

HOUSE No. 1526

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

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 to further clear titles to real property affected by technical irregularities in recorded instruments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/17/2019</i>

HOUSE No. 1526

By Mr. Moran of Lawrence, a petition (accompanied by bill, House, No. 1526) of Frank A. Moran relative to titles to real property affected by technical irregularities in recorded instruments. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to further clear titles to real property affected by technical irregularities in recorded instruments.

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. General Laws Chapter 184, Section 24 is hereby amended by deleting
2 Section 24 in its entirety and replacing the same with the following Section 24.

3 Section 24. When any owner of land or of any interest in such land, signs an instrument
4 in writing conveying or purporting to convey his land or any interest therein, or in any manner
5 affecting or purporting to affect his title thereto or an interest therein, and the instrument,
6 whether or not entitled to record or registration, is recorded or registered and indexed in the
7 registry of deeds or registered land district for the district wherein such land is situated, and a
8 period of ten years elapses after the instrument is accepted for record or registration, and the
9 instrument or the record or registration thereof because of defect, irregularity or omission fails to
10 comply in any respect with any requirement of law relating to seals, corporate or individual, to
11 the form of grantor clause in which a person purports to grant, mortgage, assign, release or
12 discharge an interest in real property as representative of or on behalf of a person, trust or entity

13 who owns or holds such interest and is also named in the grantor clause, to the validity of
14 acknowledgment, to a certificate of acknowledgment, witnesses, attestation, proof, method or
15 form of execution, or time of execution, to recitals of consideration, residence, address, or date,
16 to the authority of a person executing such an instrument on behalf of an individual under a
17 power of attorney, to the method by which an individual under a power of attorney executes such
18 an instrument on behalf of the principal, or to the authority of a person executing such an
19 instrument on behalf of a trust or entity and purporting to hold the office or position of trustee,
20 manager, partner, president, vice president, treasurer or other similar office or position, including
21 assistant to any such office or position, or otherwise purporting to be an authorized signatory for
22 such trust or entity, including under a power of attorney on behalf of such trust or entity, such
23 instrument and the record thereof shall, notwithstanding any or all of such defects, irregularities
24 and omissions, be effective for all purposes to the same extent as though the instrument and the
25 record thereof had originally not been subject to the defect, irregularity or omission, or to the
26 form of grantor clause in which a person purports to grant, mortgage, assign, release or discharge
27 an interest in real property in a capacity other than that in which such person actually owns or
28 holds such interest, unless within said period of ten years a proceeding is commenced on account
29 of the defect, irregularity or omission, and notice thereof pursuant to section 15 of this chapter is
30 duly recorded or registered as appropriate and indexed and noted on the margin thereof under the
31 name of the signer of the instrument, the owner or holder of the affected interest at the time of
32 the recording or registration of the instrument and the record owner or holder of the interest at
33 the time of the filing of such notice and, in the event of such proceeding, unless relief is thereby
34 in due course granted.

35 SECTION 2. The provisions of this Act shall take effect January 1, 2020, and shall
36 apply to instruments and documents recorded or registered before, on or after said date, except as
37 to any such instruments or documents for which a court proceeding challenging the effectiveness
38 or validity of any such instrument or document and the title derived therefrom has been
39 commenced pursuant to this section as in effect prior to such effective date.