

**HOUSE . . . . . No. 1593**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act making technical changes in land court administration of registered land..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 52 of chapter 185 of the General Laws is hereby amended by  
2 striking the fourth paragraph and inserting in place thereof the following paragraph:

3 As used in this section, “notice of voluntary withdrawal” shall mean an instrument in  
4 writing signed and acknowledged by all owners of the land to be voluntarily withdrawn, which  
5 contains the following information: names and addresses of all owners; the certificate of title  
6 number with the registration book and page numbers; the description of the land in the form  
7 contained in the certificate of title; and the street address of such land, if any, and which bears  
8 the endorsement of a justice of the land court approving the voluntary withdrawal as provided in  
9 this section. Upon filing with the land court of a complaint to withdraw land, the plaintiff shall  
10 deposit with the recorder a sum sufficient to cover costs of the proceeding. The court shall then  
11 appoint one of the examiners of title, who shall make a report to the court as to the identity of the  
12 current record owner and of all mortgagees and lessees with interests of record in the land. A  
13 justice of the land court shall approve the application and shall endorse the plaintiff’s notice of  
14 voluntary withdrawal if: (a) the registered land constitutes less than 50 per cent of the total area

15 of a single parcel or of two or more contiguous parcels in common ownership; (b) the registered  
16 land consists of less than 10 per cent of the portion of the land area to which an original  
17 certificate of title pertains, the rest of the land area to which such certificate pertains having been  
18 conveyed since the original registration under this chapter; (c) the owners of the registered land  
19 have submitted, or propose to submit as hereinafter provided, the land to the provisions of  
20 chapter 183A or 183B or have created interests in the land to which chapter 183B is applicable  
21 pursuant to section 3 of chapter 760 of the acts of 1987; or (d) the court finds that the owners of  
22 the registered land have demonstrated other good cause for withdrawal under this section,  
23 including but not limited to, economic hardship by reason of the land being registered, unless,  
24 notice having been given to mortgagees and lessees of record, an outstanding objection has been  
25 filed by a mortgagee or lessee of record. Notwithstanding any such outstanding objection, the  
26 application may be approved, unless the court determines there is good cause for the objection.  
27 The justices of the land court shall establish rules and practices, including an appropriate filing  
28 fee for the application as are necessary to implement this section. An owner of registered land  
29 who proposes to submit the land to the provisions of chapter 183A or 183B may set forth in the  
30 complaint filed hereunder a request that the court approve the application and endorse the notice  
31 of withdrawal subject to the condition that the master deed shall be presented for recording  
32 pursuant to section 16 of chapter 183A in the registry of deeds for the district in which the land is  
33 situated, and upon such recording of the master deed and filing of the judgment of withdrawal  
34 and entry on the memorandum of encumbrances of the certificate of title, the subject premises  
35 shall be so withdrawn.

36 SECTION 2. Section 62 of said chapter 185 is hereby amended in the second sentence  
37 by adding, between the word "instrument" and the word "shall," a comma and the following

38 words:- or by the presentation of a deed or other instrument executed on behalf of a corporation  
39 by a person or persons falsely purporting to be the president, vice president, treasurer, or  
40 assistant treasurer of such corporation,