



Substitute Senate Bill No. 833

Public Act No. 19-85

AN ACT CONCERNING VALIDATION OF CONVEYANCE DEFECTS ASSOCIATED WITH AN INSTRUMENT THAT WAS EXECUTED PURSUANT TO A POWER OF ATTORNEY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (c) of section 47-36aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(c) Defect with respect to a power of attorney. (1) Any deed, mortgage, lease, power of attorney, release, assignment or other instrument made for the purpose of conveying, leasing, mortgaging or affecting any interest in real property in this state recorded after January 1, 1997, which instrument is executed pursuant to a recorded power of attorney and contains any one or more of the following defects, is as valid as if it had been executed without the defect unless an action challenging the validity of that instrument is commenced and a notice of lis pendens is recorded in the land records of the town or towns where the instrument is recorded within two years after the instrument is recorded:

[(1)] (A) The instrument was executed by an attorney-in-fact but was signed or acknowledged by the attorney-in-fact without reference

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to his or her capacity;

[(2)] (B) The instrument was executed by an attorney-in-fact but does not reference the power of attorney;

[(3)] (C) The power of attorney was effective at the time the instrument was executed but is recorded after the instrument is recorded.

(2) Any deed, mortgage, lease, release, assignment or other instrument made for the purpose of conveying, leasing, mortgaging or affecting any interest in real property in this state recorded after January 1, 1997, which instrument is executed pursuant to a power of attorney, but which power of attorney is not recorded on the land records of the town or towns where the instrument is recorded, is as valid as if the power of attorney had been recorded, unless (A) an action is commenced to avoid and set aside such instrument and a notice of lis pendens is recorded in the land records of the town or towns where the instrument is recorded within fifteen years from the date of recording of such instrument, or (B) such instrument fails to state the consideration reflecting fair market value. The provisions of this subdivision shall not apply to any conveyance where any deed, mortgage, lease, release, assignment or other instrument is executed by a fiduciary and the fiduciary is the grantee, mortgagee, leasee, releasee or assignee designated in such instrument.

Approved July 1, 2019