

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2425

Session of  
2006

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INTRODUCED BY STAIRS, THOMAS, CALTAGIRONE, CLYMER, COHEN,  
CREIGHTON, DALLY, DeWEESE, GEIST, GINGRICH, HERSHEY, KILLION,  
LEH, McILHATTAN, NAILOR, PETRI, T. STEVENSON, TURZAI,  
WOJNAROSKI AND YOUNGBLOOD, FEBRUARY 2, 2006

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 3, 2006

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## AN ACT

1 Amending the act of April 24, 1931 (P.L.48, No.40), entitled "An  
2 act requiring the recording of certain written agreements  
3 pertaining to real property, and prescribing the effect  
4 thereof as to subsequent purchasers, mortgagees, and judgment  
5 creditors of the parties thereto," ~~further providing for~~ <—  
6 ~~indexing of agreements regarding real property.~~ PROVIDING FOR <—  
7 THE REQUIREMENTS FOR VALID RECORDING OF DOCUMENTS.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 ~~Section 1. Section 2 of the act of April 24, 1931 (P.L.48,~~ <—  
11 ~~No.40), entitled "An act requiring the recording of certain~~  
12 ~~written agreements pertaining to real property, and prescribing~~  
13 ~~the effect thereof as to subsequent purchasers, mortgagees, and~~  
14 ~~judgment creditors of the parties thereto," is amended to read:~~

15 ~~Section 2. The legal effect of the recording of such~~  
16 ~~agreements, after such agreements have been correctly entered in~~  
17 ~~the appropriate index or indices pursuant to the act of March~~  
18 ~~18, 1875 (P.L.32, No.36), entitled "An act requiring recorders~~  
19 ~~of deeds to prepare and keep in their respective offices~~

~~general, direct and ad sectum indexes of deeds and mortgages recorded therein, prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons," shall be to give constructive notice to subsequent purchasers, mortgagees, and/or judgment creditors of the parties to said agreements of the fact of the granting of such rights or privileges and/or of the execution of said releases, and the rights of the subsequent purchasers, mortgagees, and/or judgment creditors of the parties to said agreements shall be limited thereby with the same force and effect as if said subsequent purchasers, mortgagees, and/or judgment creditors had actually joined in the execution of the agreement or agreements aforesaid.~~

SECTION 1. THE ACT OF APRIL 24, 1931 (P.L.48, NO.40),  
ENTITLED, "AN ACT REQUIRING THE RECORDING OF CERTAIN WRITTEN AGREEMENTS PERTAINING TO REAL PROPERTY, AND PRESCRIBING THE EFFECT THEREOF AS TO SUBSEQUENT PURCHASERS, MORTGAGEES, AND JUDGMENT CREDITORS OF THE PARTIES THERETO," IS AMENDED BY ADDING SECTIONS TO READ:

SECTION 3. IN ORDER FOR A DOCUMENT PRESENTED FOR RECORD TO THE OFFICE OF A RECORDER OF DEEDS OF A COUNTY TO BE CONSTRUCTIVE NOTICE FOR THE PURPOSE OF THIS ACT OR THE ACT OF MAY 12, 1925 (P.L.613, NO.327), ENTITLED "AN ACT REGULATING THE RECORDING OF CERTAIN DEEDS, CONVEYANCES, AND OTHER INSTRUMENTS OF WRITING, AND FIXING THE EFFECT THEREOF AS TO SUBSEQUENT PURCHASERS, MORTGAGEES, AND JUDGMENT CREDITORS," OR OTHERWISE, THE DOCUMENT SHALL BE RECORDED AND ONE OF THE FOLLOWING CONDITIONS SHALL BE SATISFIED:

(1) IN COUNTIES WHERE THE ACT OF JANUARY 15, 1988 (P.L.1, NO.1), KNOWN AS THE "UNIFORM PARCEL IDENTIFIER LAW," APPLIES,

1 THE UNIFORM PARCEL IDENTIFIER IS ENDORSED OR INCLUDED ON THE  
2 DOCUMENT AND IT IS INDEXED PROPERLY IN AN INDEX ARRANGED BY  
3 UNIFORM PARCEL IDENTIFIERS.

4 (2) THE DOCUMENT IS INDEXED PROPERLY AS TO THE PARTY IN ALL  
5 ALPHABETICAL INDICES. IN THE CASE OF A DOCUMENT AFFECTING TITLE  
6 TO TRUST PROPERTY, THE DOCUMENT NEED NOT BE INDEXED TO THE  
7 BENEFICIARY IN ORDER TO GIVE CONSTRUCTIVE NOTICE OF THE TRUST.  
8 TO THE EXTENT THIS SECTION CONFLICTS WITH 42 PA.C.S. § 8141(1)  
9 (RELATING TO TIME FROM WHICH LIENS HAVE PRIORITY), 42 PA.C.S. §  
10 8141(1) CONTROLS. FOR PURPOSES OF THIS SECTION, THE TERM  
11 "DOCUMENT" MEANS A DOCUMENT THAT IS ELIGIBLE TO BE RECORDED IN  
12 THE OFFICE OF THE RECORDER OF DEEDS, INCLUDING, BUT NOT LIMITED  
13 TO, DEEDS, MORTGAGES, QUITCLAIM DEEDS, MEMORANDA OF LEASE AND  
14 EASEMENTS, AND INCLUDES DOCUMENTS PRESENTED FOR RECORD IN  
15 PERSON, BY MAIL, ELECTRONICALLY OR IN ANY OTHER MANNER.

16 SECTION 4. NOTHING CONTAINED IN THIS ACT SHALL IMPOSE  
17 LIABILITY ON ANY RECORDING OFFICER OR ANY POLITICAL SUBDIVISION  
18 FOR ANY MISTAKE, ERROR OR INACCURACY IN ANY INDEX.

19 Section 2. This act shall take effect in 60 days.