

## **STANDARD NO. 705**

### **PROBLEM:**

Title includes a deed given by the individual authorized to sell under license of the probate court issued prior to 1981 pursuant to the provisions of the former 18 M.R.S. §2051(10) (see NOTE), authorizing sale where part or all of the heirs or devisees live in different states. Is this acceptable?

### **RECOMMENDATION:**

Yes.

### **DISCUSSION:**

The chief objection to accepting a deed under this statute appears to be that the statute divests the spouses of the heirs or devisees of their inchoate rights without notice, thus raising a possible constitutional question. However, this is in the nature of a partition proceeding and the licensee is acting as an officer of the court in selling and distributing the proceeds.

NOTE: 18 M.R.S. §2051(10) was repealed October 1, 1981.