

CHAPTER 405

RECORDS

§2401. Recording requirements for proceedings involving real estate

1. Destruction prohibited.

[PL 1991, c. 125 (NEW); MRS T. 14 §2401, sub-§1 (RP).]

2. Identification on docket. On and after January 1, 1992, judicial proceedings in any Maine court, including appeals from judicial proceedings, that affect title to real estate must be identified on the docket. Judicial proceedings subject to this section include but are not limited to proceedings involving:

- A. Partition actions; [PL 1991, c. 125 (NEW).]
- B. Boundary and access disputes; [PL 1991, c. 125 (NEW).]
- C. Insolvency; [PL 1991, c. 125 (NEW).]
- D. Mortgage foreclosure; [PL 1991, c. 125 (NEW).]
- E. Declaratory judgment actions; [PL 1991, c. 125 (NEW).]
- F. Attachment, mechanics liens and other statutory liens; [PL 1993, c. 114, §1 (AMD); PL 1993, c. 114, §4 (AFF).]
- G. Dissolution; and [PL 1991, c. 125 (NEW).]
- H. Actions to quiet title. [PL 1991, c. 125 (NEW).]

This section does not apply to the descent of real estate in divorce governed by Title 19-A, section 953, small claims actions in District Court or proceedings over which the Probate Court has exclusive jurisdiction.

[PL 1995, c. 694, Pt. D, §16 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF).]

3. Judgment required; recording and contents. The judgment in the proceeding must be signed by the judge and contain the following provisions:

- A. The names and addresses, if known, of all parties to the action, including the counsel of record; [PL 1991, c. 824, Pt. D, §1 (AMD); PL 1991, c. 824, Pt. D, §2 (AFF).]
- B. The docket number; [PL 1991, c. 726, §1 (NEW).]
- C. A finding that all parties have received notice of the proceedings in accordance with the applicable provisions of the Maine Rules of Civil Procedure and, if the notice was served or given pursuant to an order of a court, including service by publication, that the notice was served or given pursuant to the order; [PL 1991, c. 824, Pt. D, §1 (AMD); PL 1991, c. 824, Pt. D, §2 (AFF).]
- D. An adequate description of real estate involved; [PL 2009, c. 402, §9 (AMD).]
- E. [PL 1991, c. 824, Pt. D, §1 (RP); PL 1991, c. 824, Pt. D, §2 (AFF).]
- F. A certification to be signed by the clerk after the appeal period has expired, certifying that the applicable period has expired without action or the final judgment has been entered after remand following appeal; and [PL 2009, c. 402, §9 (AMD).]
- G. With regard to mortgage foreclosure actions, the title "judgment of foreclosure and sale," the street address of the real estate involved, if any, and the book and page number of the mortgage, if any. [PL 2009, c. 476, Pt. B, §1 (AMD); PL 2009, c. 476, Pt. B, §9 (AFF).]

Unless a proposed judgment with the provisions required in this subsection is presented to the court at the time of the court's decision, the court shall name the party responsible for preparing a judgment with the required provisions. An attested copy of the judgment with the signed clerk's certification must be recorded in the registry of deeds for the county or counties where the subject property is located within one year of the entry of the final judgment unless otherwise ordered by the court. For the purposes of this section, a judgment is not final until all applicable appeal periods have expired and any appellate proceedings and subsequent actions on remand, if any, have been concluded. The court shall name the party responsible for recording the attested copy of the judgment and for paying the appropriate recording fees. The judgment has no effect as to any person not a party to the proceeding who has no actual knowledge of the judgment unless an attested copy of the judgment is recorded in accordance with this section. A judgment of foreclosure and sale for recording may not be recorded in the registry of deeds unless it is in compliance with the requirements of this section. Failure to comply with this section does not affect the validity of the underlying judgment.

[PL 2009, c. 476, Pt. B, §1 (AMD); PL 2009, c. 476, Pt. B, §9 (AFF).]

4. Abstract; recording and contents.

[PL 1991, c. 726, §2 (RP).]

5. Original abstract filing.

[PL 1991, c. 726, §2 (RP).]

6. Nonjudicial proceedings. This section does not apply to mechanics liens, attachments or other statutory lien proceedings affecting title to real estate until the liens are enforced pursuant to judicial proceedings.

[PL 1993, c. 114, §3 (NEW); PL 1993, c. 114, §4 (AFF).]

7. Transition. Abstracts of judgments and attested copies of judgments dated before November 1, 1993 that are signed by the clerk but not by the judge and that otherwise comply with subsection 3, paragraphs A to F are deemed to comply with the recording requirements of this section.

[PL 1993, c. 114, §3 (NEW); PL 1993, c. 114, §4 (AFF).]

SECTION HISTORY

PL 1991, c. 125 (NEW). PL 1991, c. 726, §§1,2 (AMD). PL 1991, c. 824, §D1 (AMD). PL 1991, c. 824, §D2 (AFF). PL 1993, c. 114, §§1-3 (AMD). PL 1993, c. 114, §4 (AFF). PL 1995, c. 694, §D16 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2009, c. 402, §9 (AMD). PL 2009, c. 476, Pt. B, §1 (AMD). PL 2009, c. 476, Pt. B, §9 (AFF).

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