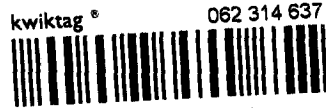


ENROLLMENT(S)



5

COUNCIL OF THE DISTRICT OF COLUMBIA

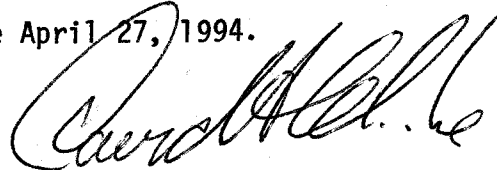
NOTICE

D.C. LAW 10-110

"Property Conveyancing Revision Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-88 on first and second readings, January 4, 1994, and February 1, 1994, respectively. Following the signature of the Mayor on February 18, 1994, this legislation was assigned Act No. 10-198, and published in the March 4, 1994, edition of the D.C. Register (Vol. 41 page 1023) and transmitted to Congress on February 28, 1994 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-110, effective April 27, 1994.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

February	28
March	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22,23,24
April	12,13,14,15,18,19,20,21,22,25,26

AN ACT

Codification

D.C. ACT 10-198

District of Columbia Code

(1994 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 18, 1994

To amend An Act To establish a code of law for the District of Columbia to provide for the conveyance of real property by power of attorney, establish the requirements for acknowledgments of deeds of corporations, provide for conveyances in which the grantor is also the grantee, authorize conveyances by personal representatives, and validate certain defective grants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Property Conveyancing Revision Act of 1994".

Sec. 2. Chapter 16 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1267; D.C. Code § 45-301 *et seq.*), is amended as follows:

(a) Section 492(b) (D.C. Code § 45-306(b)) is amended by inserting the phrase "in person or by power of attorney" after the phrase "grantor, lessor, or declarant,".

Section
45-306

(b) Section 498 (D.C. Code § 45-601) is amended to read as follows:

Section
45-601

"(a) A general or specific power of attorney executed by a person authorizing an attorney-in-fact to sell, grant, or release any interest in real property shall be executed in the same manner as a deed and shall be recorded with or prior to the deed executed pursuant to the power of attorney. If the power of attorney is recorded prior to the deed executed pursuant to the power of attorney, the deed being executed pursuant to the power of attorney shall include a recording date and instrument number reference of where the original recorded power of attorney is located in the Office of the Recorder of Deeds for the District of Columbia. All powers of attorney executed in accordance with this section shall contain on the top of the front page, in bold and capital letters, the following words:

"THIS POWER OF ATTORNEY AUTHORIZES THE PERSON NAMED BELOW AS MY ATTORNEY-IN-FACT TO DO ONE OR MORE OF THE FOLLOWING: TO SELL, LEASE, GRANT, ENCUMBER, RELEASE OR OTHERWISE CONVEY ANY INTEREST IN MY REAL PROPERTY AND TO EXECUTE DEEDS AND ALL OTHER INSTRUMENTS ON MY BEHALF, UNLESS THIS POWER OF ATTORNEY IS OTHERWISE LIMITED HEREIN TO SPECIFIC REAL PROPERTY."

"(b) A person with a general or specific power of attorney executing a deed for another shall sign and acknowledge the deed as attorney-in-fact.

"(c) A power of attorney is deemed to be revoked when the instrument containing the revocation is recorded in the Office of the Recorder of Deeds for the District of Columbia. A person revoking a power of attorney shall sign and acknowledge the instrument containing the revocation. Notwithstanding the above, any attorney-in-fact receiving written notice of the revocation by the party who granted the power of attorney shall cease from any further action as attorney-in-fact on behalf of the party who granted the power of attorney. The instrument of revocation should reference the recording date and instrument number of the original power of attorney. A person granting a power of attorney may revoke the power to convey real property without affecting any other powers contained in the original power of attorney by reciting in the revocation that the revocation of the power to convey real property shall not affect the remaining powers granted in the original power of attorney."

(c) Section 497 (D.C. Code § 45-502) is amended to read as follows:

Section
45-502

"The deed of a corporation shall be executed and acknowledged either (1) by an attorney-in-fact appointed for that purpose or (2) without appointment, by its president or a vice-president if also attested by the secretary or assistant secretary of the corporation."

(d) Section 1031 (D.C. Code § 45-216) is amended as follows:

Section
45-216

(1) The existing text is designated as subsection (a).

(2) The second sentence in subsection (a) is deleted.

(3) A new subsection (b) is added to read as follows:

"(b) An interest in property, whether held in tenancy in common, joint tenancy, or tenancy by the entirety, may be granted by 1 or more persons, as grantor or grantors:

"(1) To 1 of them alone as grantee; or

"(2) To the following, as grantees in tenancy in common, joint tenancy, or tenancy by the entirety:

"(A) The grantors alone;

"(B) Two or more of the grantors;

"(C) The grantor or grantors and another person or

persons; or

"(D) One or more of the grantors and another person or persons."

