



General Assembly

January Session, 2025

Raised Bill No. 7064

LCO No. 5136



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING REVISIONS TO THE VALIDATING ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-36aa of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2025*):

3 (a) Conveyancing defects. Any recorded deed, mortgage, lease,
4 power of attorney, release, assignment or other instrument made for the
5 purpose of conveying, leasing, mortgaging or affecting any interest in
6 real property in this state, [recorded after January 1, 1997,] which
7 instrument contains any one or more of the following defects or
8 omissions is as valid as if it had been executed without the defect or
9 omission unless an action challenging the validity of that instrument is
10 commenced and a notice of lis pendens is recorded in the land records
11 of the town or towns where the instrument is recorded within two years
12 after the instrument is recorded:

13 (1) The instrument contains a defective acknowledgment or no
14 acknowledgment;

15 (2) The instrument is attested by one witness only or by no witnesses;

16 (3) In the case of a conveyance by a corporation, limited liability
17 company, partnership, limited partnership, or limited liability
18 partnership, or by any other entity authorized to hold and convey title
19 to real property within this state, the instrument designated such entity
20 as the grantor but was signed or acknowledged by an individual in the
21 individual capacity of such person;

22 (4) The instrument was made to any grantee not recognized by law
23 to have the capacity to take or hold an interest in real property.
24 Validation of an instrument under this subdivision confirms the
25 conveyance to the grantee and any subsequent transfers of the interest
26 by the grantee to any subsequent transferees, their heirs, successors and
27 assigns.

28 (b) Insubstantial defects. Any recorded deed, mortgage, lease, power
29 of attorney, release, assignment or other instrument made for the
30 purpose of conveying, leasing, mortgaging or affecting any interest in
31 real property in this state, [recorded after January 1, 1997,] which
32 instrument contains any one or more of the following defects or
33 omissions is as valid as if it had been executed without the defect or
34 omission:

35 (1) The instrument contains an incorrect statement of the date of
36 execution or omits the date of execution;

37 (2) The instrument contains an execution date or other date that is
38 later than the date of recording;

39 (3) The instrument transfers an interest in land by reference to a filed
40 map or subdivision plan and the map or plan does not comply as to
41 preparation, form, certification, approval or filing with any requirement
42 of any special or general law, municipal ordinance or regulation;

43 (4) The instrument conveys an interest in a lot or parcel of land in a
44 subdivision that was not submitted for approval or that was submitted
45 for approval but was not approved;

- 46 (5) The record does not disclose the date of recording;
- 47 (6) The instrument does not disclose any statutorily required
48 signature of the town clerk;
- 49 (7) The instrument does not contain a statement of consideration;
- 50 (8) The instrument fails to state the town and state in which the real
51 property described in the instrument is located;
- 52 (9) The instrument fails to state the current mailing address of the
53 grantee;
- 54 (10) In the case of a conveyance by a corporation, limited liability
55 company, partnership, limited partnership or limited liability
56 partnership, or by any other entity authorized to hold and convey title
57 to real property within this state, the instrument designates such entity
58 as the grantor but fails to disclose the authority of the individual who
59 executes and acknowledges the instrument;
- 60 (11) In the case of a committee deed, the judge's approval of the sale
61 incorrectly states or fails to state the date of approval of the sale.
- 62 (c) Defect with respect to a power of attorney. (1) Any recorded deed,
63 mortgage, lease, power of attorney, release, assignment or other
64 instrument made for the purpose of conveying, leasing, mortgaging or
65 affecting any interest in real property in this state, [recorded after
66 January 1, 1997,] which instrument is executed pursuant to a recorded
67 power of attorney and contains any one or more of the following defects,
68 is as valid as if it had been executed without the defect unless an action
69 challenging the validity of that instrument is commenced and a notice
70 of lis pendens is recorded in the land records of the town or towns where
71 the instrument is recorded within two years after the instrument is
72 recorded:
- 73 (A) The instrument was executed by an attorney-in-fact but was
74 signed or acknowledged by the attorney-in-fact without reference to his

75 or her capacity;

76 (B) The instrument was executed by an attorney-in-fact but does not
77 reference the power of attorney;

78 (C) The power of attorney was effective at the time the instrument
79 was executed but is recorded after the instrument is recorded.

