
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 617 Session of
2013

INTRODUCED BY FARNESE, WASHINGTON, FERLO, HUGHES, RAFFERTY,
COSTA AND BOSCOLA, MARCH 6, 2013

REFERRED TO LOCAL GOVERNMENT, MARCH 6, 2013

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 Residential
6 Real Property Deed 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:

5 (1) Insure that the deed of conveyance is signed by the
6 grantor and grantee.

7 (2) Perform a records check to determine whether the
8 name of the grantor on the deed matches the record owner of
9 the residential real estate identified therein.

10 (a.1) Exceptions.--The provisions of subsection (a)(2) shall
11 not apply in the following situations where the grantor may be a
12 person other than the record owner:

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

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

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

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

24 (c) Prohibition on recording.--The following deeds shall not
25 be recorded unless accompanied by additional documentation as
26 follows:

27 (1) Where the residential real estate identified in the
28 deed is part of a decedent's estate, letters testamentary or
29 letters of administration issued by the proper authority
30 shall be provided.

1 (2) Where the grantor has been granted power of attorney
2 by the record owner of the real estate identified in the
3 deed, written documentation of the power of attorney shall be
4 provided.

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

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

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

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

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

24 Section 4. Exemptions.

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

27 (1) A title insurance company or agent.

28 (2) An attorney or law firm.

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

1 Section 5. Construction.

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

4 Section 6. Repeals.

5 All acts and parts of acts are repealed insofar as they are
6 inconsistent with this act.

7 Section 7. Effective date.

8 This act shall take effect in 60 days.