

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 4.
DEED EFFECTIVE AND RECORDATION DATES.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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DATES.

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CHAPTER 4. DEED EFFECTIVE AND RECORDATION DATES.

§ 42-401. EFFECTIVE DATE OF DEEDS; EXCEPTION.

Any deed conveying real property in the District, or interest therein, or declaring or limiting any use or trust thereof, executed and acknowledged and certified as provided in §§ 42-101, 42-121 to 42-123, 42-306, and 42-602 and delivered to the person in whose favor the same is executed, shall be held to take effect from the date of the delivery thereof, except that as to creditors and subsequent bona fide purchasers and mortgagees without notice of said deed, and others interested in said property, it shall only take effect from the time of its delivery to the Recorder of Deeds for record.

(Apr. 29, 1878, 20 Stat. 39, ch. 69; Mar. 3, 1901, 31 Stat. 1268, ch. 854, § 499; June 30, 1902, 32 Stat. 531, ch. 1329.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-801.

1973 Ed., § 45-501.

References in Text

Sections 42-121 to 42-123, referred to in this section, were repealed March 6, 1991, by § 12(a) of D.C. Law 8-205.

§ 42-402. DEFECTIVE GRANTS RECORDED BEFORE APRIL 27, 1994.

(a) Any instrument recorded in the Office of the Recorder of Deeds before April 27, 1994, shall be effective notwithstanding the existence of 1 or more of the failures in the formal requisites listed in § 42-404, unless the failure was challenged in a judicial proceeding commenced within 6 months from April 27, 1994.

(b) Nothing in this section shall affect the validity of instruments recorded before April 27, 1994, which have been validated by prior law.

(Mar. 3, 1901, ch. 854, § 499a, as added Apr. 27, 1994, D.C. Law 10-110, § 2(e), 41 DCR 1023.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-801.1.

Legislative History of Laws

Law 10-110, the "Property Conveyancing Revision Act of 1994," was introduced in Council and assigned Bill No. 10-88, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 4, 1994, and February 1, 1994, respectively. Signed by the Mayor on February 18, 1994, it was assigned Act No. 10-198 and transmitted to both Houses of Congress for its review. D.C. Law 10-110 became effective on April 27, 1994.

§ 42-403. DEFECTIVE GRANTS RECORDED ON OR AFTER APRIL 27, 1994.

Any instrument recorded in the Office of the Recorder of Deeds on or after April 27, 1994, shall be effective notwithstanding the existence of 1 or more of the failures in the formal requisites listed in § 42-404, unless the failure is challenged in a judicial proceeding commenced within 6 months after the instrument is recorded.

(Mar. 3, 1901, ch. 854, § 499b, as added Apr. 27, 1994, D.C. Law 10-110, § 2(f), 41 DCR 1023.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-801.2.

Legislative History of Laws

For legislative history of D.C. Law 10-110, see Historical and Statutory Notes following § 42-402.

§ 42-404. 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 §§ 42-101, 42-402, 42-403, and 42-602 shall be subject to the penalties set forth in § 22-3222.

(Mar. 3, 1901, ch. 854, § 499c, as added Apr. 27, 1994, D.C. Law 10-110, § 2(g), 41 DCR 1023.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-801.3.

Legislative History of Laws

For legislative history of D.C. Law 10-110, see Historical and Statutory Notes following § 42-402.

References in Text

"This act," referred to in subsections (a) and (b) of this section, is the Act of March 3, 1901, ch. 854. The Act of March 3, 1901 enacted a code of laws for the District of Columbia.

§ 42-405. NOTICE OF ADDRESS AND NAME CHANGE.

(a) All parties with an interest in a particular real property (including owners of the real property, mortgagees, secured parties under a deed of trust, trustees, or lienholders) shall notify the Recorder of Deeds in writing in the event of a name change or address change. The notice shall identify the real property and specify the interest held in the property. A person to whom an interest in a particular real property has been transferred shall provide their full name and address when recording the interest.

(b) The Recorder of Deeds shall enter into its land records all updated information received according to subsection (a) of this section.

