

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 protecting titles to real estate in Massachusetts.

PETITION OF:

NAME:

Paul W. Mark

DISTRICT/ADDRESS:

*Berkshire, Hampden, Franklin and
Hampshire*

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act protecting titles to real estate in Massachusetts.

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. (a) This Act may be cited as the “real estate title protection act.”

2 (b) Where not explicitly specified, this Act shall be construed to apply to both registered
3 and recorded land.

4 (c) Where a provision of this Act conflicts with any other provision of the General Laws
5 or the deed indexing standards, this Act shall supersede that other provision or those standards.

6 SECTION 2. For the purposes of this Act, the following terms shall have the following
7 meanings:

8 “Affidavit”, a document made on personal knowledge or that meets the requirements of
9 the business records exception to the rule against hearsay, Rule 803(6), Federal and
10 Massachusetts Rules of Evidence, “Records of a Regularly Conducted Activity.” It shall set forth
11 such facts as would be admissible in evidence, and shall show affirmatively that the affiant is
12 competent to testify to the matters stated therein. If it relies on the business records exception,

13 the affidavit shall have attached to it sworn or certified copies of all documents or relevant
14 excerpts thereof to which the affidavit refers. Each such excerpt must be in the form of a true and
15 accurate photocopy of the entirety of the page or pages from which such an excerpt is taken, and
16 must include complete and accurate photocopies of the document's title page and table of
17 contents, if applicable. Each complete page from which any such excerpt or part thereof is taken
18 shall bear already-existing indicia evidencing that said page is from the document whose title
19 page and table of contents, if applicable, are appended, or else shall bear already-existing indicia
20 evidencing the source of each such page.

21 "Assignment of mortgage", an instrument by which a mortgagee or holder of a mortgage
22 of real property conveys such a mortgage deed to an assignee pursuant to the Statute of Frauds,
23 section 1 of chapter 259 and section 1 of chapter 203 of the General Laws; section 6 of chapter
24 183; and other provisions of the General Laws applicable to a transfer of interest in real property.

25 "Authorized person", a person authorized to act on behalf of another person as of the date
26 of execution of an instrument that can affect title to real property, signed by the person on whose
27 behalf the person authorized thereby is acting.

28 "Deed indexing standards", standards for indexing documents to be recorded in the
29 registries of deeds, as issued by the Massachusetts Registers and Assistant Registers of Deeds
30 Association and revised from time to time.

31 "Discharge", a duly executed and acknowledged deed of release of a mortgage of real
32 property or other instrument that, by its terms, discharges or releases such a mortgage, or
33 acknowledges payment or satisfaction of the debt or obligation secured by such a mortgage or

34 the conditions contained therein; or the discharge of such a mortgage by operation of law
35 pursuant to the General Laws, including section 33 of Chapter 260.

36 “Lender”, the entity(ies) who provided the funds for the mortgage directly, loan through a
37 line of credit, or by any other means

38 “Mortgage”, a conveyance, to a lender, of legal title to real property, in consideration of a
39 loan whose repayment is secured by the terms and conditions of a security instrument including
40 in accord with sections 18 & 19 of Chapter 183

41 “Mortgagee” or “mortgage holder”, a person who has invested funds or other
42 consideration to hold legal title to real property upon which a mortgage is granted, and who is
43 named as such in the mortgage or any assignment thereof.

44 “Mortgagee of Record”, a “mortgagee” or “mortgage holder” so identified in an
45 instrument that thereafter was recorded.

46 “Mortgage servicer” or “servicer”, the person legally authorized by the mortgagee and in
47 compliance with all applicable law for servicing the mortgage loan.

48 “Mortgage servicing” or “servicing”, the receiving of any scheduled periodic payments
49 from a mortgagor pursuant to the terms of any mortgage loan, the making of the payments of
50 principal and interest and such other payments with respect to the amounts received from the
51 mortgagor as may be required pursuant to the terms of such loan, and the provision of a written
52 payoff statement with respect to the mortgage loan pursuant to section 54D of chapter 184.

53 “Mortgage statement”, a periodic statement that a mortgagee of residential real property
54 or its authorized mortgage servicer is required to send regularly to a mortgagor, stating the

55 amount of the mortgage payment then due; the loan balance; the names and contact information,
56 including an address and toll-free telephone number, for the current (i) mortgagee, with the date
57 as of which it became the mortgagee; (ii) note owner, with the date as of which it became the
58 note owner, and (iii) mortgage servicer, if any, with the date as of which it became the servicer.

59 “Mortgagor”, a grantor of a mortgage originated in compliance with existing statutory
60 and regulatory interpretation.

61 “Mortgage Note”, a promissory note, bearing the original signature of the mortgagor,
62 promising to pay the lender, or any successor who is entitled to enforce the mortgage note, and
63 specifying the requirements for the repayment of the debt including the amount, interest and
64 charges.

