

Legislation Text

File #: 100487, **Version:** 1

Amending Chapter 2-200 of The Philadelphia Code, entitled "Recording of Deeds," by modifying the requirements for the recording of deeds, providing for certain fees and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 2-200 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 2-200. RECORDING OF DEEDS.

§ 2-201. Definitions.

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(8) *Title insurance. As defined in 40 P.S. § 910-1.*

[(8)] (9) Title insurance company. As defined in 40 P.S. § 910-1.

[(9)] (10) Title to real estate. As defined in Section 19-1402 of this Code.

§ 2-202. Requirements. The requirements of this Section are in addition to any requirements provided by state law, local law or regulations promulgated by the Department.

(1) Upon presentation of a deed for recording, the Department shall perform a records check to determine whether the named grantor on the deed matches the record owner of the real estate identified therein, except in the following cases where the grantor may be a person other than the record owner:

- (a) Any deed where the real estate described therein is part of a decedent's estate;
- (b) Any deed where the grantor has been issued power of attorney by the record owner; or
- (c) Any deed where the grantor is a trustee.

In the event that there is no match, the Department *shall not record the deed*. [and to refer the matter to such other governmental agency as may be appropriate if] *If the Department determines that the circumstances suggest the possibility that a fraud may have occurred, it shall refer the matter to the appropriate governmental agency.*

(2) The following deeds shall *not be recorded unless they are* accompanied by additional documentation, as set forth below:

(a) Where the real estate identified in the deed is part of a decedent's estate, letters testamentary or letters of administration, issued by the Register of Wills shall be provided.

(b) Where the grantor has been granted power of attorney by the record owner of the real estate identified in the deed, written documentation of the power of attorney, shall be provided.

(c) Where the grantor is a trustee, the writing creating the trust shall be provided.

(d) Where the grantor is a corporation, documentation of the filing of Articles of Incorporation with the appropriate state agency shall be provided.

(e) Where, under the regulations of the Department, the grantor may legally be someone other than the record owner of the real estate identified in the deed, the Commissioner shall determine the appropriate documentation to be provided.

(f) Any deed that is not accompanied by a written statement, signed by the grantee, indicating whether or not title insurance has been obtained insuring the marketability of the title to the real estate identified therein.

(3) Any deed delivered to the Department by mail through the United States Postal Service shall not be recorded unless it has been sent by registered or certified mail.

(4) Any deed presented for recording, where title insurance has not been obtained insuring the marketability of the title to the real estate identified therein, shall be presented to the Department, in person, by the grantee named in such deed. Prior to the recording of such deed, the grantee shall sign a form, prepared and provided by the Department, stating that the grantee knowingly has chosen not to obtain title insurance. The form shall: (i) explain the risk of purchasing property without title insurance or legal counsel, including the risk of fraud and of assuming the liens, judgments and other debts of prior owners; (ii) provide information on legal services and (iii) be in plain language and translated in the language understood by the grantee.

[(4)] (5) Within thirty (30) days of the recording of any deed, the Department shall notify, *by first class mail*, the prior record owner of the real estate identified therein, *and the occupant at the address of the real estate identified therein, if that address is different from the record owner's address*, that such deed has been recorded.

§ 2-203. Exemptions. The provisions of Section 2-202(1) through [(3)] (4) of this Chapter shall not apply to sheriff's deeds or deeds presented for recording by or for any title insurance company, *title insurance agent, attorney or law firm or by or for any real estate broker or real estate agent licensed under the laws of the Commonwealth of Pennsylvania.*

§ 2-204. Regulations. The Department is authorized to promulgate such regulations as are necessary or appropriate to implement the provisions of this Chapter.

§ 2-205. *Non-liability. Nothing contained in this Chapter shall be construed to impose liability on the Department or the City.*

SECTION 2. Chapter 10-1000 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-1000. FEES.

§ 10-1001. Fees of Commissioner of Records.

(1) Unless otherwise specified by law, the fees to be charged and collected by the Commissioner of Records shall be as follows:

(a) for recoding deeds, \$204.00: \$102.00 to be placed in the General Fund; and \$102.00 to be placed in the Housing Trust Fund to be used for the purposes specified in Chapter 21-1600 of this Code; *for those who present documentation that a recorded deed was fraudulent, recording fees for corrective deeds shall be waived; required documentation shall be determined by the Commissioner of Records.*

* * *

SECTION 3. This Ordinance shall become effective in 60 days.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.