

STANDARD NO. 312

PROBLEM:

1. May the title examiner rely on the information on a Maine Real Estate Transfer Tax Declaration form ("RETTD"), or the lack of a "transfer tax paid" stamp in the margin, to determine if a recorded deed was *not supported by consideration*?

RECOMMENDATION:

1. No.

DISCUSSION:

Deeds do not need to be supported by consideration to be valid. However, whether a deed is supported by consideration may be important to determine if a grantee is protected by the Maine Recording Act.

Belanger v. Yorke, 2020 ME 24, 226 A.3d 215 was a recording act dispute that involved a deed filed with a RETTD where *both parties to the deed stated under oath that the deed was a gift*. The Law Court analyzed an oral agreement and remanded the case to the trial court on consideration issues without mentioning the RETTD.

See Title Standard 202(A)(5) describing how lack of consideration for a deed can affect the time period that must be examined.