

1 H.665

2 Introduced by Representatives Kimbell of Woodstock and Marcotte of

3 Coventry

4 Referred to Committee on

5 Date:

6 Subject: Municipal and county government; property; taxation and finance;

7 land records; town clerks; recording and indexing; liens; transfer of

8 real property; miscellaneous amendments

9 Statement of purpose of bill as introduced: This bill proposes to amend

10 various provisions throughout the Vermont Statutes Annotated to use uniform

11 and consistent terms related to the submission of instruments for recording in

12 the land records and indexing in the general index maintained by municipal

13 clerks.

14 An act relating to recording, indexing, and the duties of town clerks

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

16 Sec. 1. 6 V.S.A. § 2902 is amended to read:

17 § 2902. RECORDING NOTICE OF LIEN

18 A producer's lien shall not continue for more than 60 days from the time

19 when payment became due for the last of the dairy products sold unless a

20 notice of the lien is filed recorded in the land records in the case of real estate

1 in the office of the town clerk of the town where the real estate is located and
2 in the case of personal property in the office of the town clerk of the town
3 where the handler resides, or, if the handler resides out of state, then in the
4 town where the personal property is located. Within ~~ten~~ 10 days thereafter, a
5 copy of the memorandum shall be filed by the producer with the Secretary of
6 Agriculture, Food and Markets, who may publish it as necessary to provide
7 notice thereof to other producers of the handler.

8 Sec. 2. 9 V.S.A. § 1921 is amended to read:

9 § 1921. EXTENT OF LIEN; NOTICE

10 * * *

11 (b) A person who by virtue of a contract or agreement, either in writing or
12 parol, with an agent, contractor, or subcontractor of the owner thereof,
13 performs labor or furnishes materials for erecting, repairing, moving, or
14 altering such improvements shall have a lien, to secure the payment of the
15 same upon such improvements and the lot of land upon which the same stand,
16 by giving notice in writing to such owner or ~~his or her~~ his or her owner's agent having
17 charge of such property that ~~he or she~~ the person shall claim a lien for labor or
18 material. The notice shall include the date that payment is due, if known.
19 Such lien shall extend to the portions of the contract price remaining unpaid at
20 the time such notice is received.

5 (d) A lien under this section shall not take precedence over a deed or other
6 conveyance to the extent that consideration therefor has been paid in good faith
7 before ~~record~~ recording of such lien in the land records. Such lien shall not
8 take precedence over a mortgage given by the owner thereof upon such
9 building, property, or improvements and the lot of land on which the same
10 stand, as security for the payment of money loaned and to be used by such
11 owner in payment of the expenses of the same, if such mortgage is recorded in
12 the land records before such lien is filed in the office of the town clerk as
13 hereinafter provided. If such mortgagee shall receive written notice that any
14 lien hereunder is to be claimed, such lien shall take precedence over such
15 mortgage as to all advances thereafter made under such mortgage to such
16 mortgagor, except such advances as the mortgagee may show were actually
17 expended in completing such improvements to real property.

1 A person claiming a lien under section 1921 of this title shall ~~file~~ submit a
2 written memorandum for ~~record~~ recording in the land records in the clerk's
3 office of the town where such real estate is situated ~~a written memorandum~~,
4 signed by ~~him or her~~ the person, asserting ~~his or her~~ the person's claim, which
5 shall charge such real estate with such lien as of the visible commencement of
6 work or delivery of material to the extent and subject to the exceptions
7 provided in sections 1921 and 1922 of this title. Several such liens, asserted as
8 aforesaid, shall be paid pro rata, if the sum due or to become due from the
9 owner thereof is not sufficient to pay the same in full.

10 Sec. 4. 9 V.S.A. § 1971 is amended to read:

11 § 1971. UNPAID WAGES; STATUTORY LIEN; PRIORITY OVER

12 SUBSEQUENT MORTGAGE OR LIEN

13 (a) A statutory lien is created on the real and personal property of a
14 corporation for up to 30 days of unpaid wages.

15 (b) The liability of a corporation to an employee for unpaid wages that
16 were earned for a 30-day period prior to the filing of a new mortgage or other
17 lien upon the property of the corporation, in all cases, shall be a first lien
18 thereon, notwithstanding any mortgage or other lien thereon recorded in the
19 land records after such wages were earned. Notice of the lien if on personal
20 property shall be filed with the Secretary of State and, if on real property,
21 recorded in the land records in the office of the town clerk of the town where

1 the real property is located, by the employee or the Department of Labor acting
2 on behalf of one or more employees. An employee who is owed wages or the
3 Department of Labor acting on behalf of one or more employees may file an
4 action to execute on the lien in the Civil Division of the Superior Court in the
5 county in which the corporation has its principal place of business in the State,
6 or in the Civil Division of the Washington County Superior Court.

7 Sec. 5. 9 V.S.A. § 2051 is amended to read:

8 § 2051. ~~FILING~~ RECORDING IN TOWN CLERK'S OFFICE

9 Notices of liens upon real or personal property for taxes or other obligations
10 payable to the United States of America, certificates and notices affecting the
11 liens, and certificates discharging the liens shall be ~~filed~~ recorded in the land
12 records in the office of the town clerk of the town in this State within which
13 the property subject to the lien is situated.

