

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 921

Session of
1981

INTRODUCED BY GEKAS, O'PAKE, GREENLEAF AND FISHER, JUNE 16, 1981

REFERRED TO JUDICIARY, JUNE 16, 1981

AN ACT

1 Providing for the recording of certain affidavits affecting the
2 title to real estate and for their admissibility into
3 evidence.

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

6 Section 1. An affidavit, stating facts relating to the
7 matters hereinafter named, which may affect the title to real
8 estate in this Commonwealth, made by any person having personal
9 knowledge of the facts and competent to testify concerning them
10 in open court, may be recorded (even though not acknowledged) in
11 the Office of the Recorder of Deeds or Commissioner of Records
12 in the county in which such real estate is situated; and when so
13 recorded, such affidavit, or a certified copy thereof, shall be
14 admissible evidence of the facts therein stated, insofar as such
15 facts affect title to real estate, provided a member of the bar
16 of the highest court of this Commonwealth shall have signed a
17 certification, appended thereto, that he or she relied upon such
18 affidavit in passing on the title to such real estate.

1 Section 2. The affidavit herein provided for may relate to
2 the following matters: age, sex, birth, death, capacity,
3 relationship, family history, heirship, names, identity of
4 parties, marital status, possession or adverse possession,
5 residence, service in the armed forces, conflicts or ambiguities
6 in descriptions of land in recorded instruments, and the
7 happening of any condition or event which may terminate an
8 estate or interest.

9 Section 3. Every affidavit herein provided for shall include
10 the name, age and residence of the affiant, a description of
11 such real estate, title to which may be affected by facts stated
12 in such affidavit, and facts showing that the affiant has
13 personal knowledge of the facts stated, and shall state the name
14 of the person appearing by the record to be the owner of such
15 real estate at the time of the recording of the affidavit. The
16 official taking the affidavit shall certify that the affiant is
17 personally known to him or her, or satisfactorily proven, to be
18 the person named as affiant. The recorder shall index the
19 affidavit in the name of such record owner in both grantor and
20 grantee indexes, and, if possible, shall note the recording
21 thereof in the margin of the record of any instrument therein
22 referred to.

23 Section 4. This act shall take effect in 60 days.