

SENATE BILL NO. 373

INTRODUCED BY VAN VALKENBURG

IN THE SENATE

February 5, 1983	Introduced and referred to Committee on Judiciary.
February 15, 1983	Committee recommend bill do pass. Report adopted.
February 16, 1983	Bill printed and placed on members' desks.
February 17, 1983	Second reading, do pass.
February 18, 1983	Correctly engrossed.
February 19, 1983	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Judiciary.
March 14, 1983	Committee recommend bill be concurred in. Report adopted.
March 18, 1983	Second reading, concurred in.
March 19, 1983	Third reading, concurred in.

IN THE SENATE

March 21, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

1 *Agate* BILL NO. 373
2 INTRODUCED BY *Van Valkenburg*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT VALIDATING
5 UNACKNOWLEDGED DEEDS EXECUTED PRIOR TO JANUARY 1, 1983;
6 VALIDATING, AND MAKING SUFFICIENT AS LEGAL NOTICE OF THE
7 INTEREST CONTAINED THEREIN, ALL INSTRUMENTS AFFECTING REAL
8 PROPERTY RECORDED PRIOR TO JANUARY 1, 1983, REGARDLESS OF
9 TECHNICAL DEFECTS; AMENDING SECTIONS 70-20-315 AND
10 70-21-309, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 70-20-315, MCA, is amended to read:
14 "70-20-315. Validation of unacknowledged deeds. All
15 deeds to real property executed prior to January 1, ~~1973~~
16 ~~1983~~, in this state or any state or territory of the United
17 States, provided no action is pending on ~~July~~ ~~October~~ 1,
18 ~~1973~~ ~~1983~~, to set aside any such deed, which shall have been
19 signed by the grantors in due form, shall be sufficient in
20 law to convey the legal title to the premises therein
21 described from the grantors to the grantees, without any
22 other execution or acknowledgment or witnesses thereto
23 whatever; and such deeds so executed shall be received in
24 evidence in all courts in this state and be conclusive
25 evidence of the title to the lands therein described against

1 the grantors, their heirs, and assigns."

2 Section 2. Section 70-21-309, MCA, is amended to read:
3 "70-21-309. Validation of conveyances recorded after
4 defective execution -- notice imparted. (1) Any instrument
5 affecting real property, provided no action is pending as of
6 October 1, ~~1981~~ ~~1983~~, to set such instrument aside, which
7 was, previous to January 1, ~~1981~~ ~~1983~~, recorded in the
8 office of the county clerk and recorder shall be deemed to
9 impart after that date notice of its contents to subsequent
10 purchasers and encumbrancers, notwithstanding any technical
11 defect, omission, or informality in the execution of the
12 instrument or in the certificate of acknowledgment thereof
13 or the absence of any such certificate; but nothing herein
14 shall be deemed to affect the rights of purchasers or
15 encumbrancers previous to January 1, ~~1981~~ ~~1983~~.

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

-End-

Approved by Committee
on Judiciary

1 *Appate* BILL NO. 373
2 INTRODUCED BY *Va. Chalkley*
3
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-2-

SECOND READING

27 37

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