14 Sec. 6. 9 V.S.A. § 2052 is amended to read:

15 § 2052. RECORDING OF NOTICE OF LIEN

16 When a notice of a federal lien is ~~filed~~ recorded in the land records, the
17 town clerk shall forthwith ~~record~~ index the same in ~~alphabetical order in a~~
18 ~~book kept for that purpose~~ the general index with the date and hour of ~~filling~~
19 recording the lien. A town clerk shall keep on file in the clerk's office the
20 notices of these liens. Liens filed under this section shall be indexed in
21 accordance with 24 V.S.A. § 1153 or 1161.

1 Sec. 7. 9 V.S.A. § 2053 is amended to read:

2 § 2053. DISCHARGE OF LIEN

3 When a certificate of discharge of a federal lien is ~~filed~~ recorded in the land
4 records in the office of the town clerk, the town clerk shall ~~enter~~ index the
5 same, with the date of ~~filng~~ recording, upon the same page of the record where
6 the notice of the lien is ~~filed~~ recorded and indexed, and permanently attach the
7 original certificate of discharge to the original notice of the lien.

8 Sec. 8. 10 V.S.A. § 865 is amended to read:

9 § 865. COPY OF AWARD AND JUDGMENT ~~FILED~~ RECORDED AND
10 INDEXED

11 A certified copy of the award of the selectboard or of the report of the
12 commissioners, finally accepted by the Superior Court, with the orders and
13 judgments of ~~such~~ the court, shall be recorded in the land records and indexed
14 in the general index in the office of the town clerk where the lands are situated.

15 Sec. 9. 12 V.S.A. § 2783 is amended to read:

16 § 2783. OFFICER MAY LODGE COPY IN CLERK'S OFFICE

17 When the officer holding an execution for collection is directed by the
18 creditor, ~~his or her~~ or the creditor's agent or attorney, to levy the same on the
19 real estate of the debtor, ~~he or she~~ the officer may ~~lodge in~~ submit for
20 recording in the land records with the office where by law a deed of such real
21 estate is required to be recorded, a certified copy of the execution, with a

1 certificate thereon, under ~~his or her~~ the officer's hand, stating that ~~he or she~~ the
2 officer is directed to levy the same on such real estate, designating the same as
3 it would be described in case of the attachment of real estate.

4 Sec. 10. 12 V.S.A. § 2800 is amended to read:

5 § 2800. CERTIFICATE OF REDEMPTION

6 When the debtor redeems the premises, the clerk or magistrate shall give
7 ~~him or her~~ the debtor a certificate of such redemption, at ~~his or her~~ the debtor's
8 expense, which, if recorded ~~on the margin of the record of such sale in the land~~
9 records, shall be full evidence that such land has been redeemed. The clerk or
10 magistrate shall indicate on the record of the levy of execution where the
11 certificate of redemption is recorded and indexed.

12 Sec. 11. 12 V.S.A. § 2802 is amended to read:

13 § 2802. OFFICER TO LODGE COPY IN CLERK'S OFFICE; NOTICE TO
14 TENANT

15 The officer levying an execution on the rents, issues, and profits mentioned
16 in section 2801 of this title shall lodge in record with the office where by law a
17 deed of the real estate yielding or paying such rents, issues, and profits is
18 required to be recorded and indexed, a certified copy of the execution, stating
19 that ~~he or she~~ the officer is directed to levy the same on the rents, issues, and
20 profits of the real estate, and designating such real estate as in attachment.

21 Within ~~ten~~ 10 days thereafter, ~~he or she~~ the officer shall serve a written notice

1 of such levy upon the tenant in possession of the described real estate, by
2 delivering the same to ~~him or her~~ the tenant personally or leaving it at ~~his or~~
3 ~~her~~ the tenant's last and usual place of abode.

4 Sec. 12. 12 V.S.A. § 2902 is amended to read:

5 § 2902. RELATION TO OTHER REMEDIES

6 The lien created by this chapter shall be in addition to and separate from
7 any other remedy or interest created by law or contract. Any judgment lien
8 ~~filed~~ recorded in the land records on real property ~~which~~ that has been attached
9 in the suit in which the judgment is rendered shall relate back to the date of
10 attachment if the judgment is recorded in the land records within 60 days after
11 it becomes final.

12 Sec. 13. 12 V.S.A. § 2903 is amended to read:

13 § 2903. DURATION AND EFFECTIVENESS

14 (a) A judgment lien shall be effective for eight years from the issuance of a
15 final judgment on which it is based except that an action to foreclose the
16 judgment lien during the eight-year period shall extend the period until the
17 termination of the foreclosure suit if a copy of the complaint is ~~filed~~ recorded
18 in the land records on or before eight years from the issuance of the final
19 judgment.

20 (b) A judgment that is renewed or revived pursuant to section 506 of this
21 title shall constitute a lien on real property for eight years from the issuance of

1 the renewed or revived judgment if recorded in the land records in accordance
2 with this chapter. The renewed or revived judgment shall relate back to the
3 date on which the original lien was first recorded if a copy of the complaint to
4 renew the judgment was recorded in the land records where the property lies
5 within eight years after the rendition of the judgment, and the renewed or
6 revived judgment is subsequently recorded in the land records in accordance
7 with this chapter.

