

Leasehold Estates.

1. Deeds and other instruments in writing, creating a leasehold estate in lands, &c., for a period exceeding ten years, to be void against subsequent judgment creditors, &c., unless recorded within fifteen days after execution.
2. When assignments or transfers of leasehold interests are void, &c.
3. Mortgage or assignment of leasehold estate void as against subsequent judgment creditor, without notice, unless recorded.
4. Clerks and registers may, at the request of the mortgagee, record mortgages of leasehold estates, &c.
5. Mortgages of leasehold estates may be assigned.
6. Acts relating to the conveyance, &c., of freehold estates to be applicable to the conveyancing, &c., of leasehold estates.
7. All instruments in writing creating or assigning leasehold estates to be recorded.
8. Instruments in writing heretofore recorded to have same force and effect as if recorded under this act.

An act in relation to leasehold estates, and assignments and mortgages thereof.(1)

P. L. 1887, p. 221.

Approved April 21, 1887.

Deeds and other instruments in writing, creating any leasehold estate in lands, &c., for a period exceeding ten years, to be void against subsequent judgment creditors, &c., unless recorded within fifteen days after execution.

Proviso.

When assignments or transfers of leasehold interests are void, &c.

Proviso.

Mortgage or assignment of leasehold estate void against subsequent judgment creditor unless recorded.

Proviso.

Clerks and registers may, at the request of the mortgagee, record mortgages of leasehold estates, &c.

1. That every deed or other instrument in writing, creating any leasehold estate in any lands, tenements or hereditaments, for a term of years exceeding ten years, which shall hereafter be made and executed, shall be void and of no effect against a subsequent judgment creditor or bona fide assignee or mortgagee, for a valuable consideration, not having notice thereof, unless such deed or instrument of writing shall be acknowledged or proved and recorded, or lodged for that purpose with the clerk of the court of common pleas, or the register of deeds, as the case may be, of the county in which such demised lands, tenements and hereditaments are situated within fifteen days after the time of signing and delivering the same; *provided, nevertheless*, that such deed or instrument of writing shall, as between the parties thereto and their heirs, be valid and operative.

2. That every assignment or other transfer of any of the leasehold interests mentioned and described in the preceding section of this act which shall hereafter be made and executed, shall be void and of no effect against a subsequent judgment creditor or bona fide assignee or mortgagee, for a valuable consideration, not having notice thereof, unless such assignment or transfer shall be acknowledged or proved and recorded or lodged for that purpose with the clerk of the court of common pleas or the register of deeds, as the case may be, of the county in which such demised lands, tenements and hereditaments are situated, within fifteen days after the time of signing and delivering the same; *provided, nevertheless*, that such assignment or transfer shall, as between the parties thereto and their heirs, be valid and operative.

3. That every deed of mortgage, or assignment, or conveyance in the nature of a mortgage of any leasehold estates or interests, mentioned and described in the first section of this act, which shall hereafter be made and executed, shall be void and of no effect against a subsequent judgment creditor or bona fide assignee or mortgagee, for a valuable consideration, not having notice thereof, unless such mortgage or instrument shall be acknowledged or proved according to law, and recorded or lodged for that purpose with the clerk of the court of common pleas, or the register of deeds, as the case may be, of the county in which such lands, tenements and hereditaments are situated, within fifteen days after the time of signing and delivering the same, or before the time of entering such judgment, or of recording or lodging with the clerk or register as aforesaid, the said mortgage or assignment to such subsequent purchaser or mortgagee; *provided, nevertheless*, that such mortgage, as between the parties thereto and their heirs, shall be valid and operative.

4. That the clerks of the courts of common pleas of the several counties of this state, and the registers of deeds, as the case may be, may at the request of any mortgagee of such leasehold estates register all mortgages or defeasible deeds in the nature of mortgages of such leasehold estates,

(1) See *ante*, title CONVEYANCES, p. 857, Secs. 19 to 22.

lying and being within his county, by entering in fit books provided for that purpose the names of the mortgagor and mortgagee, the date of the mortgage, the mortgage money, and when payable, and the description and boundaries of the lands, tenements and hereditaments mortgaged.

5. That all such mortgages and all covenants and stipulations therein contained shall be assignable at law by writing in the same manner in which mortgages of freehold estates are assignable, and that the several county clerks and registers of deeds shall record such assignments in the same manner as they are now required to record assignments of mortgages of freehold estates, and that the record thereof shall have the same effect as is now given by law to assignments of mortgages of freehold estates.

6. That all acts and parts of acts now in force in relation to the conveyance and mortgaging of freehold estates, and in relation to the recording, registering and assignments thereof, and in relation to the duties of the several county clerks and registers of deeds in reference thereto and their fees therefor shall be applicable to the conveyances, assignments and mortgages of the above-mentioned leasehold estates.

7. That all such instruments in writing creating, assigning and mortgaging the leasehold estates hereinabove mentioned, and all assignments of such mortgages shall be recorded by the said clerks of the court of common pleas and registers of deeds as aforesaid in the books provided for the recording and registry of conveyances and mortgages of freehold estates, and that the assignments of mortgages of such leasehold estates shall be recorded in the books provided for recording assignments of mortgages on freehold estates, and that the same shall be recorded by the said clerks and registers in the order in which the same shall have been received by them, in their respective offices, in the same manner as if they were instruments relating to freehold estates.

8. That in case any instruments in writing, creating, mortgaging, assigning or assigning mortgages of any leasehold estates of the character mentioned in the preceding sections of this act, which shall have been heretofore recorded in the manner provided by this act, all such instruments of writing and the record thereof shall have the same force and effect for all purposes as if the same had been recorded under the provisions of this act and in accordance therewith, and shall be notice of the contents of such instruments to subsequent purchasers, mortgagees and creditors in the same manner and to the same extent as if the same had been recorded under the provisions of this act, and that the records of all such instruments, whether heretofore or hereafter made, and the transcripts of such records, certified to be true transcripts by the said clerks or registers, in whose office the record is kept, shall be received in evidence in any court of this state, and be as good, effectual and available in law as if the original instrument were then and there produced and proved; *provided, however*, that this act or anything contained in or provided for by it, shall not, in any manner, affect the rights of any person, persons or corporation acquired in such leasehold estates prior to the passage thereof.

Mortgages of leasehold estates may be assigned.

Assignments to be recorded.

Acts relating to the conveyance, &c., of freehold estates to be applicable to leasehold estates.

All instruments in writing, mortgaging, creating or assigning leasehold estates to be recorded.

Instruments in writing heretofore recorded to have same force and effect as if recorded under this act.

Copy of records to be evidence in courts.

Proviso.

Legacies.

1. Action to recover may be in supreme or circuit courts; abatement of; time allowed in which to pay.
2. Infant may sue by guardian or next friend.
3. Proceedings on plea of want of assets.
4. Costs, how awarded.
5. Demand to be made and refunding bond tendered or filed.
6. Abatement to be only of proportional part.
7. Creditors not to be prejudiced.
8. Amended by sections 9 and 12.
9. Amended by section 12.
10. Superseded by section 13.
11. Superseded by section 14.
12. Security required from legatee for life or limited period.
13. Act to apply to cases where will has or shall be proved.
14. Repealer.
15. Proceedings to set apart lands for the payment of contingent legacies.