

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 25-136—sHB 7064

Judiciary Committee

AN ACT CONCERNING REVISIONS TO THE VALIDATING ACT

SUMMARY: Existing law validates recorded real property documents with certain defects or omissions. This act extends the statutory validation to documents recorded before January 2, 1997. (Prior to this date, the defects or omissions were validated by special acts, biennially adopted beginning in 1989.)

The validation generally applies to deeds, mortgages, leases, powers of attorney (POAs), releases, assignments, or other instruments to convey, lease, mortgage, or affect a real property interest with the following:

1. conveyancing defects, such as having a defective acknowledgement or being improperly attested;
2. insubstantial defects, such as having certain incorrect or omitted dates, missing a statement of consideration or grantee address, or referencing a noncompliant map or plan;
3. for a document executed under a POA, defects such as failing to reference a recorded POA or having no recorded POA; or
4. fiduciary conveyance defects, such as failing to post a required bond or give notice of a probate court hearing for an order of sale.

However, validation does not apply, under existing law and the act, for (1) conveyancing and POA defects if there is an action challenging the document's validity and a *lis pendens* (litigation pending) notice was recorded on the land records within two years (or 15 years for an unrecorded POA) after the document's recording and (2) fiduciary conveyance defects if the fiduciary has not accounted for the proceeds or there is pending action challenging the document's validity and a *lis pendens* notice was recorded within two years after the document's recording to indicate that litigation about the property is pending. It similarly does not apply in situations involving an unrecorded POA and a document that fails to evidence, rather than state as under prior law, the consideration reflecting fair market value.

EFFECTIVE DATE: July 1, 2025