

SENATE No. 2596

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, March 4, 2024.

The committee on The Judiciary, to whom was referred the petitions (accompanied by bill, Senate, No. 1074) of Michael O. Moore for legislation to further clear titles to real property affected by technical irregularities in recorded instruments; (accompanied by bill, House, No. 1686) of Frank A. Moran and Estela A. Reyes for legislation to further regulate titles to real property affected by technical irregularities in recorded instruments; and (accompanied by bill, House, No. 1726) of Angelo J. Puppolo, Jr., for legislation to further clear titles to real property affected by technical irregularities in recorded instruments, report the accompanying bill (Senate, No. 2596).

For the committee,
James B. Eldridge

SENATE No. 2596

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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. Chapter 184 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by deleting section 24 in its entirety and inserting in place thereof the
3 following section:-

4 Section 24. When the owner of land or an interest in land signs an instrument in writing
5 conveying or purporting to convey the owner’s land or interest, or in any manner affecting or
6 purporting to affect the owner’s title thereto or interest therein, and the instrument, whether or
7 not entitled to record or register, is recorded or registered, and indexed, in the registry of deeds or
8 registered land district for the district wherein the land is situated, and a period of 10 years
9 elapses after the instrument is accepted for recording or registration, and the instrument or the
10 record or registration thereof because of defect, irregularity or omission fails to comply in any
11 respect with any requirement of law relating to: (i) individual or corporate seals; (ii) the form or
12 validity of an acknowledgment or certificate of acknowledgment; (iii) witnesses, attestation or
13 proof, form, method or time of execution; (iv) recitals of consideration, residence, address, or

14 date; (v) the form of the grantor clause in which a person purports to grant, mortgage, assign,
15 release or discharge an interest in real property as representative of or on behalf of a person, trust
16 or entity who owns or holds such interest and is also named in the grantor clause; (vi) the
17 authority of a person who executes an instrument on behalf of a principal under a power of
18 attorney; (vii) the form or method by which a person executes an instrument on behalf of a
19 principal under a power of attorney; (viii) the authority of a person who executes an instrument
20 on behalf of a trust or entity and purporting to hold the office or position of trustee, manager,
21 partner, president, vice president or treasurer, or other similar office or position, or otherwise
22 purporting to be an authorized signatory for such trust or entity, including under a power of
23 attorney; or (ix) the form or method by which a person executes an instrument on behalf of a
24 trust or entity, such instrument and the record or registration thereof shall, notwithstanding any
25 or all of such defects, irregularities and omissions, be effective for all purposes to the same
26 extent as though the instrument and the record or registration thereof had originally not been
27 subject to the defect, irregularity or omission, unless within said 10-year period a proceeding is
28 commenced on account of the defect, irregularity or omission, and notice pursuant to section 15
29 is duly recorded or registered and indexed and noted on the margin thereof under the name of the
30 signer of the instrument and, in the event of such proceeding, unless relief is thereby in due
31 course granted.

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