65 “Note Owner”, the lender or a transferee of the note, who is entitled to receive payments
66 under and to enforce the note.

67 “Register”, the register of deeds for the county or district within which the subject land
68 lies.

69 “Residential real property”, a 1 to 6 family residential property located in the
70 commonwealth.

71 SECTION 3. Attorney General to notify registers of deeds of legal developments

72 Chapter 12 of General Laws is hereby amended by adding the following section:-

73 Section 34. At the end of each session of the general court, and whenever otherwise
74 appropriate, the Attorney General shall promptly notify the registers of statutes, regulations, and
75 decisions of courts that may affect their responsibilities or operations.

76 SECTION 4A. Recordation of assignments of mortgage, affidavits of sale, foreclosure
77 deeds

78 Section 12A of chapter 36 of General Laws is hereby amended by adding the following
79 ten subsections:-

80 (a) A register shall not record any instrument, executed after the effective date of this
81 Act, unless its heading (i) is in 12 point (pica) or larger bolded font, (ii) indicates the type of
82 instrument, and (iii) briefly indicates the instrument's purpose or contents.

83 (b) A register shall not record any assignment of mortgage that is presented later than
84 thirty (30) days after its date of execution, unless the said assignment of mortgage is recorded
85 with an affidavit showing good cause for filing late, or with a certified copy of an order of a
86 court finding that recordation after this thirty (30) day limit is warranted in the interests of
87 justice.

88 (c) A register shall not record an assignment of mortgage executed before the effective
89 date of this Act, but not recorded as of that date, unless presented to the appropriate registry of
90 deeds within ninety (90) days of this Act's effective date, except that the Federal National
91 Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National
92 Mortgage Association, the U.S. Department of Housing and Human Development, and the U.S.
93 Department of Agriculture may present such assignments of mortgage for recording up to one
94 hundred eighty (180) days from the effective date of this Act.

95 (d) Where an assignment of a mortgage or other instrument of conveyance is to a
96 securitized trust or other investment vehicle, a certified copy of that trust or other investment
97 vehicle's founding instrument must be:

98 Recorded prior to the assignment of mortgage, or other instrument of conveyance
99 identified on the assignment by book and page or document number in the subject
100 registry

101 (e) A register shall not record a discharge of a mortgage of real property unless it is:

102 (i) issued by the mortgagee and identifies the present note owner, and

103 (ii) recorded, with a certified copy of the original wet-ink mortgage note in its present
104 condition, demonstrating that all allonges are affixed, and marked “paid in full,” with the date of
105 satisfaction of the mortgage loan.

106 (f) A register shall record an affidavit of sale pursuant to section 14 of chapter 244, only
107 if it is recorded with (i) a certified copy of the notice to mortgagor of right to cure default of
108 mortgage pursuant to section 35A of chapter 244, (ii) a certified copy of the original wet-ink
109 mortgage note in its present condition, demonstrating that all allonges are affixed, and (iii) a
110 copy of the Notice of Sale to the mortgagor(s) in compliance with 209 CMR 18.24 or any
111 successor regulation.

112 (g) A register shall not record a foreclosure deed if it is presented more than sixty (60)
113 days after the date of foreclosure, unless it is recorded with an affidavit on personal knowledge
114 showing good cause for filing late, or by a certified copy of an order of a court finding that
115 recordation after this sixty (60) day limit is warranted in the interests of justice.

116 (h) A register shall not record any foreclosure deed relative to a foreclosure occurring
117 before the effective date of this Act, unless it is presented for recording to the appropriate

118 registry of deeds within ninety (90) days of this Act’s effective date and demonstrates
119 compliance with sections 12 and 13 of Chapter 244.

120 (i) The Division of Banks shall promptly inform all persons licensed in the
121 commonwealth to lend funds upon mortgages, as well as the Federal National Mortgage
122 Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage
123 Association, the U.S. Department of Housing and Human Development, and the U.S.
124 Department of Agriculture, of the provisions of this Act.

125 SECTION 4B: Conformance of Notary provisions with Alienation of Land provisions:

126 Section 8 of Chapter 222 of the General Laws, as appearing in the 2016 Official Edition,
127 is hereby amended by striking out of subsection (b) the sentence “Failure to comply with this
128 section shall not affect the validity of any instrument or the record thereof” and replacing it with
129 “Failure to comply with this section shall not affect the validity of any instrument”.

