

No. 1981-118

AN ACT

SB 921

Providing for the recording of certain affidavits affecting the title to real estate and for their admissibility into evidence.

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

Section 1. An affidavit, stating facts relating to the matters hereinafter named, which may affect the title to real estate in this Commonwealth, made by any person having personal knowledge of the facts and competent to testify concerning them in open court, may be recorded (even though not acknowledged) in the Office of the Recorder of Deeds or Commissioner of Records in the county in which such real estate is situated; and when so recorded, such affidavit, or a certified copy thereof, shall be admissible evidence of the facts therein stated, insofar as such facts affect title to real estate, provided a member of the bar of the highest court of this Commonwealth shall have signed a certification, appended thereto, that he or she relied upon such affidavit in passing on the title to such real estate.

Section 2. The affidavit herein provided for may relate to the following matters: age, sex, birth, death, capacity, relationship, family history, heirship, names, identity of parties, marital status, possession or adverse possession, residence, service in the armed forces, conflicts or ambiguities in descriptions of land in recorded instruments, and the happening of any condition or event which may terminate an estate or interest.

Section 3. Every affidavit herein provided for shall include the name, age and residence of the affiant, a description of such real estate, title to which may be affected by facts stated in such affidavit, and facts showing that the affiant has personal knowledge of the facts stated, and shall state the name of the person appearing by the record to be the owner of such real estate at the time of the recording of the affidavit. The official taking the affidavit shall certify that the affiant is personally known to him or her, or satisfactorily proven, to be the person named as affiant. The recorder shall index the affidavit in the name of such record owner in both grantor and grantee indexes, and, if possible, shall note the recording thereof in the margin of the record of any instrument therein referred to.

Section 4. This act shall take effect in 60 days.

APPROVED—The 5th day of November, A. D. 1981.

DICK THORNBURGH