

3.24. Conveyance of Real Property Without the State (CPLR 4524)

A record of a conveyance of real property situated within another state, territory, or jurisdiction of the United States, recorded therein pursuant to its laws, is prima facie evidence of conveyance and of due execution.

Note

This rule restates verbatim CPLR 4524.

The statute makes a record of a conveyance of real property located outside New York and its due execution “prima facie evidence” of its contents when the real property is situated within another state, territory, or jurisdiction of the United States and the record was recorded in that jurisdiction in accordance with the jurisdiction’s laws.

By making that record “prima facie evidence” of the conveyance and its due execution, the statute provides a hearsay exception for that record. While the record is thus admissible and is “prima facie evidence” of conveyance and due execution, evidence may be introduced to rebut the accuracy of conveyance and due execution or otherwise to affect the weight of the evidence. (*Cf. Knox Vil. Assoc. v Town of New Windsor*, 219 AD2d 585, 586 [2d Dept 1995] [“the defendants overcame the presumption of accuracy afforded to the ancient documents produced by the plaintiff (*see*, CPLR 4522 . . .)"]; *Berman v Golden*, 131 AD2d 416, 417 [2d Dept 1987] [indicating that the terminology “prima facie evidence” in CPLR 4522 (Ancient filed maps, surveys and records affecting real property) created a rebuttable presumption of the accuracy of the documents]. *See* Vincent C. Alexander, Practice Commentaries, McKinney’s Cons Laws of NY, Book 7B, CPLR C4518:9.)