8 * * *

9 (d) If a judgment lien is not satisfied within 30 days of after recording in
10 the land records, it may be foreclosed and redeemed as provided in this title
11 and V.R.C.P. 80.1. Unless the court finds that as of the date of foreclosure the
12 amount of the outstanding debt exceeds the value of the real property being
13 foreclosed, chapter 172 of this title shall apply to foreclosure of a judgment
14 lien.

15 Sec. 14. 12 V.S.A. § 2904 is amended to read:

16 § 2904. RECORDING

17 A judgment creditor may record a judgment lien at any time within eight
18 years from the date the judgment becomes final in the town clerk's office of
19 any town where real property of the debtor is located. Recording shall consist
20 of filing submitting a copy of the judgment with date when it became final,
21 certified by the clerk of the court issuing the judgment. The certification shall

1 be recorded by the town clerk in the land records and indexed in the general
2 index.

3 Sec. 15. 12 V.S.A. § 3292 is amended to read:

4 § 3292. RECORDING BY TOWN OR SUPERIOR CLERK

5 When a copy of a writ of attachment, on which real estate is attached, is
6 lodged in submitted to the office of a town or Superior clerk, such clerk shall
7 enter in a book to be kept for that purpose record in the land records and index
8 in the general index the names of the parties, the date of the writ, the time
9 when and the court to which the same is returnable, the nature of the action, the
10 sum demanded, and the officer's return thereon.

11 Sec. 16. 12 V.S.A. § 3293 is amended to read:

12 § 3293. DISCHARGE OF ATTACHMENT LIEN

13 (a) When an attachment or sequestration of real estate is made in an action
14 at law, such real estate shall be discharged from such attachment lien and the
15 party in whose favor the attachment or sequestration is made, his or her or the
16 party's legal representative or attorney of record in the action shall discharge
17 such attachment upon the record of attachment by recording a certificate of
18 discharge in the land records in a form similar to a mortgage discharge separate
19 from mortgage in the town clerk's office, under any one of the following
20 conditions:

21 * * *

8 "Discharged by the town (city) clerk per court's certificate on file."

9 * * *

10 Sec. 17. 12 V.S.A. § 4932 is amended to read:

11 § 4932. VENUE; JOINDER OF PARTIES; RECORDING

12 * * *

21 Without further notice or service, those persons shall be bound by the

1 judgment entered in the cause and be foreclosed from all rights or equity in the
2 premises as completely as though they had been parties in the original action.

3 * * *

4 Sec. 18. 12 V.S.A. § 4934 is amended to read:

5 § 4934. SUPPLEMENTAL JUDGMENT JOINING PARTIES; RECORDING

6 At any time, without further notice or service on the purchaser or mortgagor
7 or lienholder whose interest in the property being foreclosed first arose after
8 the filng recording of the complaint in the land records in the town clerk's
9 office, and upon filing certified copies of the deed, mortgage, or attachment
10 with the clerk of the court by the plaintiff in the foreclosure action, any
11 Superior judge may sign a supplemental judgment specifically naming that
12 party. Reference to the deed, mortgage, or lien and the supplemental judgment
13 may be filed recorded in the town clerk's office for reecrd recording in the
14 land records, and it shall have the same force and effect as though that person
15 had been made a party defendant in the original action.

16 Sec. 19. 15 V.S.A. § 291 is amended to read:

17 § 291. WHEN A MARRIED PERSON DESERTS OR FAILS TO SUPPORT

18 HIS OR HER A SPOUSE

19 * * *

20 (f) When filed and recorded in the land records in the office of the clerk of
21 a town, or served upon a private corporation, such order shall be a lien upon

1 such of the real estate and personal property of the defendant in such town, and
2 upon the stock of the defendant in such corporation as is mentioned in the
3 order.

4 * * *

5 Sec. 20. 19 V.S.A. § 757 is amended to read:

6 § 757. FILING RECORDING AND INDEXING OF SURVEY AND
7 APPRAISAL

8 The commissioners shall also file record and index a copy of the survey and
9 the appraisal of damages in the land records and general index in the town
10 clerk's office at the time of filing their report in the Superior Court.

11 Sec. 21. 21 V.S.A. § 1336 is amended to read:

12 § 1336. LIEN; FEE; FORECLOSURE

13 (a)(1) All contributions, interest, penalties, and costs thereon due and
14 payable by an employer under the provisions of this chapter shall be a lien
15 upon the real estate of the employer from the date a lien for the contributions,
16 interest, penalties, and costs is entered recorded in the land records of the town
17 in which is located the real estate of the employer is located.

18 * * *

19 Sec. 22. 24 V.S.A. § 1061 is amended to read:

20 § 1061. CONVEYANCE OF REAL ESTATE

21 * * *

8 * *

9 Sec. 23. 24 V.S.A. chapter 35 is amended to read:

CHAPTER 35. TOWN CLERKS

11 * * *

§ 1154. RECORDS; COPIES

15 * * *

16 (9) other instruments delivered to the town clerk for recording in the
17 land records.

18 (b) A temporary permit (if defined by the bylaws of the municipality) is not
19 required to be recorded in the land records.

