

RULE 114A. REAL ESTATE ORDER AND ABSTRACT

(a) Real Estate Order. As part of every divorce judgment involving distribution of real estate, the court shall also enter a real estate order to be attached and incorporated by reference into the divorce judgment containing the following information pursuant to 19-A M.R.S. § 953(7):

(1) The name of the party or parties responsible for recording the abstract of the divorce decree with the appropriate Registry of Deeds and paying the recording fee;

(2) An adequate description of the real estate, such as by reference to the volume and page number of an instrument recorded in the registry of deeds or the probate court record, or an adequate description by metes and bounds or by reference to the volume and page number of the Registry of Deeds' records of a survey plan of the property;

(3) A street address for the real estate, including the town/municipality, if any;

(4) Any provision of the decree intended by the court to constitute an encumbrance against real estate, including any conditions pertaining to the encumbrance; and

(5) A clear statement of the ownership interest of the parties in the real estate intended by the court to result from the divorce judgment.

(b) Abstract of the Divorce Decree.

(1) After the divorce judgment becomes final, the party responsible for recording the abstract of the divorce decree with the appropriate Registry of Deeds shall file a request for an abstract with the court together with the fee set by Administrative Order JB-05-26. If the party responsible for recording the abstract is represented by an attorney, the attorney shall file, along with the request for an abstract, a proposed abstract of divorce decree that complies with subdivisions (b)(2) and (c) of this rule and uses the court-approved Abstract of Divorce Decree form.

(2) The abstract of the divorce decree shall be certified by the court, and shall attach and incorporate by reference the real estate order issued under subdivision (a) of this rule. The abstract shall also include the following:

(A) The caption of the case, including the names of the parties, and any changes to the parties' names as a result of the divorce judgment;

(B) The name of the court that issued the divorce judgment; and

(C) The date the divorce judgment became final.

(3) The requesting party, not the court, shall be responsible for recording the abstract with the appropriate Registry of Deeds and paying the recording fee.

(c) Real Estate in Multiple Counties. If the divorce judgment involves the distribution of real estate in more than one county, the court shall enter a separate real estate order for each county, and the party responsible for recording the abstract of the divorce decree with the appropriate Registry of Deeds shall request a separate abstract for each county.

Advisory Note – February 2023

Rule 114A is adopted to govern real estate orders and abstracts of divorce decrees.