

Legislation Text

File #: 080424-A, **Version:** 2

Amending Title 2 of The Philadelphia Code, entitled "City-County Consolidation," by adding a new Chapter providing that prior to the recording of any deed, a check of record ownership be conducted by the Department of Records, appropriate documentation be submitted to the Department with certain deeds and requirements for the delivery of deeds to the Department of Records be met; providing for notification to the record owner of the recording of any deed; providing for exemptions and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 2. CITY-COUNTY CONSOLIDATION.

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CHAPTER 2-200. RECORDING OF DEEDS.

§ 2-201. Definitions.

- (1) *Commissioner.* The Commissioner of Records.
- (2) *Corporation.* As defined in Section 19-1402 of this Code.
- (3) *Deed.* Any agreement in writing, that conveys, transfers, demises, vests, confirms or evidences any transfer or demise of title to real estate but not including wills, mortgages, deeds of trust or other instruments of like character given as security for a debt and deeds of release thereof to the debtor.
- (4) *Department.* The Department of Records.
- (5) *Real estate.* As defined in Section 19-1402 of this Code.
- (6) *Record owner.* The person whose name last appears as the owner of record in the Department's records.
- (7) *Sheriff's deed.* A deed giving ownership rights in real estate to a purchaser at a sheriff's sale.
- (8) *Title insurance company.* As defined in 40 P.S. § 910-1.
- (9) *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 take such steps as it deems appropriate to determine the reason for the discrepancy and to refer the matter to such other governmental agency as may be appropriate if the Department determines that the circumstances suggest the possibility that a fraud may have occurred.

(2) The following deeds shall be 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.

(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) Within thirty (30) days of the recording of any deed, the Department shall notify the prior record owner of the real estate identified therein, by first class mail, that such deed has been recorded.

§ 2-203. Exemptions. The provisions of Section 2-202(1) through (3) of this Chapter shall not apply to sheriff's deeds or deeds presented for recording by or for any title insurance company, attorney or law firm.

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

SECTION 2. This Ordinance shall become effective 90 days after enactment.

Explanation:

Italics indicate new matter added.