4 * * *

7 * * *

§ 1154a. RECORDS; RETURN POSTAGE

9 Whenever an instrument listed in section 1154 of this chapter is filed or left
10 ~~for record with submitted to~~ the town clerk ~~for recording in the land records,~~
11 the town shall bear the costs of returning the original copy of the instrument to
12 the person who filed or left submitted the instrument for ~~record~~ recording.

13 **§ 1155. RECORD OF TRUST MORTGAGE**

1 the trust mortgage under the provisions of this section and index the same as
2 provided in section 1154 of this title.

3 § 1156. CHATTEL MORTGAGES; CONDITIONAL SALES; DISCHARGE
4 OF LIEN

5 Within 15 days after a chattel mortgage, a sufficient memorandum of a
6 conditional vendor's lien, or a memorandum of a discharge of ~~such the~~
7 mortgage or lien has been ~~delivered~~ submitted to a town clerk for recording in
8 the land records, accompanied by the recording fee provided in 32 V.S.A.
9 § 1671, ~~such the~~ clerk shall record ~~such the~~ mortgage, lien, or discharge and
10 return the original to the person entitled thereto to the original copy.

11 § 1157. DUTIES OF TOWN CLERK AS TO CHATTEL MORTGAGES

12 A town clerk shall procure and keep a book of records for mortgages of
13 personal property and shall keep an alphabetical index of mortgagors and
14 mortgagees. The record and index shall be open to public inspection. The
15 clerk shall record in the book any mortgage, transfer, discharge, or officer's
16 return of sale upon any mortgage. Reference to the volume and page of the
17 record of the mortgage shall be made by the clerk upon the margin of the
18 record of the return, as well as reference on the margin of the record of the
19 mortgage to the volume and page of the record of the return. When requested,
20 the clerk shall give a certified copy thereof of the records on payment of his or
21 her fees as provided in 32 V.S.A. § 1671 and shall certify the time when the

1 same is received and recorded. Mortgages or deeds of trust conveying both
2 real and personal property shall be recorded only as real estate mortgages, but
3 town clerks shall include in their indices of mortgages of personal property a
4 reference to the record ~~thereof~~ of the mortgage of personal property. A copy of
5 the personal mortgage, certified as a true and correct copy by the recording
6 clerk, may be pasted or otherwise permanently attached in the record books,
7 provided that space on the back of the sheet to be pasted is allowed for pasting,
8 and when so done the same shall be deemed to be legally recorded, or if a
9 person leaving the mortgage for record so desires, it shall be copied into the
10 records at length by the town clerk.

11 § 1158. ASSIGNMENT OR DISCHARGE OF MORTGAGE OR
12 JUDGMENT LIEN

13 An assignment or discharge of a mortgage or judgment lien shall be duly
14 recorded in the land records of the town. A mortgage or judgment lien may be
15 discharged by the mortgagee, judgment creditor, or assignee of ~~such the~~
16 mortgage or judgment lien in writing on the margin of the mortgage record or
17 judgment lien notice. A satisfaction or assignment of the mortgage or
18 judgment lien recorded elsewhere shall bear a marginal notation of the book
19 and page of the mortgage or judgment lien record and a corresponding cross-
20 reference shall be made on the margin of the mortgage or judgment lien notice
21 record.

1 § 1159. INDORSEMENT OF TIME OF RECEIVING INSTRUMENTS

2 * * *

9 * * *

10 § 1161. GENERAL INDEX

11 (a)(1) A town clerk shall keep a general index of transactions affecting the
12 title to real estate ~~wherein he or she~~ within which the clerk shall enter index in
13 one column, in alphabetical order, the name of the grantor to the grantee and,
14 in a parallel column, the name of the grantee from the grantor, of every deed,
15 conveyance, mortgage, lease, or other instrument affecting the title to real
16 estate, and each writ of attachment, notice of lien, or other instrument
17 evidencing or giving notice of an encumbrance on real estate which is filed or
18 recorded in the town clerk's office, with the name of the book, volume, or
19 other manner of recording and the page of record in the following form:

20 * * *

1 (b) For the purposes of this section, “transactions affecting title to real
2 estate” ~~shall include~~ includes the instruments described in subsections 1154(a)
3 and (b) of this title. Each owner of record title to the property at the time ~~such~~
4 an instrument is issued shall be listed as the grantor. The State of Vermont
5 shall be listed as the grantee for instruments described in subdivisions
6 1154(a)(4), (5), and (8) of this title. The municipality issuing the instrument
7 shall be listed as the grantee for instruments described in subdivision
8 1154(a)(6) of this title.

* * *

10 Sec. 24. 24 V.S.A. § 1461 is amended to read:

11 § 1461. LOCATION OR ALTERATION OF MUNICIPAL LINES;

12 MONUMENTS

1 the Secretary of State, the clerk of each of the municipalities, and the Vermont
2 Enhanced 911 Board.

3 (b) When the legislative bodies of adjoining municipalities are unable to
4 agree as to the location of a municipal line, or in the absence of a clearly
5 definable charter line, the legislative bodies shall sign a written agreement to
6 submit to arbitration pursuant to 12 V.S.A. chapter 192.