130 Section 20 of Chapter 222 of the General Laws, is hereby amended by striking out
131 subsection (b) in its entirety and replacing it with

132 “(b) Except as may be required by the Office of the Secretary of the Commonwealth for
133 the issuance of an apostille, or as may be required by a register of deeds for the purpose of
134 recordation or registration, and provided the form of acknowledgement, jurat, signature
135 witnessing, or copy certification otherwise is substantially similar in legal meaning and effect to
136 the texts of the several such forms set forth in this chapter or in the appendix to Chapter 183:

137 (i) failure of a document to contain the forms of acknowledgment, jurat, signature
138 witnessing or copy certification set forth in section 15 or otherwise to comply with the

139 requirements set forth in sections 8 to 23, inclusive, shall not have any effect on the validity of
140 the underlying document;

141 (ii) failure of a document to contain the forms of acknowledgement, jurat, signature
142 witnessing or copy certification set forth in said section 15 shall not be the basis of a refusal to
143 accept the document for filing, or acceptance by a third party; and

144 (iii) failure of a document executed in a representative capacity to contain an
145 acknowledgement that the instrument was also the voluntary or free act and deed of the principal
146 or guarantor shall not affect the validity of the underlying document.”

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157 witnessing, or copy certification otherwise is substantially similar in legal meaning and effect to
158 the texts of the several such forms set forth in this chapter or in the appendix to Chapter 183:

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160 witnessing or copy certification set forth in section 15 or otherwise to comply with the
161 requirements set forth in sections 8 to 23, inclusive, shall not have any effect on the validity of
162 the underlying document;

163 (ii) failure of a document to contain the forms of acknowledgement, jurat, signature
164 witnessing or copy certification set forth in said section 15 shall not be the basis of a refusal to
165 accept the document for filing, or acceptance by a third party; and

166 (iii) failure of a document executed in a representative capacity to contain an
167 acknowledgement that the instrument was also the voluntary or free act and deed of the principal
168 or guarantor shall not affect the validity of the underlying document.”

169 SECTION 5. Homeowners’ mortgage statements

170 Chapter 183 of General Laws, as appearing in the 2014 Official Edition, is hereby
171 amended by inserting after section 54D the following section:-

172 “Mortgage statement”, a periodic statement that a mortgagee of residential real property
173 or its authorized mortgage servicer sends to a mortgagor, stating the amount of the mortgage
174 payment then due; the loan balance; the names and contact information, including an address and
175 toll-free telephone number, for the current (i) mortgagee, with the date as of which it became the
176 mortgagee; (ii) note owner, with the date as of which it became the note owner, and (iii)
177 mortgage servicer, if any, with the date as of which it became the servicer. [THIS IS A REPEAT,
178 AS REQUESTED]

179 Section 54E. (a) Each mortgage statement concerning a mortgage of residential real
180 property shall provide the names and contact information, including an address and toll-free
181 telephone number, for the current (i) mortgagee, with the date as of which it became the
182 mortgagee; (ii) note owner, with the date as of which it became the note owner, and (iii)
183 mortgage servicer, if any, with the date as of which it became the servicer.

184 (b) Each such mortgage statement shall identify the mortgage servicer, if any, as “the
185 company that you pay,” or shall use other language sufficient to indicate the function(s) that a
186 mortgage servicer performs

187 (c) All information on each such mortgage statement shall be accurate and current as of
188 the date on which the statement is transmitted including compliance with the regulatory
189 requirements of 940 CMR 7, especially section 7.07 (16) and (24) and 7.08.

190 (d) Failure to comply with this section shall be an unfair or deceptive practice under
191 section two of chapter 93A, and shall render a mortgagee or mortgage servicer liable to the
192 mortgagor in the amount of at least \$2,500 for each such violation, plus damages and reasonable
193 attorney’s fees under subsection four of section nine of said chapter 93A.

194 (e) The amount of at least \$2,500 for each violation of subsection (d) shall annually, on
195 January 1, be adjusted in accordance with the consumer price index as defined in section one of
196 the Internal Revenue Code.

197 SECTION 6. Payoff of mortgage loan: return cancelled note to mortgagor

198 Section 55 of chapter 183 of General Laws is hereby amended by adding at the end
199 thereof the following three subsections:-

200 (l) When the mortgage loan has been paid in full, the note owner shall identify itself as
201 such through affidavit or similar and, within twenty (20) days of such payment, cause to be sent
202 to the mortgagor the original wet-ink note in its present condition with all allonges affixed, and
203 marked "Paid in Full," with the date of satisfaction of the mortgage loan.

204 (m) Failure to comply with this section shall be an unfair or deceptive practice under
205 section 2 of chapter 93A, and shall render a mortgagee or mortgage servicer liable to the
206 mortgagor in the amount of at least \$2,500 for each such violation, plus damages and reasonable
207 attorney's fees under subsection (4) of section 9 of said chapter 93A.

208 (n) The amount of \$2,500 for each violation of subsection (m) shall annually, on January
209 1, be adjusted in accordance with the consumer price index as defined in section one of the
210 Internal Revenue Code.

