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H.290

Introduced by Representatives McCullough of Williston and Macaig of
Williston

Referred to Committee on

Date:

Subject: Real estate; titles; conveyances

Statement of purpose of bill as introduced: This bill proposes to clarify
ambiguities relating to real estate titles and conveyances.

An act relating to clarifying ambiguities relating to real estate titles and
conveyances

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 27 V.S.A. § 464a is amended to read:

§ 464a. DISCHARGE BY LICENSED ATTORNEY

* * *

(d) The affiant shall attach to the affidavit the following, certifying that
each copy is a true copy of the original document:

(1) photocopies of the documentary evidence that payment has been
received by the ~~purported~~ mortgagee, ~~including the purported mortgagee's~~
~~endorsement of the payoff check~~, provided that the payor's account number
may be redacted ~~from the copy of the payoff check~~; and

1 subsection (a) of this section, is recorded in the land records of the town in
2 which the leased property is situated. The notice of lease shall contain at least
3 the following information:

4 (1) the names of the parties to the lease as set forth in the lease;

5 (2) a statement of the rights of a party to extend or renew the lease;

6 (3) any addresses set forth in the lease as those of the parties;

7 (4) the date of the execution of the lease;

8 (5) the term of the lease, the date of commencement, and the date of
9 termination;

10 (6) a description of the real property as set forth in the lease;

11 (7) a statement of the rights of a party to purchase the real property or
12 exercise a right of first refusal with respect thereto;

13 (8) a statement of any restrictions on assignment of the lease; and

14 (9) the location of an original lease.

15 Sec. 4. 27 V.S.A. § 1313 is amended to read:

16 § 1313. COPY OF THE FLOOR PLANS TO BE FILED

17 (a) Simultaneously with the recording of the declaration there shall be filed
18 in the office of the recording officer a lot plan and, in the case of an apartment
19 building, a set of the floor plans of the building showing the layout, location,
20 apartment or site numbers, and dimensions of the apartments or sites, stating
21 the name of the building or that it has no name. In the case of a mobile home

1 park, there shall be filed in the office of the recording officer a site plan
2 showing the layout, location, site numbers, and dimensions of the sites, and the
3 layout, location, and materials of all utilities, including underground utilities.
4 Each set of building or site plans shall bear the verified statement of a licensed
5 architect, licensed professional engineer, or licensed land surveyor certifying
6 that it is an accurate copy of portions of the plans of the building or site as filed
7 with and approved by the municipal or other governmental subdivision having
8 jurisdiction over the issuance of permits for the construction of buildings or
9 mobile home parks. If the plans do not include a verified statement by the
10 licensed architect, licensed professional engineer, or licensed land surveyor
11 that they fully and accurately depict the layout, location, apartment or site
12 numbers, and dimensions of the apartments or sites as built, there shall be
13 recorded before the first conveyance of any apartment or site an amendment to
14 the declaration, to which shall be attached a verified statement of a licensed
15 architect, licensed professional engineer, or licensed land surveyor certifying
16 that the plans previously filed, or being filed simultaneously with the
17 amendment, fully and accurately depict the layout, location, apartment or site
18 numbers, and dimensions of the apartments or sites as built. Plans shall be
19 kept by the recording officer in a separate file for each building or park,
20 indexed in the same manner as conveyance entitled to record, numbered
21 serially in the order of receipt, each designated “apartment ownership,” or “site

1 ownership,” with the name of the building or park, if any, each containing a
2 reference to the book, page, and date of recording of the declaration.

3 Correspondingly, the record of the declaration shall contain a reference to the
4 file number of the floor plans of the building or of the site plans of the parks
5 affected ~~thereby~~.

6 (b) If the declaration has been of record for 15 or more years, no effect on
7 marketability of title shall be created by failure to file or record floor plans.

8 Sec. 5. 14 V.S.A. § 3184 is added to read:

9 § 3184. CONVEYANCE BY GUARDIAN APPOINTED BY FOREIGN

10 JURISDICTION

11 (a) A conveyance of an interest in Vermont real property by a guardian
12 appointed by a foreign court for a person 18 years of age or older is valid,
13 provided that:

14 (1) the conveyance is authorized by a foreign court order; and

15 (2) the foreign order is registered in Vermont pursuant to this
16 subchapter.

17 (b) For conveyances made prior to the effective date of this section, no
18 effect on marketability of title shall be created by the failure to register the
19 foreign order.

