

2014 -- S 2625

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO PROPERTY - RECORDING OF INSTRUMENTS

Introduced By: Senators Cool Rumsey, Conley, Goldin, Pearson, and Archambault

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-13-1 of the General Laws in Chapter 34-13 entitled "Recording
2 of Instruments" is hereby amended to read as follows:

3 **34-13-1. Instruments eligible for recording.** – (a) Any of the following instruments
4 shall be recorded or filed by the town clerk or recorder of deeds, in the manner prescribed by law,
5 on request of any person and on payment of the lawful fees therefor:

6 (1) Letters of attorney.

7 (2) All contracts for sale of land.

8 (3) Bonds for title or covenants or powers concerning lands, tenements and
9 hereditaments.

10 (4) All notices to be filed under the provisions of section 9-4-9.

11 (5) All notices and process to be filed under other statutory provisions, and all decrees in
12 equity and judgments at law affecting the title to land.

13 (6) All instruments evidencing or relating to a security interest in personal property or
14 fixtures that may be filed pursuant to chapter 9 of title 6A.

15 (7) All instruments required by statute to be recorded, including deeds, mortgages and
16 transfers and discharges thereof, leases or memoranda thereof, and transfers and cancellations
17 thereof, and the covenants, conditions, agreements and powers therein contained.

18 (8) Instruments of defeasance.

19 (9) Instruments (excepting wills) creating trusts.

1 (10) All instruments and notices, affecting, or purporting to affect, the title to land or any
2 interest therein or giving or terminating the right to sever any building or part thereof or fixture,
3 when signed and acknowledged as required for deeds.

4 (11) All affidavits as to family facts, including dates of birth, marriage, and death, which
5 relate or purport to relate to title to land.

6 (12) All affidavits as to bounds and monuments of land.

7 (13) All certificates of the secretary of state as to change of corporate name.

8 (14) All original linen and/or original mylar maps, plats, surveys, and drawings, whether
9 or not attached to, or a part of, another recordable instrument, Provided, however, That those
10 requiring the approval of any council; commission, officer, or other body by law shall not be
11 recorded without such approval.

12 All survey plans received for recording shall be drawn on archival mylar or linen, those
13 of which shall not exceed a size of 24" x 36" and shall be recorded as originally drafted. Said
14 plans shall contain as a minimum all items set forth in the "Procedural and Technical Standards
15 for the practice of Land Surveying in the State of Rhode Island and Providence Plantations" as
16 adopted by the Rhode Island Board of Registration of Professional Land Surveyors effective
17 April 1, 1994 and any amendments or modifications thereof. Further, all plans must be able to be
18 reproduced so that the contents of said plans are legible.

19 Indexes of survey plans shall be maintained indicating (a) the title of the plan; and (b)
20 the street(s) or road(s) on which the subject property abuts. Such plans shall include a separate
21 listing, in or attached to the legend on the plan, of all streets and roads on which the subject
22 property abuts.

23 (15) All declarations of restrictions and covenants in connection with a plat of record or
24 to be recorded or with a tract or parcel of land which is to be subdivided.

25 (16) Statements of covenants, conditions, and powers of sale which are intended to be
26 incorporated in mortgages by reference.

27 (b) Every person filing an instrument pursuant to subsection (a) shall sign a certification
28 that he or she has read the instrument being filed, that to the best of the filer's knowledge,
29 information, or belief formed after reasonable inquiry, it is well grounded in fact and is warranted
30 by existing law or a good faith agreement for the extension, modification, or reversal of existing
31 law, and that it is not being filed for any improper purpose, such as to harass or maliciously injure
32 in any civil action and/or court, may award treble damages against a person found to have filed an
33 instrument in violation of this subsection.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require that instruments being filed or recorded be certified by the filer as
2 being granted in fact and that it is not being filed for any improper purpose such as to harass or
3 maliciously injure.

4 This act would take effect upon passage.

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