

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2467 Session of
1988

INTRODUCED BY McVERRY, MAY 16, 1988

REFERRED TO COMMITTEE ON JUDICIARY, MAY 16, 1988

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 transfer of certain real property by the courts.

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 entirety, 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[.]; or

11 (v) by any religious, beneficial or charitable
12 society or association, incorporated or unincorporated,
13 whose title is subject to reversion or right of reentry
14 for condition broken if the real property ceases to be
15 used for a purpose specified in a deed, subject to the
16 following:

17 (A) The petition to declare the real property
18 free from reversion or right of reentry shall contain
19 an affidavit of an officer of the religious,
20 beneficial or charitable society or association,
21 stating in detail what reasonable efforts have been
22 made to locate or contact the grantor or the
23 grantor's heirs, successors or assigns to obtain a
24 conveyance of the reversion or right of reentry, why
25 the real property should be declared free of the
26 reversion or right of reentry, and the use of the
27 fund, if any, to be derived from sale of the real
28 property.

29 (B) The court shall have the power to consider
30 all of the circumstances and to grant such equitable

1 relief as shall be just and proper, and impose such
2 restrictions upon the use of the funds to be derived
3 from sale of real property as the court shall deem to
4 be appropriate to further the religious, beneficial
5 or charitable purpose reflected in the deed
6 containing the reversion or right of reentry for
7 condition broken.

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

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

13 Section 2. This act shall take effect immediately.