(b-1) Notwithstanding subsection (a) of this section, an owner, as defined under § 47-802(5), may notify the Office of Tax and Revenue of an address change in lieu of filing with the Recorder of Deeds. The notice shall identify the real property by square, suffix and lot, parcel and lot, or reservation and lot, and shall specify the interest held in the real property.

(c) The District shall assess a fee not to exceed \$300 against an interested party if the District is unable to locate the interested party using all available information in the land records at the Office of the Recorder of Deeds or other information available at the Office of Tax and Revenue.

(d) The Mayor shall issue rules to implement this section.

(Mar. 3, 1901, ch. 854, § 499d, as added Oct. 23, 1997, D.C. Law 12-34, § 2, 44 DCR 4827; Apr. 4, 2003, D.C. Law 14-282, § 7(a), 50 DCR 896.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-801.4.

Effect of Amendments

D.C. Law 14-282 added subsec. (b-1); and in subsec. (c), substituted "Office of Tax and Revenue" for "Department of Finance and Revenue".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 8(a) of the Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, Oct. 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) amendment of section, see § 8(a) of the Tax Clarity and Related Amendments Temporary Act of 2002 (D.C. Law 14-228, Mar. 25, 2003, law notification 50 DCR 2741).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 8(a) of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) amendment of section, see § 8(a) of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) amendment of section, see § 8(a) of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

Legislative History of Laws

Law 12-34, the "Real Property Interests Reporting Improvement Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-177, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 17, 1997, and July 1, 1997, respectively. Signed by the Mayor on July 17, 1997, it was assigned Act No. 12-130 and transmitted to both Houses of Congress for its review. D.C. Law 12-34 became effective on October 23, 1997.

For Law 14-282, see notes following § 42-204.

References in Text

Pursuant to the Office of the Chief Financial Officer's "Notice of Public Interest" published in the April 18, 1997, issue of the District of Columbia Register (44 DCR 2345) the Office of Tax and Revenue assumed all of the duties and functions previously performed by the Department of Finance and Revenue, as set forth in Commissioner's Order 69-96, dated March 7, 1969. This action was made effective January 22, 1997, *nunc pro tunc*.

§ 42-406. FIRST RECORDED DEED PREFERRED.

When 2 or more deeds of the same property are made to bona fide purchasers for value without notice, the deed or deeds which are first recorded according to law shall be preferred.

(Mar. 3, 1901, 31 Stat. 1268, ch. 854, § 500.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-802.

1973 Ed., § 45-502.

§ 42-407. INSTRUMENT NOT PROPERLY EXECUTED OR ACKNOWLEDGED NOT RECORDABLE.

The Recorder of Deeds shall not:

(1) Accept for recordation any instrument unless the instrument is executed and acknowledged according to law by the person granting or contracting his or her right, title, or interest in the real property;

(2) Accept for recordation any deed, as defined in § 42-1101(3), concerning real property in connection with which taxes, assessments, or charges are owing under chapter 11 of this title, under chapters 9 and 14 of Title 47, or to a taxing agency as defined in § 47-1330(8); provided, that this paragraph shall not:

(A) Act to bar collection of the delinquent taxes, assessments, or charges; and

(B) Apply to real property acquired by the District, receiving assistance under the Distressed Properties Improvement Program established pursuant to § 42-3508.04, or encumbered by an instrument securing payment of a promissory note executed under § 47-1353(a)(3); or

(3) Require liens filed by a taxing agency as defined in § 47-1330(8), or liens filed under § 47-4421, to be acknowledged; provided, that when a lien is delivered to the Recorder of Deeds via an electronic medium or first accessible via the Internet, the lien shall be deemed filed and recorded, notwithstanding any other law.

(Mar. 3, 1901, 31 Stat. 1276, ch. 854, § 555; June 30, 1902, 32 Stat. 533, ch. 1329; June 13, 1990, D.C. Law 8-136, § 5, 37 DCR 2620; Apr. 4, 2003, D.C. Law 14-282, § 7(c), 50 DCR 896; Mar. 13, 2004, D.C. Law 15-105, § 72(a), 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-803.

