

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-833

AN ACT CONCERNING VALIDATION OF CONVEYANCE DEFECTS
ASSOCIATED WITH AN INSTRUMENT THAT WAS EXECUTED PURSUANT

Title: TO A POWER OF ATTORNEY.

Vote Date:

Vote Action:

PH Date: 2/22/2019

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

Under the current law, when a conveyance is executed by a power of attorney, the power of attorney must be recorded with the deed. However, there have been certain instances where the power of attorney has not been documented on the conveyance. As the conveyance ages, it is harder to track down the original power of attorney and this could lead to a dispute in court. This court action could turn into a very lengthy and costly endeavor for the sellers of the land. As the CT Title Association President, Zachary A. Kammerdeiner wrote in his testimony "this process can and does prevent real estate transactions from closing. Derailed real estate transactions are a detriment to many stakeholders, including but not limited to: buyers, sellers, real estate agents, mortgage lenders, settlement agents, title insurance companies, and the public in general". This bill allows the validation of a conveyance where the power of attorney was not properly recorded.

SUBSTITUTE LANGUAGE:

Represents an agreement between CBA and the CT Title Insurance Company and extends the time period from 10 to 15 years from the date of the recording. Substitute language clarifies this provision does not apply to any conveyance executed by a fiduciary who has an interest in the transaction.

RESPONSE FROM ADMINISTRATION/AGENCY:

None Expressed

NATURE AND SOURCES OF SUPPORT:

CT Title Association, President, Zachary A. Kammerdeiner: Supports bill, but offers several recommendations: “the statutory time period should be changed from 10 to 15 years”, require “the deed or instrument of conveyance to state an amount of monetary consideration reflecting fair market value”, and “the Raised Bill shall not apply to a deed or other instrument of conveyance purporting to carry out a self-interested transaction”.

NATURE AND SOURCES OF OPPOSITION:

None Expressed

Reported by: Logan Durant

Date: April 16, 2019