(e) A new section 499a is added to read as follows:

New
Section
45-801.1

"Sec. 499a. Defective grants recorded before the effective date of the Uniform Property Conveyancing Revision Act of 1994.

"(a) Any instrument recorded in the Office of the Recorder of Deeds before the effective date of the Uniform Property Conveyancing Revision Act of 1994 shall be effective notwithstanding the existence of 1 or more of the failures in the formal requisites listed in section 499c, unless the failure was challenged in a judicial proceeding commenced within 6 months from the effective date of the Uniform Property Conveyancing Revision Act of 1994.

"(b) Nothing in this section shall affect the validity of instruments recorded before the effective date of the Uniform Property Conveyancing Revision Act of 1994 which have been validated by prior law."

(f) A new section 499b is added to read as follows:

New
Section
45-801.2

"Sec. 499b. Defective grants recorded on or after the effective date of the Uniform Property Conveyancing Revision Act of 1994.

"Any instrument recorded in the Office of the Recorder of Deeds on or after the effective date of the Uniform Property Conveyancing Revision Act of 1994 shall be effective notwithstanding the existence of 1 or more of the failures in the formal requisites listed in section 499c, unless the failure is challenged in a judicial proceeding commenced within 6 months after the instrument is recorded."

(g) A new section 499c is added to read as follows:

New
Section
45-801.3

"Sec. 499c. Failures in formal requisites of an instrument.

"(a) The failures in the formal requisites of an instrument that may be cured by this act are:

- (1) An omission of an acknowledgment or a defective or improper acknowledgment;
- (2) A failure to attach a clerk's certificate;
- (3) An omission of a notary seal or other seal; or
- (4) An omission of an attestation.

"(b) Nothing in this act shall be construed to eliminate the requirement that a deed be under seal. Any deed accepted for recordation without a seal but made effective by operation of this act shall be deemed a sealed instrument.

"(c) Nothing in this act shall be construed to validate any instrument with respect to which there was any misrepresentation, fraudulent act, or illegal provision in connection with its execution or acknowledgment.

"(d) Any person convicted of a fraudulent act, in connection with the validation of any instrument under sections 497, 498, 499a and 499b, shall be subject to the penalties set forth in section 122 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-3822)."

(h) Section 514 (D.C. Code § 45-611) is repealed.

Sec 45-611

(i) Section 515 (D.C. Code § 45-608) is repealed.

Sec 45-608

(j) Section 516 (D.C. Code § 45-609) is repealed.

Sec 45-609

(k) Section 518 (D.C. Code § 45-610) is repealed.

Sec 45-610

(l) Section 520 (D.C. Code § 45-612) is repealed.

Sec 45-612

Sec. 3. Section 20-742 of the District of Columbia Code is amended as follows:

Section
20-742

(a) Subsection (b) is amended by striking the phrase "In order to invest in, sell, exchange, or lease" and inserting in its place the phrase "Except as provided in subsection (c) of this section, in order to invest in, release, sell, exchange or lease any interest in".

(b) A new subsection (c) is added to read as follows:

"(c) No court order shall be required in order for the personal representative to invest in, release, sell, exchange, or lease any interest in real property if:

"(1) The will authorizes such action and waives the bond required by section 20-502; or

"(2) All interested parties agree in writing to the action of the personal representative with respect to the real property and waive the bond required by section 20-502."

Sec. 4. An Act to validate and confirm certain acknowledgments of deeds and other instruments of writing under seal made in a foreign country for lands lying in the District of Columbia, and the records thereof, approved March 3, 1879 (20 Stat. 353; D.C. Code § 45-607), is repealed.

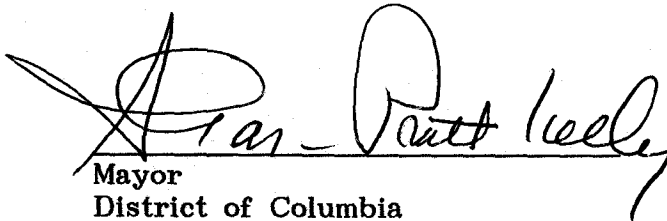
Section
45-607

Sec. 5. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: February 18, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-88

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted First Reading, 1-4-94

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Evans

[] ROLL CALL VOTE -- RESULT ()

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: February 4, 1994

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted Final Reading, 2-1-94

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Lightfoot, Smith and Thomas

[] ROLL CALL VOTE -- RESULT ()

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: February 4, 1994

[] Item on Consent Calendar

[] ACTION & DATE:

[] VOICE VOTE:

Recorded vote on request

Absent:

[] ROLL CALL VOTE -- RESULT ()

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and rows for CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date