SENATE DOCKET, NO. 512 FILED ON: 1/19/2011

SENATE . . . . . No. 896

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to essential regional services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	

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SENATE . . . . . No. 896

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 896) of James E. Timilty for legislation relative to essential regional services. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to essential regional services.

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

SECTION 1. Chapter 262 of the General Laws is hereby amended by striking out section 38 and inserting in place thereof the following section:-

Section 38. The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be as follows:

For entering and recording any paper, certifying the same on the original, and indexing it and for all other duties pertaining thereto, $60;

For recording a declaration of trust, $210;

For recording a deed or conveyance, $110;

For recording a mortgage, $160;

For recording a declaration of homestead, $40;

For recording and filing a plan, $60 per sheet; and

For all copies of documents, whether copied out of books or generated electronically, $1 per page, and all coin operated copy machines shall be $.50 per page.

The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit, shall be subject to a surcharge under section 8 of chapter 44B.

SECTION 2. Chapter 262 of the General Laws is hereby amended by striking out section 39, as so appearing, and inserting in place thereof the following section:-

Section 39. The fees payable under chapter one hundred and eighty-five shall be as follows:

For the entry of every original petition, complaint or writ and transmitting it to the recorder, when filed with an assistant recorder, $240. For the entry of complaint to foreclose tax lien $200. An additional fee of $90 shall be paid for the issuance of an injunction or restraining order.

For every plan filed in an original proceeding, $70, and for every new plan filed after original registration, or for making a new plan filed under an original registration, or for making a new plan on request of a registered owner, thirty dollars, plus five dollars for each lot shown on said plan.

The filing fee in the registry of deeds upon receipt from the recorder of the land court department of a plan or copy of a plan shall be $60 per sheet.

For indexing an instrument recorded while a petition for registration is pending, $7.

For examining title, on a petition to register land, or on a petition to register easements or rights in land, the actual amount charged or allowed therefore to the examiner by the court.

For each notice by mail, $5 plus the actual cost of printing.

For all services by a sheriff or deputy sheriff under provisions of chapter one hundred and eighty-five, the same fees as are provided by law for like services.

For each notice by publication, $5 plus actual cost of publication.

For entry of an order dismissing a petition for registration of title, or for foreclosure of a tax title, or a decree of foreclosure of a tax title or of redemption, and sending a memorandum to the assistant recorder, $35.

For entry of a decree of registration and sending a memorandum to the assistant recorder, three-eighths of one percent of the assessed value of the property registered, on the basis of the last assessment for municipal taxation, in addition to any sum payable under section ninety-nine of chapter one hundred and eighty-five, but in no one proceeding shall the amount payable under this paragraph be less than $70 nor more than $2,800.

For the entry of an original certificate of title, including issue of one duplicate, $70.

For the entry of a new certificate of title, including issue of one duplicate, $110.

For filing and registering an adverse claim, $60.

For filing a sewer assessment, $60 for each document and $5 for each additional certificate affected.

For filing and registering a mortgage, $160.

For entering statement of change of residence or post office address, including endorsing and attesting it on a duplicate certificate, twenty dollars.

For entering any note in the entry book or in the registration book, twenty dollars.

For every petition after the original registration, $50.

For a certified copy of any decree or registered instrument, the same fees as are provided for registers of deeds.

For the registration of all other instruments, whether single or in duplicate or triplicate, including entering, indexing and filing it and attesting to the registration thereof, and also making and attesting a copy of memorandum on one instrument or a duplicate certificate when required, except as otherwise provided, $60, and $60 for the making and attesting of a copy of memorandum on each additional certificate and duplicate. For noting the registration of any instrument on each other certificate and duplicate in addition to the first certificate duplicate, $60.

The fees of the assistant recorder, except as otherwise provided, to be paid when the instrument is left for registering, filing or entering with respect to registered land shall be subject to a surcharge under section 8 of chapter 44B.

The fee for filing a declaration of homestead shall be $40.

The fee for the filing and registration of a declaration of trust shall be $210.

SECTION 3. Section 23 of chapter 60 of the General Laws is hereby amended by striking out, in the last sentence of the first paragraph the figure: $50 and inserting in place thereof the following figure: $60.

SECTION 4. Notwithstanding any general or special law to the contrary, with respect to fees collected under Section 23 of Chapter 60 of the General Laws, Section 38 of Chapter 262 of the General Laws, and Section 39 of Section 262 of the General Laws, registries of deeds operated by counties shall continue to deposit with the county treasurer, pursuant to section 39 of chapter 36, fees collected pursuant to the fee structure in place prior to March 15, 2003 and shall also deposit with the county treasurer, the fees collected pursuant to sections one through three which are in excess of the fee structure in place prior to the effective date of said sections.