

3518--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. BENEDETTO, BOYLAND, BROOK-KRASNY, CHRISTENSEN, CLARK, COLTON, DelMONTE, ESPAILLAT, GALEF, GLICK, HIKIND, HYER-SPENCER, KELLNER, KOON, V. LOPEZ, MAISEL, MAYERSOHN, McENENY, MILLMAN, REILLY, J. RIVERA, ROBINSON, ROSENTHAL, SEMINERIO, SWEENEY, TITUS, TOWNS, WALKER, WEISENBERG, WRIGHT -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to notice of sale or transfer of ownership of residential property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 291 of the real property law, as amended by chapter
2 447 of the laws of 1984, is amended to read as follows:
3 S 291. Recording of conveyances. A conveyance of real property, with-
4 in the state, on being duly acknowledged by the person executing the
5 same, or proved as required by this chapter, and such acknowledgment or
6 proof duly certified when required by this chapter, may be recorded in
7 the office of the clerk of the county where such real property is situ-
8 ated, and such county clerk OR CITY REGISTRAR WHERE APPLICABLE shall,
9 upon the request of any party, on tender of the lawful fees therefor,
10 record the same in [his] said office. [Every such conveyance not so
11 recorded is void as against any person who subsequently purchases or
12 acquires by exchange or contracts to purchase or acquire by exchange,
13 the same real property or any portion thereof, or acquires by assignment
14 the rent to accrue therefrom as provided in section two hundred ninety-
15 four-a of the real property law, in good faith and for a valuable
16 consideration, from the same vendor or assignor, his distributees or
17 devisees, and whose conveyance, contract or assignment is first duly
18 recorded, and is void as against the lien upon the same real property or
19 any portion thereof arising from payments made upon the execution of or

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 pursuant to the terms of a contract with the same vendor, his distribu-
2 tees or devisees, if such contract is made in good faith and is first
3 duly recorded. Notwithstanding the foregoing, any increase in the prin-
4 cipal balance of a mortgage lien by virtue of the addition thereto of
5 unpaid interest in accordance with the terms of the mortgage shall
6 retain the priority of the original mortgage lien as so increased
7 provided that any such mortgage instrument sets forth its terms of
8 repayment.] THE CLERK OF THE COUNTY OR CITY REGISTRAR WHERE SUCH CONVEY-
9 ANCE OF RESIDENTIAL REAL PROPERTY IS RECORDED AND MAINTAINED SHALL MAIL
10 A WRITTEN NOTICE OF SUCH CONVEYANCE TO THE OWNER OF RECORD. THE NOTICE
11 SHALL HAVE THE HEADING PRINTED IN 20 POINT BOLD TYPE AND READ AS
12 FOLLOWS:

13 "NOTICE OF SALE OR TRANSFER OF OWNERSHIP OF YOUR RESIDENTIAL PROPERTY.
14 TO: _____

15 NAME OF OWNER OF RECORD

16 OUR RECORDS SHOW THAT YOU ARE LISTED AS THE CURRENT OWNER OF RECORD FOR
17 RESIDENTIAL PROPERTY:

18 BLOCK # _____ LOT # _____

19 LOCATED AT: _____
20 STREET ADDRESS

21 IN THE COUNTY OF _____ NEW YORK
22 ON _____, DOCUMENTS WERE FILED AT THIS
23 DATE

24 OFFICE TO CHANGE OWNERSHIP AND TRANSFER TITLE OF YOUR PROPERTY.

25 TO: _____
26 NAME OF NEW OWNER

27 IF YOU HAVE ANY QUESTIONS REGARDING THE VALIDITY OF THE DOCUMENTS, AND
28 WISH TO DISPUTE THE RECORDING OF THE TRANSFER, PLEASE CONTACT THE COUNTY
29 CLERK'S OR CITY REGISTRAR'S OFFICE BY _____."
30 DATE

31 THE PARTY SEEKING TO RECORD SUCH CONVEYANCE SHALL BEAR THE COST OF SUCH
32 WRITTEN NOTICE. SUCH COST SHALL BE PRESCRIBED BY THE MUNICIPALITY.
33 FAILURE TO MAIL SUCH NOTICE OR THE FAILURE OF ANY PARTY TO RECEIVE THE
34 SAME, SHALL NOT AFFECT THE VALIDITY OF THE CONVEYANCE OF THE PROPERTY.

35 S 2. This act shall take effect on the ninetieth day after it shall
36 have become a law.