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HOUSE BILL NO. 2871

Offered January 20, 1997

A BILL to amend and reenact § 55-57.1 of the Code of Virginia, relating to memoranda of leases and options; recording fee.

Patrons—Cantor, Barlow, Callahan, Clement, Cooper, Cox, Darner, Dudley, Hall, Hull, Ingram, McDonnell, Morgan, Nixon, Plum, Tata, Van Yahres and Way; Senators: Hanger and Ticer

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-57.1 of the Code of Virginia is amended and reenacted as follows:

§ 55-57.1. Memoranda of leases and options.

A. In lieu of the recording of a lease, there may be recorded with like effect a memorandum of such lease, executed by the lessor and the lessee in the manner which would entitle a conveyance to be recorded. A memorandum of lease thus entitled to be recorded shall contain at least the following information with respect to the lease: the name of the lessor, the name of the lessee and a reference to the lease; the addresses, if any, set forth in the lease as addresses of such parties; its date; a description of the leased premises; and a statement of the term, commencement date or termination date and rights of extension or renewal, if any, to the extent required to determine the period for which or date to which the lease may be in effect; and a statement of whether or not a commercial real estate broker's lien exists under Chapter 28 (§ 55-526 et seq.) of Title 55, and if so, the names and addresses of any such real estate brokers. The recording fee for a memorandum of lease shall be the same as that provided for financing statements under Title 58.1.

B. In lieu of the recording of an option to purchase real estate, there may be recorded with like effect a memorandum of such option, executed by the grantor of the option in the manner which would entitle a conveyance to be recorded. A memorandum of option to purchase real estate thus entitled to be recorded shall contain at least the following information with respect to the option:

1. The name of the person granting the option;
2. The name of the optionee and a reference to the option;
3. The addresses, if any, set forth in the agreement as addresses of such parties;
4. Its date;
5. A description of the optioned premises;
6. The option price or reference to the document containing the method with regard to how the option price is computed; and
7. The statement of the term, commencement date or termination date, and rights of extension or renewal, if any, to the extent required to determine the period during which or date to which the option may be in effect.

INTRODUCED

HB2871