1973 Ed., § 45-503.

Effect of Amendments

D.C. Law 14-282 rewrote the section which had read as follows:

"§ 42-407. Instrument not properly executed or acknowledged not recordable."

"The Recorder of Deeds shall not accept for recordation any instrument unless the instrument is executed and acknowledged according to law by the person granting or contracting his or her right, title, or interest in the land, or any instrument for property against which a lien for delinquent water, sanitary sewer, or meter service charges has been assessed in accordance with § 34-2109, § 34-2110, or § 34-2407.02. The Recorder of Deeds shall require any person who attempts to record a deed to convey real property to provide written certification from the Mayor that any bill rendered for water, sanitary sewer, or meter service charges to the property has been paid in full."

D.C. Law 15-105, in par. (2), validated previously made technical corrections.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 8(c) of the Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, Oct. 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) amendment of section, see § 8(c) of the Tax Clarity and Related Amendments Temporary Act of 2002 (D.C. Law 14-228, Mar. 25, 2003, law notification 50 DCR 2741).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 8(c) of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) amendment of section, see § 8(c) of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) amendment of section, see § 8(c) of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

Legislative History of Laws

Law 8-136, the "District of Columbia Water and Sewer Operations Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-269, which was referred to the Committee on Public Works. The Bill was adopted on first and second readings on March 27, 1990, and April 10, 1990, respectively. Signed by the Mayor on April 17, 1990, it was assigned Act No. 8-192 and transmitted to both Houses of Congress for its review.

For Law 14-282, see notes following § 42-204.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

Delegation of Authority

Delegation of authority under D.C. Law 8-136, the "D.C. Water and Sewer Operations Act of 1990.", see Mayor's Order 91-176, October 24, 1991.

Miscellaneous Notes

Mayor authorized to issue rules: Section 8 of D.C. Law 8-136 provided that within 60 days of June 13, 1990,

the Mayor shall, pursuant to subchapter I of Chapter 15 of Title 1, issue proposed rules to implement the provisions of this act including rules regarding deposits, meters, liens, the sale and redemption of real property, the amnesty program, receivership, termination of water and sewer services, and administrative review; that the proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess, and, if the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved; and that if after 90 days from June 13, 1990, the Mayor has failed to issue proposed rules to implement the provisions of this act as provided in subsection (a) of this section, the Council may adopt any legislation necessary to accomplish the purposes of this act.

§ 42-408. RECORD OF CONVEYANCE BY INFANT OR INFANT TRUSTEE AS EVIDENCE.

The record or a copy thereof of any deed recorded shall be evidence thereof, in the same manner and shall have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law.

(Mar. 3, 1901, 31 Stat. 1271, ch. 854, § 519; June 30, 1902, 32 Stat. 532, ch. 1329; Apr. 18, 1996, D.C. Law 11-110, § 47, 43 DCR 530.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-804.

1973 Ed., § 45-504.

Legislative History of Laws

Law 11-110, the "Technical Amendments Act," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995 and January 4, 1996 respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

§ 42-409. BONDS AND CONTRACTS RELATING TO LAND RECORDABLE.

Any title bond or other written contract in relation to land may be acknowledged, certified, and recorded in the same manner and with like effect as to notice as deeds for the conveyance of land.

(Mar. 3, 1901, 31 Stat. 1268, ch. 854, § 501; June 30, 1902, 32 Stat. 531, ch. 1329.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-805.

1973 Ed., § 45-505.

§ 42-410. MAP OR PLAT OF SUBDIVISIONS NOT RECORDABLE.

It shall not be lawful for any person or persons to record any map or plat of the subdivision of land in the District of Columbia in the office of the Recorder of Deeds for said District, whether such map or plat be attached to a deed or other document or is offered separately for record.

(Aug. 24, 1894, 28 Stat. 501, ch. 329.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-806.

1973 Ed., § 45-506.