7 * * *

8 (2) If an award of arbitration would result in an alteration of a municipal
9 line, the award shall require that a survey be conducted of the municipal line
10 and apportion the cost of the survey between or among the respective
11 municipalities as deemed appropriate. Following the survey, one or more of
12 the legislative bodies shall petition the General Assembly to adopt the
13 alteration of the municipal line pursuant to the survey. Following enactment of
14 legislation which alters a municipal line, the legislative bodies shall:

15 (A) file the survey and a list of property owners, the legal location of
16 whose property is changed by the award, with the Secretary of State, ~~the clerk~~
17 ~~of each of the municipalities~~, and the Vermont Enhanced 911 Board; and

18 (B) submit the survey and a list of property owners in each affected
19 municipality, the legal location of whose property is changed by the award, to
20 the town clerk for recording in the land records.

1 (3) Each legislative body of the adjoining municipalities shall post a
2 notice of the petition to the General Assembly that specifies the nature and
3 extent of the proposed legislation in at least two public places and in the town
4 clerk's office at least three weeks prior to filing the petition.

5 (c) When the legislative bodies of adjoining municipalities are able to agree
6 as to the location of a municipal line and one or more of the legislative bodies
7 believes that alteration of the existing line or the establishment of a new line is
8 necessary, the legislative bodies shall conduct a survey of the new municipal
9 line.

10 (1) Following the completion of the survey, one or more of these
11 legislative bodies shall petition the General Assembly to establish the location
12 of the municipal line. Following the enactment of legislation ~~which that~~
13 ratifies the alteration of the municipal line, the legislative bodies shall:

14 (A) file the survey and a list of property owners, the legal location of
15 whose property is changed by the legislation, with the Secretary of State, ~~the~~
16 clerk of each of the municipalities, and the Vermont Enhanced 911 Board; and

17 (B) submit the survey and a list of property owners in each affected
18 municipality, the legal location of whose property is changed by the award, to
19 the town clerk for recording in the land records.

20 (2) Each legislative body of the adjoining municipalities shall post a
21 notice of the petition to the General Assembly that specifies the nature and

1 extent of the proposed legislation in at least two public places and in the town
2 clerk's office at least three weeks prior to filing the petition.

3 * * *

4 (g) Upon receipt of a list of property owners filed pursuant to subsection
5 (a), (b), or (c) of this section, a municipal clerk shall file record the list in the
6 land records of the municipality and shall place index in the grantee index of
7 those records the names of property owners whose land or portion thereof of
8 land has been added to the municipality and in the grantor index of those
9 records the names of property owners whose land or portion thereof of land has
10 been subtracted from the municipality.

11 Sec. 25. 24 V.S.A. § 1981 is amended to read:

12 § 1981. ENFORCEMENT OF ORDER FROM JUDICIAL BUREAU

13 * * *

14 (b) In addition to any other civil remedies available by law, a final
15 judgment of the Judicial Bureau that has not been satisfied within 30 days
16 shall, upon due recordation recording in the land records of the town in which
17 any real or personal property of the defendant is located, constitute a lien upon
18 that real or personal property, except for motor vehicles as defined by 23
19 V.S.A. § 4(21), and may be enforced within the time and in the manner
20 provided for the collection of taxes pursuant to 32 V.S.A. chapter 133,
21 subchapter 8.

1

* * *

2 Sec. 26. 24 V.S.A. § 3262 is amended to read:

3 § 3262. WRITTEN AGREEMENTS; CONSENT OF PROPERTY OWNERS;
4 ENERGY SAVINGS ANALYSIS

5

* * *

6 (d) A written agreement or notice of ~~such the~~ agreement and ~~the~~ analysis
7 performed pursuant to ~~subsection (b) of~~ this section shall be ~~filed with~~
8 submitted to the clerk of the applicable municipality for recording in the land
9 records of that municipality and shall be disclosed to potential buyers prior to
10 transfer of property ownership. Personal financial information provided to a
11 municipality by a participating property owner or potential participating
12 property owner shall not be subject to disclosure as set forth in 1 V.S.A.
13 § 317(c)(7). If a notice of agreement is filed instead of the full written
14 agreement, the notice shall attach the analysis performed pursuant to
15 subsection (b) of this section and shall include at least each of the following:

16

* * *

17 Sec. 27. 24 V.S.A. § 3268 is amended to read:
18 § 3268. RELEASE OF LIEN

19

* * *

4 Sec. 28. 24 V.S.A. § 4423 is amended to read:

5 § 4423. TRANSFER OF DEVELOPMENT RIGHTS

6 * * *

7 (c) The municipality shall maintain a map of areas from which
8 development rights have been severed. Following issuance of a zoning permit
9 under this section, the municipality shall effect all the following:

10 (1) Ensure that the instruments transferring the conservation easements
11 and the development rights are recorded in the land records.

12 * * *

13 (d) Failure to record an instrument in the land records or mark a map does
14 not invalidate a transfer of development rights. Development rights transferred
15 under this section shall be valid notwithstanding any subsequent failure to file
16 a notice of claim under the Marketable Record Title Act.

