

1                   A bill to be entitled  
 2           An act relating to correction of errors in deeds;  
 3           creating s. 694.18, F.S.; providing definitions;  
 4           providing that a deed that contains a single  
 5           scrivener's error in the description of real property  
 6           may convey title despite such an error if certain  
 7           requirements are met, including the filing of a  
 8           curative notice; specifying the form of such notice;  
 9           providing for the recording of such a notice;  
 10          providing for operation of the notice; providing  
 11          construction; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Section 694.18, Florida Statutes, is created to  
 16           read:

17           694.18 Curative procedure for certain description errors  
 18           in deeds.—

19           (1) DEFINITIONS.—As used in this section, the term:

20           (a) "Erroneous deed" means any deed, other than a  
 21           quitclaim deed, containing a scrivener's error.

22           (b) "Intended real property" means the real property  
 23           vested in the grantor and intended to be conveyed by the grantor  
 24           in the erroneous deed.

25           (c) "Scrivener's error" means a single error or omission

26 in the legal description of the intended real property in no  
27 more than one of the following categories:

28 1. An error or omission in no more than one of the lot or  
29 block identifications of a recorded platted lot; however, the  
30 transposition of the lot and block identifications is considered  
31 one error.

32 2. An error or omission in no more than one of the unit,  
33 building, or phase identifications of a condominium or  
34 cooperative unit.

35 3. An error or omission in no more than one directional  
36 designation or numerical fraction of a tract of land that is  
37 described as a fractional portion of a section, township, or  
38 range; however, an error or omission in the directional  
39 description and numerical fraction of the same section,  
40 township, or range is considered one error.

41 (2) CONVEYANCE OF TITLE.—As limited by paragraphs (3) (a)–  
42 (c) and if the requirement in paragraph (3) (d) is met, the  
43 erroneous deed conveys title to the intended real property as if  
44 there had been no scrivener's error, and, likewise, each  
45 subsequent erroneous deed containing the identical scrivener's  
46 error conveys title to the intended real property as if there  
47 had been no such identical scrivener's error.

48 (3) APPLICABILITY.—Subsection (2) applies only if:

49 (a) Record title to the intended real property was held by  
50 the grantor of the first erroneous deed at the time the first

51 erroneous deed was executed.

52 (b) Within the 5 years preceding the recording of the  
53 erroneous deed, the grantor of any erroneous deed held title to  
54 no other real property in either:

55 1. The same subdivision, condominium, or cooperative  
56 development; or

57 2. The same section, township, and range, described in the  
58 erroneous deed.

59 (c) The intended real property is not described  
60 exclusively by a metes and bounds legal description.

61 (d) A curative notice in substantially the same form as  
62 set forth in subsection (4) is recorded in the official records  
63 of the county in which the intended real property is located,  
64 evidencing the intended real property to be conveyed by the  
65 grantor.

66 (e) This section only applies to a deed containing a  
67 single scrivener's error and will not correct multiple errors in  
68 the legal description of the intended real property.

69 (4) CURATIVE NOTICE.—A curative notice must be in  
70 substantially the following form:

71  
72 Curative Notice Per Section 694.18, Florida Statutes  
73 Scrivener's Error in Legal Description

74 The undersigned does hereby swear and affirm:

75 1. The deed which transferred title from

76 \_\_\_\_\_, to \_\_\_\_\_, dated  
 77 \_\_\_\_\_, and recorded on  
 78 in Official Records \_\_\_\_\_, Page \_\_\_\_\_, and/or Instrument No.  
 79 \_\_\_\_\_, of the Official Records of  
 80 County, Florida (herein after referred to as "first  
 81 erroneous deed"), contained the following erroneous legal  
 82 description:  
 83 [insert incorrect legal description]  
 84  
 85 [insert and repeat paragraph 2 to include each subsequent  
 86 erroneous deed in the chain of title containing the same  
 87 erroneous legal description:  
 88 2. The deed transferring title from \_\_\_\_\_  
 89 to \_\_\_\_\_ and recorded on \_\_\_\_\_ in  
 90 Official Records \_\_\_\_\_, Page \_\_\_\_\_, and/or Instrument No.  
 91 \_\_\_\_\_ , of the Official Records of  
 92 County, Florida, contains the same erroneous legal  
 93 description described in the first erroneous deed.]  
 94 3. I have examined the Official Records of the county  
 95 in which the intended real property is located and have  
 96 determined that the Deed dated \_\_\_\_\_, and  
 97 recorded on \_\_\_\_\_ in Official Records Book  
 98 \_\_\_\_\_, Page \_\_\_\_\_ and/or Instrument Number  
 99 \_\_\_\_\_, Official Records of  
 100 \_\_\_\_\_ County, Florida, establishes that record

101 title to the intended real property was held by the grantor  
 102 of the first erroneous deed at the time the first erroneous  
 103 deed was executed.

104 4. The undersigned has examined or caused to be  
 105 examined the Official Records of \_\_\_\_\_, County, Florida and  
 106 certifies that:

107 a. Record title to the intended real property was  
 108 held by the grantor of the first erroneous deed, \_\_\_\_\_,  
 109 at the time that deed was executed.

110 b. None of the grantor of the first erroneous deed or  
 111 the grantors of any subsequent erroneous deeds listed above  
 112 held record title to any property other than the intended  
 113 real property in the same

114 1. Subdivision, condominium or cooperative; or  
 115 2. Section, township, and range, if described in this  
 116 manner, at any time within 5 years before the date that the  
 117 erroneous deed was executed.

118 c. The intended real property is not described by a  
 119 metes and bounds legal description.

120 5. This notice is made to establish that the real  
 121 property described as:

122 [insert legal description of the intended real  
 123 property]  
 124 (hereinafter referred to as the "intended real property")  
 125 was the real property that was to have been conveyed in the

126 first erroneous deed [and all subsequent erroneous deeds].

127

128

129

\_\_\_\_\_  
Signature: \_\_\_\_\_

130

131

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

132

133

STATE OF FLORIDA

134

COUNTY OF

135

Sworn to (or affirmed) and subscribed before me this

136

day of \_\_\_\_\_, \_\_\_\_\_ (year) \_\_\_\_\_, by \_\_\_\_\_ (name of person

137

making statement) \_\_\_\_\_.

138

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)

139

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary

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Public)

141

Personally Known \_\_\_\_\_ OR Produced

142

Identification \_\_\_\_\_

143

Type of Identification Produced

144

\_\_\_\_\_

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(5) RECORDING.—The clerk of the circuit court where the

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intended real property is located may accept and record a

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corrective notice in the form described in subsection (4) as

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evidence of the intent of the grantor in the erroneous deed to

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convey the intended real property to the grantee in the

151 erroneous deed.

152 (6) OPERATION OF NOTICE.—A curative notice recorded  
153 pursuant to this section operates as a correction of the first  
154 erroneous deed and all subsequent erroneous deed containing the  
155 same scrivener's error described in the curative notice, and  
156 releases any cloud or encumbrance which any of the erroneous  
157 deeds may have created as to any property other than the  
158 intended real property. The correction relates back to the date  
159 of recordation of the first erroneous deed.

160 (7) REMEDIES NOT EXCUSIVE.—The remedies under this section  
161 are not exclusive and do not abrogate any right or remedy under  
162 the laws of this state other than this section.

163 Section 2. This act shall take effect upon becoming a law.