

No. 85

AN ACT

Providing for the recording of specified forms of stipulations of general mortgage provisions and of short form mortgages; defining the effect and construction to be given thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Specific forms of stipulation of general mortgage provisions and of short form mortgages.

Section 1. Any party contemplating the recording, as mortgagee in the same county, of more than one real estate mortgage subject to the same general provisions, covenants, conditions and obligations, may record an unacknowledged instrument which shall be called a stipulation of general mortgage provisions, and shall be in the following form:

Stipulation of General Mortgage Provisions.

Stipulation of general mortgage provisions.

The following general provisions, covenants, conditions and obligations shall be an integral part of any mortgage hereafter recorded in County, Pennsylvania, in favor of the undersigned, when such subsequently recorded mortgage expressly provides for the incorporation of the following general provisions, covenants, conditions and obligations as an integral part thereof by reference to this recorded stipulation.

(Here insert the general provisions, covenants, conditions and obligations intended to be incorporated by reference in future mortgages.)

In witness whereof this stipulation is executed this day of, 19....

Short form mortgages.

Section 2. When a stipulation of general mortgage provisions has been recorded in any county, the party filing the same may thereafter record in that county, as evidence of its mortgage loans, instruments to be known as short form mortgages. A short form mortgage shall set forth the date on which it is executed, the names of the parties thereto, the amount of the indebtedness secured or to be secured thereby, the description of the real property mortgaged as security for the indebtedness, and a statement incorporating by reference the general provisions, covenants, conditions and obligations recited in the lender's recorded stipulation of general mortgage provisions and citing the volume and page of the mortgage book in which such stipulation is recorded. A short form mortgage shall contain a defeasance clause and any special provisions, covenants, conditions or obligations of the parties, and shall be signed and acknowledged by the mortgagor in the same manner as any other real

estate mortgage. Following the acknowledgment, and under the caption "General Provisions Incorporated by Reference and Not to be Recorded Herewith," there shall be inserted an exact copy of the general provisions, covenants, conditions and obligations set forth in the recorded stipulation of general mortgage provisions which are incorporated in the short form mortgage by reference.

Section 3. A short form mortgage shall be a lien against the real property described therein as of the date and time it is recorded, except that a purchase money mortgage recorded within thirty days after delivery to the mortgagee shall be a lien from the date of delivery. When a short form mortgage incorporating by reference the provisions of a stipulation of general mortgage provisions is recorded, it shall have the same effect as any other mortgage instrument and the two recorded instruments together shall be construed to constitute one mortgage. The recording of a short form mortgage which incorporates by reference the provisions, covenants, conditions and obligations, set forth in a recorded stipulation of general mortgage provisions, shall operate as constructive notice of the whole thereof, the same as if the provisions incorporated by reference were set forth in full in the short form mortgage.

Lien effect of short form mortgage.

Constructive notice.

Section 4. The recorders of deeds or other officials in charge of recording mortgages in the several counties are hereby authorized and directed to receive and record unacknowledged stipulations of general mortgage provisions in the form set forth in section one of this act. Such stipulations of general mortgage provisions shall be entered of record in the same manner as real estate mortgages, and shall be indexed in the mortgagee index with a notation that the indexed instrument is a stipulation of general mortgage provisions.

Duty of recorder of deeds to record and index stipulation of general mortgage provision.

Section 5. The recorders of deeds or other officials in charge of recording mortgages in the several counties are hereby authorized and directed to receive and record properly acknowledged short form mortgages which incorporate by reference the provisions of a previously recorded stipulation of general mortgage provisions. The copy of the provisions incorporated by reference which is set forth in a short form mortgage under the caption "General Provisions Incorporated by Reference and Not to be Recorded Herewith" shall not be transcribed into the records, but in all other respects a short form mortgage shall be entered of record and indexed in the same manner as other real estate mortgages are recorded and indexed.

Duty of recorder of deeds to record and index short form mortgage.

APPROVED—The 2nd day of June, A. D. 1959.

DAVID L. LAWRENCE