

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1101 Session of  
2011

INTRODUCED BY FARNESE, BROWNE, FONTANA, COSTA, RAFFERTY,  
ERICKSON, FOLMER, BREWSTER, HUGHES, WOZNIAK AND FERLO,  
JUNE 30, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, JUNE  
30, 2011

AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, in seller disclosures,  
3 providing for notice of title insurance, legal representation  
4 and liens.

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

7 Section 1. Title 68 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 7304.1. Notice of title insurance, legal representation and  
10 liens.

11 (a) General rule.--A form of notice of title insurance,  
12 legal representation and liens that satisfies the requirements  
13 of this chapter shall be promulgated by the commission. This  
14 notice form shall be used in all residential real estate  
15 transfers as provided in section 7302(a) (relating to  
16 application of chapter).

17 (b) Use of form.--At the time an agreement of transfer is  
18 entered by the buyer and seller under this chapter, the buyer

1 shall be provided with a notice of title insurance, legal  
2 representation and liens. The notice shall be signed and dated  
3 by the buyer and notarized.

4 (c) Contents of notice.--The notice shall include, at a  
5 minimum, the following:

6 (1) An explanation in plain language of the risk of  
7 purchasing real estate without title insurance or legal  
8 representation, including the risks of fraud and assumption  
9 of liens, judgments and other debts of prior owners.

10 (2) Information on the availability of legal services.

11 (3) Information on the proper State agency where  
12 consumer-related questions concerning title insurance and  
13 fraudulent conveyance may be directed.

14 (d) Delivery of form.--Copies of the executed and notarized  
15 form shall be delivered to the seller and the buyer or the  
16 buyer's agent within five days of execution and prior to final  
17 settlement of a residential real estate transfer.

18 (e) Filing form with recorder of deeds.--The original notice  
19 of title insurance, legal representation and liens executed by  
20 the buyer shall be presented with the deed and any  
21 acknowledgment filed with the recorder of deeds, registered and  
22 recorded pursuant to applicable law.

23 (f) Notice provided by recorder of deeds.--

24 (1) If, prior to the time of filing a deed, the grantee  
25 has not been provided with a notice as otherwise provided  
26 under this section to file pursuant to subsection (e), the  
27 recorder of deeds shall provide a notice to the grantee that  
28 contains the information required by subsection (c). This  
29 notice shall be signed and dated by the grantee or the person  
30 filing the deed and filed with the recorder of deeds,

1 registered and recorded pursuant to applicable law.

2 (2) Within 30 days of the recording of any deed, the  
3 office shall notify, by first class mail, the prior recorded  
4 owner of the real estate identified in the deed, and the  
5 occupant at the address of the real estate identified in the  
6 deed if that address is different from the record owner's  
7 address, that the deed has been recorded.

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