

2011 -- H 5339

LC00796

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --  
COMMENCEMENT OF PROCEEDINGS

Introduced By: Representative Thomas Winfield

Date Introduced: February 15, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-4-9 of the General Laws in Chapter 9-4 entitled "Commencement  
2 of Proceedings" is hereby amended to read as follows:

3 **9-4-9. Lis pendens.** -- (a) No proceeding in court, hereafter taken, whether by filing bill,  
4 petition, declaration, or other complaint, or by rule of court or otherwise, and no final order,  
5 decree, or judgment, concerning the title to any real estate, in this state, or to any interest or  
6 easement therein, shall affect the title (except as to parties thereto and their heirs and devisees,  
7 and those having actual notice thereof) as to any rights acquired before notice of the filing, or  
8 entry of the notice shall be recorded in the records of land evidence in the town or city where the  
9 real estate is situated; the notice to be copied in a book duly indexed and kept for that purpose.  
10 The notice shall briefly state the names of all the parties, the court wherein filed, the date of  
11 filing, and the substance of the bill, petition, declaration or other complaint, rule, order, decree, or  
12 judgment, and a description of the real estate thereby affected, so as far as may be necessary to  
13 warn any person subsequently dealing with the title to the land.

14 (b) Any person causing such notice to be recorded shall, within seven (7) days of the  
15 recording, cause a copy of said notice to be mailed, regular mail, postage prepaid to all parties  
16 named in the bill, petition, declaration or other complaint, rule, order, decree, or judgment at their  
17 last known address. Failure to comply with this provision shall not invalidate the lis pendens.

18 (c) Notwithstanding anything contained in this section, any other provision of the general

1 or public laws to the contrary, in the event a lis pendens is sought to be filed on real estate utilized  
2 for the sole purpose of maintaining and/or supporting the health, education and welfare of an  
3 individual, then in such event the party seeking to file the lis pendens shall obtain, after proper  
4 notice and hearing, court permission to file the lis pendens.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would require court permission prior to filing a lis pendens on real estate that is
- 2   used solely for the purpose of maintaining the health, education and welfare of an individual.
- 3           This act would take effect upon passage.

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