law to conform with the other states of the United States, all of which have never had this provision or have abolished the Fee Tail estate in land. This is because such property is not eligible for conveyance by the Connecticut Standards of Title. That means that property presently held by heirs is not able to Warrant or Guarantee to a buyer or grantee that such property is free from objection by a purchaser or buyer or even a beneficiary of a gift. They are free from the risk of new or unanticipated claims of ownership due to a possible interest arising from the yet unborn heirs of the present or first generation of the divisor or first grantor.

Without this change the owner(s) of property cannot convey the property other than by Quit-Claim Deed or a Bargain and Purchase Deed. These deeds would be subject to the possibility of unknown heirs who could claim an interest in property after a property has been conveyed. The property would not be eligible for title insurance which protects the interests of the buyers.

This change is similar to the passage of the periodic validating statutes which is a legislative remedy to cure any unintentional infirmities to previously conveyed interests in land.