

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

140

Public)

141

Personally Known _____ OR Produced

142

Identification _____

143

Type of Identification Produced

144

145

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

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intended real property is located shall accept and record a

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curative 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.