

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2026 Session of
1989

INTRODUCED BY McVERRY, OCTOBER 18, 1989

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 18, 1989

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 power of the court to dispose of certain real property.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 8301 of Title 20 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 8301. Powers of court to authorize sale, etc. of real
9 property.

10 The court of common pleas, operating through its appropriate
11 division, may authorize the sale, mortgage, lease or exchange of
12 real property or grant declaratory relief with respect to real
13 property:

14 (1) Where the legal title is held:

15 (i) by a person whose spouse is an incompetent, or
16 has abandoned him or her for one year, or has been absent
17 in circumstances from which the law would presume his or
18 her decease;

1 (ii) by a tenant of an estate by entireties, when
2 the other tenant of such estate has been absent in
3 circumstances from which the law would presume his or her
4 decease;

5 (iii) by corporations of any kind having no capacity
6 to convey, or by any unincorporated association; [or]

7 (iv) by any religious, beneficial, or charitable
8 society or association, incorporated or unincorporated,
9 whose title is subject to forfeiture if real property is
10 held in excess of the amount authorized by law[.] ;

11 (v) by any religious, beneficial or charitable
12 society or association, incorporated or unincorporated,
13 whose title is subject to reversion, possibility of
14 reverter or right of reentry for condition broken if said
15 real property ceases to be used for a purpose specified
16 in a deed, provided: the petition to declare such real
17 property free from such reversion, possibility of
18 reverter or right of reentry shall contain an affidavit
19 of an officer of the religious, beneficial or charitable
20 society or association stating in detail what reasonable
21 efforts have been made to locate or contact the grantor
22 or the grantor's heirs, successors or assigns to obtain a
23 conveyance of the reversion, possibility of reverter or
24 right of reentry, why the real property should be
25 declared free of the reversion, possibility of reverter
26 or right of reentry and the use of funds, if any, to be
27 derived from the sale of said real property. The court
28 shall have the power to consider all of the circumstances
29 and to grant such equitable relief as shall be just and
30 proper, and impose such restrictions upon the use of the

1 funds to be derived from the sale of real property as the
2 court shall deem to be appropriate to further the
3 religious, beneficial or charitable purpose reflected in
4 the deed containing the reversion, possibility of
5 reverter or right of reentry for condition broken.

6 (2) Where the legal title is an estate tail, or is
7 subject to contingent remainders, executory interests, or
8 remainders to a class some or all of whom may not be in being
9 or ascertained at the time of the entry of the decree.

10 (3) Where the legal title is otherwise inalienable.

11 Section 2. This act shall take effect immediately.