17 Sec. 29. 24 V.S.A. § 4449 is amended to read:

18 **§ 4449. ZONING PERMIT, CERTIFICATE OF OCCUPANCY, AND**

19 MUNICIPAL LAND USE PERMIT

20 * * *

1 (c)(1) Within 30 days after a municipal land use permit has been issued or
2 within 30 days of the issuance of any notice of violation, the appropriate
3 municipal official shall:

4 (A) deliver the original or a legible copy of the municipal land use
5 permit or notice of violation or a notice of municipal land use permit generally
6 in the form set forth in subsection 1154(c) of this title to the town clerk for
7 recording in the land records as provided in subsection 1154(a) of this title; and

11 The vendor of real estate shall not have a lien thereon for unpaid purchase
12 money, except such lien as is created and evidenced by deed executed,
13 acknowledged, and recorded in the land records as deeds of conveyance of real
14 estate.

15 Sec. 31. 27 V.S.A. § 308 is amended to read:

16 § 308. MINES AND QUARRIES

17 The grantee of a mine, quarry, or of the right of mining and quarrying, in
18 severance from the ownership of the soil, within 30 days after its execution,
19 shall cause ~~his or her~~ the grantee's deed, lease, or other instrument to be
20 recorded in ~~a book kept for that purpose in the office where by law~~ the land
21 records in the same manner as a deed of the real estate is required to be

1 recorded. A grantee failing to comply with the foregoing provision shall
2 forfeit to the town, or in case such a mine, quarry, or right of mining or
3 quarrying is situated in an unorganized town or gore, to the county, \$50.00, to
4 be recovered in an action on this statute.

5 Sec. 32. 27 V.S.A. § 341 is amended to read:

6 § 341. REQUIREMENTS GENERALLY; RECORDING

7 (a) Deeds and other conveyances of lands, or of an estate or interest in land,
8 shall be signed by the party granting the same and acknowledged by the
9 grantor before a notary public and recorded ~~at length~~ in the land records in the
10 clerk's office of the town in which the lands lie. The acknowledgment before a
11 notary public shall be valid without an official stamp being affixed to the
12 notary's signature.

13 (b)(1) A deed or other conveyance of land that includes a reference to a
14 survey prepared or revised after July 1, 1988, may be recorded in the land
15 records only if it is accompanied by the survey to which it refers, or cites the
16 volume and page in the land records showing where the survey has previously
17 been recorded.

18 * * *

19 Sec. 33. 27 V.S.A. § 342 is amended to read:

20 § 342. ACKNOWLEDGMENT AND RECORDING REQUIRED

1 A deed of bargain and sale, a mortgage or other conveyance of land in fee
2 simple or for term of life, or a lease for more than one year from the making
3 thereof shall not be effectual to hold such lands against any person but the
4 grantor and ~~his or her~~ the grantor's heirs, unless the deed or other conveyance
5 is ~~acknowledged and recorded in the land records~~.

6 Sec. 34. 27 V.S.A. § 350 is amended to read:

7 § 350. CHANGE IN NAME OR STATUS OF OWNER OF REAL ESTATE
8 Any person or corporation owning real estate or having an interest in real
9 estate whose name has been changed, and any corporation that has been
10 merged into or consolidated with another, may ~~file with~~ submit to the town
11 clerk of the town in which the real estate is located a certificate giving the
12 names before and after the change, merger, or consolidation, and the town
13 clerk shall record in the land records and index in the general index the
14 certificate ~~in the land records~~.

15 Sec. 35. 27 V.S.A. § 405 is amended to read:

16 § 405. VENDOR TO RECORD TITLE ON REQUEST

17 When a person sells and conveys lands, or an estate or interest in land, the
18 person shall cause the person's title deed to be recorded in the land records of
19 the town clerk's office of the town in which the property is situated within six
20 months after request made in writing by a subsequent purchaser of the same
21 lands or an estate or interest in the lands.

1 Sec. 36. 27 V.S.A. § 408 is amended to read:

2 § 408. RECORDING SUBORDINATION OF LIENS

3 An agreement for the subordination of a prior lien or other encumbrance on
4 real property shall be recorded in the land records of the town in which the
5 property is situated, ~~and a reference to the record of the subordination~~
6 ~~agreement shall be noted on the margin of the record of the instrument affected~~
7 ~~by the agreement.~~ If not so recorded, the agreement shall bind only the parties
8 to the agreement.

9 Sec. 37. 27 V.S.A. § 410 is amended to read:

10 § 410. LIEN PRIORITIES

11 * * *

12 (b) Lien priorities; future advances.

13 * * *

14 (4) A future advance made to protect collateral takes priority as of the
15 date a mortgage is recorded in the land records, even though the mortgagee has
16 received written notice of an intervening interest at the time the future advance
17 is made.

18 * * *

19 Sec. 38. 27 V.S.A. § 461 is amended to read:

20 § 461. BY ENTRY ON RECORD

1 Mortgages may be discharged by ~~an entry on the margin of the record~~
2 ~~thereof in the record of deeds recording in the land records of the town in~~
3 ~~which the property is situated~~, acknowledging satisfaction of the mortgage,
4 signed by the mortgagee or by ~~his or her~~ ~~the mortgagee's~~ executor,
5 administrator, assignee, attorney at law, or attorney acting under a duly
6 executed and recorded power of attorney, such signature to be witnessed by the
7 town clerk or assistant town clerk having custody of such record. Such entry
8 shall have the same effect as a deed of release acknowledged and recorded.

