
OLR Bill Analysis

sSB 833

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

SUMMARY

This bill generally validates documents that convey, lease, mortgage, or affect a real estate interest recorded after January 1, 1997 if they are executed pursuant to a recorded power of attorney but the power of attorney is not recorded on the land records of the town where the instrument is recorded. These documents include deeds, mortgages, leases, powers of attorney, releases, assignments, and other instruments.

The bill does not validate documents with this defect if:

1. a legal proceeding to avoid and set aside the document has begun and a notice of *lis pendens* (i.e., pending legal action) has been recorded on the town's land records within 15 years after the challenged document is recorded or
2. the document fails to state consideration reflecting fair market value.

The bill's provisions do not apply to any conveyance where the document is executed by a fiduciary who is the grantee, mortgagee, leasee, releasee, or assignee designated in the document.

EFFECTIVE DATE: October 1, 2019

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (04/08/2019)