

No. 2006-86

AN ACT

HB 2425

Amending the act of April 24, 1931 (P.L.48, No.40), entitled "An act requiring the recording of certain written agreements pertaining to real property, and prescribing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors of the parties thereto," providing for the requirements for valid recording of documents.

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

Section 1. The act of April 24, 1931 (P.L.48, No.40), entitled, "An act requiring the recording of certain written agreements pertaining to real property, and prescribing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors of the parties thereto," is amended by adding sections to read:

Section 3. In order for a document presented for record to the office of a recorder of deeds of a county to be constructive notice for the purpose of this act or the act of May 12, 1925 (P.L.613, No.327), entitled "An act regulating the recording of certain deeds, conveyances, and other instruments of writing, and fixing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors," or otherwise, the document shall be recorded, and one of the following conditions shall be satisfied:

(1) In counties where the act of January 15, 1988 (P.L.1, No.1), known as the "Uniform Parcel Identifier Law," applies, the uniform parcel identifier is endorsed or included on the document, and it is indexed properly in an index arranged by uniform parcel identifiers.

(2) The document is indexed properly as to the party in all alphabetical indices. In the case of a document affecting title to trust property, the document need not be indexed to the beneficiary in order to give constructive notice of the trust.

To the extent this section conflicts with 42 Pa.C.S. § 8141(1) (relating to time from which liens have priority), 42 Pa.C.S. § 8141(1) controls. For purposes of this section, the term "document" means a document that is eligible to be recorded in the office of the recorder of deeds, including, but not limited to, deeds, mortgages, quitclaim deeds, memoranda of lease and easements, and includes documents presented for record in person, by mail, electronically or in any other manner.

Section 4. Nothing contained in this act shall impose liability on any recording officer or any political subdivision for any mistake, error or inaccuracy in any index.

Section 2. This act shall take effect in 60 days.

APPROVED—The 7th day of July, A.D. 2006.

EDWARD G. RENDELL