



General Assembly

Substitute Bill No. 833

January Session, 2019



**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:

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2 repealed and the following is substituted in lieu thereof (*Effective*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

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

15 [(1)] (A) The instrument was executed by an attorney-in-fact but
16 was signed or acknowledged by the attorney-in-fact without reference
17 to his or her capacity;

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	47-36aa(c)

Statement of Legislative Commissioners:

In Section 1(c)(2), provisions of the first sentence were redrafted for clarity and accuracy.

JUD Joint Favorable Subst.