9 Sec. 39. 27 V.S.A. § 462 is amended to read:

10 § 462. BY ACKNOWLEDGMENT OF PAYMENT

11 Mortgages may also be discharged by the mortgagee or by ~~his or her~~ ~~the~~
12 ~~mortgagee's~~ executor, administrator, assignee, attorney at law, or attorney
13 acting under a duly executed and recorded power of attorney, acknowledging
14 payment thereof by an entry on the mortgage deed, signing the same in the
15 presence of one or more witnesses, which entry, upon being recorded ~~on the~~
16 ~~margin of the record of such mortgage in the record of deeds in the land~~
17 ~~records of the town in which the property in situated~~, shall discharge such
18 mortgage and bar all actions brought thereon.

19 Sec. 40. 27 V.S.A. § 463 is amended to read:

20 § 463. BY SEPARATE INSTRUMENT

11 Sec. 41. 27A V.S.A. § 2-104 is amended to read:

12 § 2-104. DESCRIPTION OF UNITS

13 A description of a unit that sets forth the name of the common interest
14 community, the volume and page in which the declaration is recorded in the
15 land records, the town in which the common interest community is located,
16 and the identifying number of the unit is a legally sufficient description of that
17 unit and all rights, obligations, and interests appurtenant to that unit that were
18 created by the declaration or bylaws.

19 Sec. 42. 29 V.S.A. § 563 is amended to read:

20 § 563. ABANDONMENT OF OIL AND GAS INTERESTS;

21 PRESERVATION

1

* * *

2 (f) The owner of an interest in oil or gas may file record a statement of
3 interest in the land records of any municipality in which the land affected is
4 located. The statement shall include a description of the land affected, the
5 nature of the interest claimed, the book and page of recording of the original
6 grant of the interest, and the name and address of the person claiming the
7 interest.

1 has been abandoned under the criteria set forth in subsection (b) of this section,
2 and that notice of abandonment has been given under the criteria set forth in
3 subsection (g) of this section. After the notice and affidavit have been filed,
4 unless a court finds to the contrary, the oil and gas interest shall be presumed
5 abandoned, and the interest of the surface owner shall be presumed for all
6 purposes free of encumbrance from that interest.

7 Sec. 43. 30 V.S.A. § 51 is amended to read:

8 **§ 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH
9 CODE**

10 * * *

11 (f) Certification.

12 (1) Issuance; recording. A certification may be issued by a builder, a
13 licensed professional engineer, a licensed architect, or an accredited home
14 energy rating organization. If certification is not issued by a licensed
15 professional engineer, a licensed architect, or an accredited home energy rating
16 organization, it shall be issued by the builder. Any certification shall certify
17 that residential construction meets the RBES. The Department of Public
18 Service will develop and make available to the public a certificate that lists key
19 features of the RBES. Any person certifying shall use this certificate or one
20 substantially like it to certify compliance with the RBES. Certification shall be
21 issued by completing and signing a certificate and permanently affixing it to

1 the outside of the heating or cooling equipment, to the electrical service panel
2 located inside the building, or in a visible location in the vicinity of one of
3 these three areas. The certificate shall certify that the residential building has
4 been constructed in compliance with the requirements of the RBES. The
5 person certifying under this subsection shall provide a copy of each certificate
6 to the Department of Public Service and shall ensure that a certificate is
7 recorded in the town land records and indexed ~~in the town land records in the~~
8 general index. A builder may contract with a licensed professional engineer, a
9 licensed architect, or an accredited home energy rating organization to issue
10 certification and to indemnify the builder from any liability to the owner of the
11 residential construction caused by noncompliance with the RBES.

12 * * *

13 (g) Action for damages.

14 * * *

15 (2) A person's failure to affix the certification as required by this section
16 shall not be an affirmative defense in ~~such~~ an action against the person.

17 * * *

18 Sec. 44. 30 V.S.A. § 53 is amended to read:

19 § 53. COMMERCIAL BUILDING ENERGY STANDARDS

20 * * *

(c) Revision and interpretation of energy standards. On or before January 1, 2011, the Commissioner shall complete rulemaking to amend the commercial building energy standards to ensure that commercial building construction must be designed and constructed in a manner that complies with ANSI/ASHRAE/IESNA standard 90.1-2007 or the 2009 edition of the IECC, whichever provides the greatest level of energy savings. The Commissioner of Public Service shall amend and update the CBES by means of administrative rules adopted in accordance with 3 V.S.A. chapter 25. The Commissioner may direct the timely and appropriate revision of the CBES after the issuance of updated standards for commercial construction under the IECC or ASHRAE/ANSI/IESNA standard 90.1, whichever provides the greatest level of energy savings. Prior to final adoption of each required revision of the CBES, the Department of Public Service shall convene an Advisory Committee to include one or more mortgage lenders; builders; building designers; architects; civil, mechanical, and electrical engineers; utility representatives; and other persons with experience and expertise, such as consumer advocates and energy conservation experts. The Advisory Committee may provide the Commissioner of Public Service with additional recommendations for revision of the CBES.

