

SENATE BILL NO. 36

INTRODUCED BY GOODOVER

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Judiciary.
January 8, 1981	Committee recommend bill do pass and be placed on consent calendar. Report adopted. Statement of intent attached.
January 9, 1981	Bill printed and placed on members' desks.
January 10, 1981	Consent calendar discussion.
January 12, 1981	Consent calendar, do pass. Transmitted to House.

IN THE HOUSE

January 13, 1981	Introduced and referred to Committee on Judiciary.
March 4, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 5, 1981	Motion pass consideration.
March 6, 1981	Second reading, concurred in.
March 10, 1981	Third reading, concurred in. Ayes, 97; Noes, 0.

IN THE SENATE

March 11, 1981

Returned from House with amendments. Concurred in as amended.

March 13, 1981

Second reading, concurred in as amended.

March 14, 1981

Third reading, concurred in as amended. Ayes, 47; Nays, 0. Sent to enrolling.

Reported correctly enrolled.

**HOUSE MEMBERS**

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REX MANUEL
ROBERT L. MARKS
JOHN VINCENT

SENATE MEMBERS

PAT M. GOODOVER
VICE CHAIRMAN
CHET BLAYLOCK
CARROLL GRAHAM
FRANK HAZELBAKER

Montana Legislative Council

State Capitol
Helena, 59601

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ROBERT PERSON
DIRECTOR, RESEARCH

SHAROLE CONNELLY
DIRECTOR, ACCOUNTING DIVISION

ROBERT C. PYFER
DIRECTOR, LEGAL SERVICES

LC 421

1981 Legislature
Code Commissioner Bill - Summary

SENATE Bill No. 36

AN ACT TO PROVIDE A METHOD FOR DISTRICT COURT JUDGES AS EX OFFICIO PROBATE JUDGES TO ISSUE DEEDS FOR ENTRY TOWNSITE LOTS THAT WERE NOT ORIGINALLY ISSUED OR WERE LOST.

This bill replaces an earlier section that was repealed because federal law authorizing entry townsites was repealed in 1976. The procedures regarding the establishment of entry townsites was correctly repealed, but it has been discovered that there are still some lots on entry townsites with incomplete title. As originally enacted, an entry townsite was granted to a territorial probate judge or state district court judge as ex officio probate judge. The judge then registered the persons who were living on the townsite and after 6 months could issue deeds for the land to the possessors. Many townsites were started this way but did not develop into actual towns, and the inhabitants didn't bother to get their deeds. This act reenacts, with language changes, the original method for issuing deeds at this late date.

1 SENATE BILL NO. 36
 2 INTRODUCED BY GOODOVER
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4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A METHOD FOR
 6 DISTRICT COURT JUDGES AS EX OFFICIO PROBATE JUDGES TO ISSUE
 7 DEEDS FOR ENTRY TOWNSITE LOTS THAT WERE NOT ORIGINALLY
 8 ISSUED OR WERE LOST."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Entry townsite land defined. "Entry townsite
 12 land" means land upon which an entry was made on or before
 13 July 1, 1921, by a probate court of any county in the
 14 territory or state of Montana for a townsite and a patent
 15 for the townsite was issued by the United States to the
 16 probate court or judge under the provisions of an act of
 17 congress entitled "An Act for the Relief of the Inhabitants
 18 of Cities and Towns Upon Public Lands", approved March 2,
 19 1867, or other and subsequent acts of congress relating to
 20 entering lands for townsite purposes.

21 Section 2. Petition for deed -- qualified claimants. A
 22 person may petition for a deed to a lot on entry townsite
 23 land from the district court of the county in which the
 24 entry townsite land is located if:

25 (1) the claimant entered the lot and is in possession

1 of the lot; or

2 (2) the claimant is a successor in interest, by
 3 purchase or other lawful method of transferring an interest
 4 in land, of a person who originally entered the lot.

5 Section 3. Notice requirements. Upon petition by a
 6 claimant for a deed to a lot on entry townsite land, the
 7 claimant shall provide published notice of his claim, notice
 8 filed with the county clerk and recorder, and personal
 9 service as may be required for quiet title actions under
 10 Title 70, chapter 28, part 1.

11 Section 4. Judge to issue deed -- requirements. If no
 12 conflicting claims to the lot on the entry townsite have
 13 been filed, the district court judge, as ex officio probate
 14 judge of the county, shall issue the claimant a good and
 15 sufficient deed for the lot on the entry townsite land upon
 16 finding in a hearing that:

17 (1) the petitioner is a qualified claimant under
 18 [section 2]; and

19 (2) (a) no deed has been issued by a probate or
 20 district court judge of the county where the entry townsite
 21 land is located for any land in the townsite where the
 22 claimed lot is located other than for streets, alleys,
 23 parks, or school sites; or

24 (b) a deed for the claimed lot has been issued but not
 25 recorded and has been lost or cannot be found.

-End-

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INTRODUCED BILL

SB36

SECOND READING BILL
WAS NOT PRINTED.

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 22 claimed lot is located other than for streets, alleys,
 23 parks, or school sites; or

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CONSENT CALENDAR

THIRD READING

SB 36

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7 claimant shall provide published notice of his claim, notice
8 filed with the county clerk and recorder, and personal
9 service as may be required for quiet title actions under
10 Title 70, chapter 28, part 1.

11 Section 4. Judge to issue deed -- requirements. If
12 THERE ARE no VALID conflicting claims to the lot on the
13 entry townsite ~~have-been-filed~~, the district court judge, as
14 ex officio probate judge of the county, shall issue the
15 claimant a good and sufficient deed for the lot on the entry
16 townsite land upon finding in a hearing that:

17 (1) the petitioner is a qualified claimant under
18 [section 2]; and

19 (2) (a) no deed has been issued by a probate or
20 district court judge of the county where the entry townsite
21 land is located for ~~any--land--in--the--townsite--where~~ the
22 claimed lot is ~~located--other--than--for--streets--alleys--~~
23 ~~parks--or--school--sites~~; or

24 (b) a deed for the claimed lot has been issued but not
25 recorded and has been lost or cannot be found.

-End-

-2-

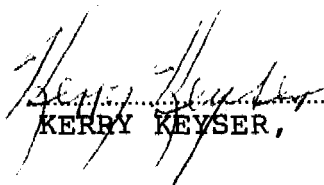
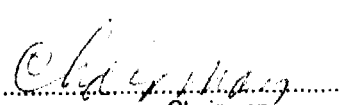
SB 36

Reference Bill

HOUSE AMENDMENTS TO

Respectfully report as follows: That.....SENATE..... Bill No. 36
BE AMENDED AS FOLLOWS:

1. Page 2, line 11.
Following: "If"
Insert: "there are"
Following: "no"
Insert: "valid"
 2. Page 2, lines 12 and 13.
Following: "townsite"
Strike: "have been filed"
 3. Page 2, line 21.
Following: "for"
Strike: "any land in the townsite where"
 4. Page 2, lines 22 and 23.
Following: "lot"
Strike: "is located other than for streets, alleys, parks or school sites"
- ~~XXXXX~~ AS AMENDED BE CONCURRED IN


KERRY KEYSER,

Chairman.