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

5899

2011-2012 Regular Sessions

I N S E N A T E

September 30, 2011

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

AN ACT to amend the real property law, in relation to requiring oil, gas or mineral land leases to be recorded within thirty days of execution

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

Section 1. Section 291 of the real property law, as amended by chapter 447 of the laws of 1984, is amended to read as follows:

S 291. Recording of conveyances. 1. A conveyance of real property, within the state, on being duly acknowledged by the person executing the same, or proved as required by this chapter, and such acknowledgment or proof duly certified when required by this chapter, may be recorded in the office of the clerk of the county where such real property is situated, and such county clerk shall, upon the request of any party, on tender of the lawful fees therefor, record the same in his said office. Every such conveyance not so recorded is void as against any person who subsequently purchases or acquires by exchange or contracts to purchase or acquire by exchange, the same real property or any portion thereof, or acquires by assignment the rent to accrue therefrom as provided in section two hundred ninety-four-a of the real property law, in good faith and for a valuable consideration, from the same vendor or assignor, his distributees or devisees, and whose conveyance, contract or assignment is first duly recorded, and is void as against the lien upon the same real property or any portion thereof arising from payments made upon the execution of or pursuant to the terms of a contract with the same vendor, his distributees or devisees, if such contract is made in good faith and is first duly recorded. Notwithstanding the foregoing, any increase in the principal balance of a mortgage lien by virtue of the addition thereto of unpaid interest in accordance with the terms of the mortgage shall retain the priority of the original mortgage lien as

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

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so increased provided that any such mortgage instrument sets forth its terms of repayment.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY CONVEYANCE OF REAL PROPERTY WITHIN THE STATE, THAT IS AN OIL, GAS OR MINERAL LAND LEASE, SHALL BE RECORDED WITHIN THIRTY DAYS FROM EXECUTION OF SUCH LEASE.

S 2. This act shall take effect immediately and shall apply to all leases entered into on or after such effective date.