S T A T E O F N E W Y O R K

450

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law and the civil practice law and rules, in relation to a notice of pendency in certain matrimonial cases

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

Section 1. Section 234 of the domestic relations law, as amended by chapter 685 of the laws of 1963, is amended to read as follows:

S 234. Title to or occupancy and possession of property. In any action for divorce, for a separation, for an annulment or to declare the nullity of a void marriage, the court may (1) determine any question as to the title to property arising between the parties, and (2) make such direction, between the parties, concerning the possession of property, as in the court's discretion justice requires having regard to the circumstances of the case and of the respective parties. Such direction may be made in the final judgment, or by one or more orders from time to time before or subsequent to final judgment, or by both such order or orders and final judgment. Where the title to real property is affected, a copy of such judgment, order or decree, duly certified by the clerk of the court wherein said [judgement] JUDGMENT was rendered, shall be recorded in the office of the recording officer of the county in which such property is situated, as provided by section two hundred ninety-seven-b of the real property law. A NOTICE OF PENDENCY SHALL BE ACCEPTED BY THE CLERK OF THE COURT WHEN OFFERED FOR FILING IN A MATRIMONIAL ACTION WHEN THE COMPLAINT OR ANSWER ALLEGES A PRAYER FOR EQUITABLE DISTRIBUTION.

S 2. Section 6501 of the civil practice law and rules, as amended by chapter 657 of the laws of 1993, is amended to read as follows:

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

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S 6501. Notice of pendency; constructive notice. A notice of pendency may be filed in any action in a court of the state or of the United States in which the judgment demanded would affect the title to, or the possession, use or enjoyment of, real property, except in a summary proceeding brought to recover the possession of real property AND SHALL BE ACCEPTED BY THE CLERK OF THE COURT WHEN OFFERED FOR FILING IN A MATRIMONIAL ACTION WHEN THE COMPLAINT OR ANSWER ALLEGES A PRAYER FOR EQUITABLE DISTRIBUTION. The pendency of such an action is constructive notice, from the time of filing of the notice only, to a purchaser from, or incumbrancer against, any defendant named in a notice of pendency indexed in a block index against a block in which property affected is situated or any defendant against whose name a notice of pendency is indexed. A person whose conveyance or incumbrance is recorded after the filing of the notice is bound by all proceedings taken in the action after such filing to the same extent as a party.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.