SENATE BILL NO. 304

INTRODUCED BY STIMATZ

IN THE SENATE

	IN THE SENATE
FEBRUARY 7, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 18, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 19, 1991	PRINTING REPORT.
FEBRUARY 20, 1991	SECOND READING, DO PASS.
FEBRUARY 21, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 14, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 16, 1991	SECOND READING, CONCURRED IN.
MARCH 18, 1991	THIRD READING, CONCURRED IN. AYES, 97; NOES, 1.
	RETURNED TO SENATE.
	IN THE SENATE
MARCH 19, 1991	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Sarate BILL NO. 304

2 INTRODUCED BY Koulds.

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE
5 VALIDATION OF CONVEYANCES RECORDED AFTER DEFECTIVE
6 EXECUTION; AND AMENDING SECTION 70-21-309, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-21-309, MCA, is amended to read:

"70-21-309. Validation of conveyances recorded after defective execution -- notice imparted. (1) Any instrument affecting real property, provided no action is pending as of October 1, 1983 1991, to set such instrument aside, which was, previous to January 1, 1983 1991, recorded in the office of the county clerk and recorder shall be deemed to impart after that date notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any technical defect, omission, or informality in the execution of the instrument or in the certificate of acknowledgment thereof or the absence of any such certificate; but nothing herein shall be deemed to affect the rights of purchasers or encumbrancers previous to January 1, 1983 1991.

(2) Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded."

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LC 1802/01

APPROVED BY COMMITTEE ON JUDICIARY

Serate BILL NO. 304 1 2

INTRODUCED BY

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A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE VALIDATION OF CONVEYANCES RECORDED AFTER EXECUTION; AND AMENDING SECTION 70-21-309, MCA."

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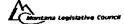
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(2) Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded."

-End-



SECOND READING

1 2 Server BILL NO. 304

INTRODUCED BY

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FOR AN ACT ENTITLED: "AN ACT VALIDATION OF CONVEYANCES RECORDED AFTER DEFECTIVE EXECUTION; AND AMENDING SECTION 70-21-309, MCA.*

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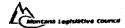
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(2) Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded."

-End-



THIRD READING

1	SENATE BILL NO. 304
2	INTRODUCED BY STIMATZ
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4	A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE
5	VALIDATION OF CONVEYANCES RECORDED AFTER DEFECTIVE
6	EXECUTION; AND AMENDING SECTION 70-21-309, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	Section 1. Section 70-21-309, MCA, is amended to read:
10	*70-21-309. Validation of conveyances recorded after
11	defective execution notice imparted. (1) Any instrument
12	affecting real property, provided no action is pending as of
13	October 1, 1983 1991, to set such instrument aside, which
14	was, previous to January 1, 1983 1991, recorded in the
15	office of the county clerk and recorder shall be deemed to
16	impart after that date notice of its contents to subsequent
17	purchasers and encumbrancers, notwithstanding any technical
18	defect, omission, or informality in the execution of the
19	instrument or in the certificate of acknowledgment thereof
20	or the absence of any such certificate; but nothing herein
21	shall be deemed to affect the rights of purchasers or
22	encumbrancers previous to January 1, 1983 1991.
23	(2) Duly certified copies of the record of any such
24	instrument may be read in evidence with like effect as
25	copies of an instrument duly acknowledged and recorded."