20 * * *

1 (5) The Commissioner of Public Service may grant written variances or
2 exemptions from the CBES or rules adopted under this section where strict
3 compliance would entail practical difficulty or unnecessary hardship, or is
4 otherwise found unwarranted, provided that:

5 (A) Any such The variance or exemption shall be consistent with
6 State energy policy, as specified in section 202a of this title.

11 (C) A The petitioner shall submit a copy of any such the variance or
12 exemption ~~shall be recorded by the petitioner to the municipal clerk for~~
13 recording in the land records of the city or town in which the building is
14 located.

15 * * *

16 (d) Certification requirement.

17 * * *

18 (4) Provision of a certificate as required by subdivision (1) of this
19 subsection and of a certificate as required by subdivision (2) of this subsection
20 shall be conditions precedent to:

21 * * *

(B) issuance by a municipality of a certificate of occupancy for commercial construction commencing on or after July 1, 2013, if the municipality requires such a certificate under 24 V.S.A. chapter 117.

5 S = 45° 32' V.S.A. 8.16711 1.14 1.1

6 § 1671. TOWN CLERK

13 * * *

14 (2) For filing or recording a copy of a complaint to foreclose a mortgage
15 as provided in 12 V.S.A. § 4932(b), \$15.00 per page.

16 * * *

17 (8) For survey plats filed recorded in accordance with 27 V.S.A. chapter
18 17, a fee of \$25.00 per ~~11 inch by 17 inch~~ 11-inch-by-17-inch sheet, \$25.00
19 per ~~18 inch by 24 inch~~ 18-inch-by-24-inch sheet, and \$25.00 per ~~24 inch by 36~~
20 ~~inch~~ 24-inch-by-36-inch sheet shall be charged.

21 * * *

1 Sec. 46. 32 V.S.A. § 5255 is amended to read:

2 § 5255. REPORT OF SALE; FORM

3 Within 30 days after such sale of the land, the collector shall make a
4 complete return of ~~his or her~~ the collector's doings and ~~file~~ submit the same for
5 ~~record~~ recording in the land records in the town clerk's office of the town
6 wherein such land lies, which return shall be *prima facie* evidence of the facts
7 therein stated and shall be substantially in the following form:

8 By virtue of a warrant (or warrants as the case may be) lawfully committed to
9 me for the year(s) 20_____ by the treasurer of the town of
10 _____ (or by the selectboard of the town of
11 _____ if the town has voted to collect its taxes by its collector
12 and the tax bill annexed thereto) and the delinquent tax bill annexed thereto, I
13 gave notice as required by law to the taxpayers of the town of
14 _____ of the place where and the time when I would receive such
15 taxes, and said taxpayers having failed and neglected to pay their said taxes
16 upon such demand, on the _____ day of _____ 20____, I did extend and
17 levy my said warrant(s) in the manner provided by law upon the following
18 described land(s) of the following named delinquent taxpayer situated within
19 the town, for the following described taxes due thereon, to wit:

20 Name of Delinquent Taxpayer Description of Land Amount of Tax

21 And on the _____ day of _____, 20____, I did cause notice of the time and

1 place of sale of the above described land(s) to be published three weeks
2 successively in _____ a _____ newspaper circulating in the
3 town of _____ and vicinity, for the issues of _____, which said notice of
4 sale therein provided that the same would be holden at _____,
5 a public place in the town of _____ at ____ o'clock in the _____
6 noon, unless said land(s) was previously redeemed by the payment of said tax,
7 and on the ____ day of _____, 20____, I gave the delinquent taxpayer ____
8 notice by registered mail of the time and place of such sale, and on the same
9 date posted at ____, a public place in said town, notice of the time and place of
10 such sale (also here insert facts as to the mortgagee, if any).
11 And he or she (or they) having failed and neglected to pay said taxes and costs,
12 at _____ (place of sale) on the ____ day of _____, 20____ at
13 ____ o'clock in the _____ noon, the time and place set by me for said sale,
14 pursuant to the notice thereof, I did sell so much of said land(s) as was
15 necessary to satisfy the tax and costs thereon to
16 _____ of _____, for cash in
17 the sum of _____, he or she being the highest bidder therefor, the land
18 and premises thus sold being particularly described as follows (here describe
19 the lands).
20 From the proceeds of said sale, I did satisfy myself for my own fees and the
21 legal costs of said sale amounting in the whole to the sum of _____,

1 and on the ____ day of _____, 20____, turned over to
2 _____ the treasurer of said town of
3 _____, the sum of _____ in (part) satisfaction of
4 the taxes due said town on said premises thus sold.
5 And now at _____ in said County, this ____ day of _____,
6 20____, I make return of my doings hereunder by filing the same as herein set
7 forth with the town clerk of the town of _____
8 for record as provided by law.

9 Attest,

10
11 _____
12 Collector of Town Taxes.

13 Sec. 47. 32 V.S.A. § 5262 is amended to read:

14 § 5262. RECORDING LANDS NOT REDEEMED

15 Within 30 days from the expiration of the time for redemption, the collector
16 shall ~~deposit~~ submit with the town clerk for ~~record~~ recording in the land
17 records a list of the lands that have not been redeemed, but a failure to comply
18 with this provision shall not affect the title of the purchaser.

19 Sec. 48. EFFECTIVE DATE

20 This act shall take effect on passage.