

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1103 Session of
2011

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

REFERRED TO LOCAL GOVERNMENT, JUNE 30, 2011

AN ACT

1 Providing for procedures for recording of deeds.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Deed
6 Recording Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Deed." A document conveying title to residential real
12 property located within this Commonwealth.

13 "Office." The recorder of deeds for a county or any office,
14 department or bureau of a county or city of the first class that
15 performs the duties of the recorder of deeds.

16 "Residential real estate." Real property that is subject to
17 the requirements of 68 Pa.C.S. Pt. III (relating to residential

1 real property).

2 Section 3. Recording of deeds.

3 (a) Duty of office.--Upon presentation of a deed for
4 recording, the office shall perform a records check to determine
5 whether the named grantor on the deed matches the record owner
6 of the residential real estate identified therein, except in the
7 following situations where the grantor may be a person other
8 than the recorded owner:

9 (1) Any deed where the residential real estate described
10 therein is part of a decedent's estate.

11 (2) Any deed where the grantor has been issued power of
12 attorney by the record owner.

13 (3) Any deed where the grantor is a trustee.

14 (b) Failure to match.--In the event that there is no match
15 under subsection (a), the office shall not record the deed. If
16 the office determines that the circumstances suggest the
17 possibility that fraud may have occurred in the conveyance of
18 the residential real estate, it shall refer the matter to the
19 district attorney for the county where the office is located.

20 (c) Prohibition on recording.--The following deeds shall not
21 be recorded unless accompanied by additional documentation as
22 follows:

23 (1) Where the residential real estate identified in the
24 deed is part of a decedent's estate, letters testamentary or
25 letters of administration issued by the proper authority
26 shall be provided.

27 (2) Where the grantor has been granted power of attorney
28 by the record owner of the real estate identified in the
29 deed, written documentation of the power of attorney shall be
30 provided.

1 (3) Where the grantor is a trustee, the writing creating
2 the trust shall be provided.

3 (4) Where the grantor is a corporation, documentation of
4 the filing of articles of incorporation with the appropriate
5 Commonwealth agency shall be provided.

6 (5) Where, under the published regulations or rules of
7 the office, the grantor may be someone other than the record
8 owner of the real estate identified in the deed, the office
9 shall determine the appropriate documentation to be provided.

10 (d) Recording of deeds delivered by mail.--Any deed
11 delivered to the office by mail shall not be recorded unless it
12 has been sent by registered or certified mail of the United
13 States Postal Service.

14 (e) Notice.--Within 30 days of the recording of any deed,
15 the office shall notify, by first class mail, the prior recorded
16 owner of the real estate identified in the deed, and the
17 occupant at the address of the real estate identified in the
18 deed if that address is different from the record owner's
19 address, that the deed has been recorded.

20 Section 4. Exemptions.

21 The provisions of this act shall not apply to sheriff's deeds
22 or deeds presented for recording by or for:

23 (1) A title insurance company or agent.

24 (2) An attorney or law firm.

25 (3) A real estate broker or real estate agent licensed
26 under the laws of this Commonwealth.

27 Section 5. Construction.

28 The requirements of this act shall be in addition to any
29 other requirements imposed by Commonwealth law or regulation.

30 Section 6. Repeals.

1 All acts and parts of acts are repealed insofar as they are
2 inconsistent with this act.
3 Section 7. Effective date.
4 This act shall take effect in 60 days.