80 (2) Any recorded deed, mortgage, lease, release, assignment or other
81 instrument made for the purpose of conveying, leasing, mortgaging or
82 affecting any interest in real property in this state, [recorded after
83 January 1, 1997,] which instrument is executed pursuant to a power of
84 attorney, but which power of attorney is not recorded on the land
85 records of the town or towns where the instrument is recorded, is as
86 valid as if the power of attorney had been recorded, unless (A) an action
87 is commenced to avoid and set aside such instrument and a notice of lis
88 pendens is recorded in the land records of the town or towns where the
89 instrument is recorded within fifteen years from the date of recording
90 of such instrument, or (B) such instrument fails to state the consideration
91 reflecting fair market value. The provisions of this subdivision shall not
92 apply to any conveyance where any deed, mortgage, lease, release,
93 assignment or other instrument is executed by a fiduciary and the
94 fiduciary is the grantee, mortgagee, leasee, releasee or assignee
95 designated in such instrument.

96 (d) Defect where fiduciary conveyed to self. Any recorded deed,
97 mortgage, lease, release, assignment or other instrument made for the
98 purpose of conveying, leasing, mortgaging or affecting any interest in
99 real property in this state, which instrument is executed by a fiduciary,
100 but which instrument is voidable because the fiduciary is the grantee,
101 mortgagee, leasee, releasee or assignee designated in such instrument,
102 is as valid as if it had been executed without the defect unless an action
103 is commenced to avoid and set aside such instrument and a notice of lis
104 pendens is recorded in the land records of the town or towns where the
105 instrument is recorded within ten years from the date of recording of

106 such instrument.

107 (e) Defect with respect to conveyance by fiduciary. Any recorded
108 deed, mortgage, lease, power of attorney, release, assignment or other
109 instrument made for the purpose of conveying, leasing, mortgaging or
110 affecting any interest in real property in this state, [recorded after
111 January 1, 1997,] which instrument was executed by an executor,
112 administrator, guardian, trustee, conservator or other fiduciary
113 pursuant to an order or authorization of the court of probate and which
114 contains any one or more of the following defects, is as valid as if it had
115 been executed without the defect:

116 (1) The fiduciary failed to post a bond required by the court for the
117 faithful administration and distribution of the proceeds of the sale,
118 provided either (A) the fiduciary has accounted for the proceeds of the
119 sale in an administration account that has been approved and accepted
120 by the court after notice and hearing, and from which order of approval
121 and acceptance no appeal has been taken, or (B) no action challenging
122 the validity of that instrument is commenced and no notice of lis
123 pendens is recorded in the land records of the town or towns where the
124 instrument is recorded within two years after the instrument is
125 recorded;

126 (2) Required notice of the probate court hearing on the application for
127 an order of sale was not given, provided either (A) the fiduciary has
128 accounted for the proceeds of the sale in an administration account that
129 has been approved and accepted by the court after notice and hearing,
130 and from which order of approval and acceptance no appeal has been
131 taken, or (B) no action challenging the validity of the instrument is
132 commenced and no notice of lis pendens is recorded in the land records
133 of the town or towns where the instrument is recorded within two years
134 after the instrument is recorded;

135 (3) The fiduciary failed to recite in the instrument the basis of the
136 authority by which the fiduciary acted, provided either (A) an affidavit

137 that complies with section 47-12a, that references the volume, page, and
138 date of the instrument, and that recites the authority pursuant to which
139 the fiduciary executed that instrument is recorded in the land records of
140 the town or towns in which the instrument is recorded, or (B) no action
141 challenging the validity of the instrument is commenced and no notice
142 of lis pendens is recorded in the land records of the town or towns where
143 the instrument is recorded within two years after the instrument is
144 recorded.

145 (f) Release or assignment of mortgage by out-of-state fiduciary. A
146 release or assignment of a mortgage interest held by a nonresident or
147 deceased nonresident in real property in this state executed by an out-
148 of-state fiduciary shall have the same effect as if executed by a fiduciary
149 of this state notwithstanding that the certificate of appointment and
150 qualification required by section 49-12 has not been filed unless an
151 action contesting the release or assignment is commenced and a notice
152 of lis pendens has been recorded in the land records of the town or
153 towns where such release or assignment is recorded within two years
154 after the instrument is recorded.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2025	47-36aa
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Statement of Purpose:

To remove references to instruments recorded after January 1, 1997.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]