



General Assembly

January Session, 2019

**Raised Bill No. 833**

LCO No. 3899



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING VALIDATION OF CONVEYANCE DEFECTS  
ASSOCIATED WITH AN INSTRUMENT THAT WAS EXECUTED  
PURSUANT TO A POWER OF ATTORNEY.**

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

1 Section 1. Subsection (c) of section 47-36aa of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2019*):

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

15 [(1)] (A) The instrument was executed by an attorney-in-fact but  
16 was signed or acknowledged by the attorney-in-fact without reference  
17 to his or her capacity;

18 [(2)] (B) The instrument was executed by an attorney-in-fact but  
19 does not reference the power of attorney;

20 [(3)] (C) The power of attorney was effective at the time the  
21 instrument was executed but is recorded after the instrument is  
22 recorded.

23 (2) Any deed, mortgage, lease, release, assignment or other  
24 instrument made for the purpose of conveying, leasing, mortgaging or  
25 affecting any interest in real property in this state recorded after  
26 January 1, 1997, which instrument is executed pursuant to a power of  
27 attorney, but which power of attorney is not recorded on the land  
28 records of the town or towns where the instrument is recorded, is as  
29 valid as if the power of attorney had been recorded, unless an action is  
30 commenced to avoid and set aside such instrument and a notice of lis  
31 pendens is recorded in the land records of town or towns where the  
32 instrument is recorded within ten years from the date of recording of  
33 such instrument.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	47-36aa(c)

**Statement of Purpose:**

To validate a recorded instrument that would otherwise be subject to challenge due to the fact that the instrument was recorded without an accompanying power of attorney.

*[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.]*