

**HOUSE . . . . . No. 1562**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

*John H. Rogers*

*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 providing remedies to consumers for clearing title after payoff of mortgages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/12/2015</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/16/2015</i>

**HOUSE . . . . . No. 1562**

---

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 1562) of John H. Rogers and Michael F. Rush for legislation to provide remedies to consumers for clearing titles after the payoff of mortgages. The Judiciary.

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1580 OF 2013-2014.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act providing remedies to consumers for clearing title after payoff of mortgages.

*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. Chapter 260 of the General Laws is hereby corrected and therefore  
2 amended, retroactively as of April 13, 2006, by striking out section 33, as so appearing, and  
3 inserting in place thereof the following section:-

4 Section 33: A power of sale in any mortgage of real estate shall not be exercised and an  
5 entry shall not be made nor possession taken nor proceeding begun for foreclosure of any such  
6 mortgage after payoff and the expiration of, in the case of a mortgage in which no term of the  
7 mortgage is stated, 35 years from the recording of the mortgage or, in the case of a mortgage in  
8 which the term or maturity date of the mortgage is stated, 5 years from the expiration of the term  
9 or from the maturity date, unless an extension of the mortgage, or an acknowledgment or  
10 affidavit that the mortgage is not satisfied, is recorded before the expiration of such period. In

11 case an extension of the mortgage or the acknowledgment or affidavit is so recorded, the period  
12 shall continue until 5 years shall have elapsed during which there is not recorded any further  
13 extension of the mortgage or acknowledgment or affidavit that the mortgage is not satisfied. The  
14 period shall not be extended by reason of nonresidence or disability of any person interested in  
15 the mortgage or the real estate, or by any partial payment, agreement, extension,  
16 acknowledgment, affidavit or other action not meeting the requirements of this section and  
17 sections 34 and 35. After payoff and the expiration of the period provided herein, the mortgage  
18 shall be considered discharged for all purposes without the necessity of further action by the  
19 owner of the equity of redemption or any other persons having an interest in the mortgaged  
20 property and, in the case of registered land, upon the payment of the fee for the recording of a  
21 discharge, the mortgage shall be marked as discharged on the relevant memorandum of  
22 encumbrances in the same manner as for any other mortgage duly discharged.