

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 445 - L.D. 1027

An Act to Strengthen the Law Regarding Relief for Improvident Transfers of Title

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSA §1023, sub-§2, as amended by PL 2003, c. 236, §2, is further amended to read:

2. Relief available; protected transfers and executions. When a court finds that a transfer of property or execution of a guaranty was the result of undue influence, it shall grant appropriate relief enabling the elderly dependent person to avoid the transfer or execution, including the rescission or reformation of a deed or other instrument, the imposition of a constructive trust on property or an order enjoining use of or entry on property or commanding the return of property. The court shall award reasonable attorney's fees and costs to be paid by the person who exercised undue influence over the elderly dependent person or by any transferee who paid less than full consideration, as found by the court. When the court finds that undue influence is a good and valid defense to a transferee's suit on a contract to transfer the property or a suit of a person who benefits from the execution of a guaranty on that guaranty, the court shall refuse to enforce the transfer or guaranty.

~~No relief~~ Relief obtained or granted under this section may not in any way affect or limit the right, title and interest of good faith purchasers, mortgagees, holders of security interests or other 3rd parties who obtain an interest in the transferred property for value after its transfer from the elderly dependent person. ~~No relief~~ Relief obtained or granted under this section may not affect any mortgage deed to the extent of value given by the mortgagee.