211 SECTION 7. Repeal of foreclosure by entry and possession.

212 Section 70 of chapter 185 of the General Laws, as appearing in the 2014 Official Edition,
213 is hereby amended by striking out the words "; but in case of foreclosure by entry and
214 possession, the certificate of entry required by section 2 of chapter 244 shall be filed and
215 registered by an assistant recorder in lieu of recording." and by striking out the words "After
216 possession has been obtained by the mortgagee or his assigns, by entry or by action, and has
217 continued for the time required by law to complete the foreclosure, he or his assigns may request
218 the land court for the entry of a new certificate, and the court, after notice to all parties in
219 interest, shall have jurisdiction to hear the case, and may order the entry of a new certificate on
220 such terms as equity and justice may require."

221 The provisions of Section 1 of chapter 244 of the General Laws, as so appearing, are
222 hereby declared in effect until the date of the enactment of this Act.

223 “Section 1. A mortgagee may, after breach of condition of a mortgage of land, recover
224 possession of the land mortgaged by an open and peaceable entry thereon, if not opposed by the
225 mortgagor or other person claiming it, or by action under this chapter; and possession so
226 obtained, if continued peaceably for three years from the date of recording of the memorandum
227 or certificate as provided in section two, shall forever foreclose the right of redemption.

228 After the date of the enactment of this Act, the following shall be in effect:

229 “Section 1. A mortgagee may, after breach of condition of a mortgage of land, recover
230 possession of the land mortgaged by action under this chapter.”

231 Said chapter 244 of General Laws is hereby further amended by striking out section 2 and
232 inserting in place thereof the following section:-

233 Section 2. Possession obtained by means of any entry under previous section 1 of Chapter
234 244, or under section 70 of chapter 185, as to which a memorandum or certificate was recorded
235 fewer than three years before the effective date of this Act, shall never foreclose the right of
236 redemption.

237 Section 8 of said chapter 244, as so appearing, is hereby amended by striking out the first
238 sentence and inserting in place thereof the following sentence:- “The action may be brought by
239 an assignee of the mortgagee”

240 Sections 9 and 10 of chapter 244 are hereby repealed.

241 SECTION 8. Notice to municipality by mortgagee taking possession, conveying title

242 Section 15A of said Chapter 244 is hereby amended by making existing text into
243 subsection 15A(a) and adding the following four paragraphs:-

244 (b) The assessor or collector of taxes shall accept such a notice only if accompanied by (i)
245 a certification, on personal knowledge and under the pains and penalties of perjury, that the
246 mortgagee has caused to be made all other notifications required by this section and (ii) a fine of
247 \$100 per day for each day beyond the day by which the mortgagee was required to have made
248 such notice to the municipality.

249 (c) The assessor or collector of taxes shall retain one-half of each such fine for the
250 municipality. He or she shall promptly forward one-half of each such fine as revenue to the
251 treasurer of the county, if the municipality is located in a county, or if not, to the treasurer of the
252 commonwealth, as revenue for deposit in the general fund.

253 (d) If a mortgagee has taken possession of a property on or before the effective date of
254 this Act, but has not made the notifications required by section 15A of chapter 244, this fine shall
255 become applicable as of thirty (30) days after the effective date of this Act.

256 (e) The Commissioner of the Department of Revenue of the commonwealth shall
257 promptly notify all municipalities in the commonwealth of the provisions of Section 12.

258 SECTION 9. Repeal legislative determination of weight of evidence

259 Section 35B (f) and section 35C (b) of said chapter 244, as so appearing, are hereby
260 amended by striking out the word “conclusive” where it appears in the second paragraph of
261 section 35B (f), between “this section shall be” and “evidence in favor of”, and in the second

262 paragraph of Section 35C(b), where it appears between “this subsection shall be” and “evidence
263 in favor of...”

264 SECTION 10. Creditor actions; mortgagee’s affidavit; assignments of mortgage; service
265 members’ civil relief act proceedings

266 Said section 35C of said chapter 244, as so appearing, is hereby further amended in
267 subsection (a), by striking out the words “Mortgage Electronic Registration System or”; and in
268 subsection (b), by striking out the words “Prior to publishing a notice of a foreclosure sale, as
269 required by section 14” and replacing them with “Prior to instituting a proceeding in land court
270 or superior court pursuant to the service members’ civil relief act and again prior to publishing a
271 notice of foreclosure sale as required by section 14 ,”

272 Said section 35C of said chapter 244, as so appearing, is hereby further amended by
273 adding the following four subsections:-

274 (i) For each certified copy of a document appended to the affidavit required in subsection
275 (b), the affidavit shall provide the name and contact information of the document custodian of
276 the original document, or shall identify the document by book and page or document number as
277 recorded in the registry of deeds for the county or district in which the land lies.

278 (j) Land court and superior court shall have jurisdiction in a service members’ civil relief
279 case only (1) upon the filing of a mortgagee’s affidavit as required in subsection (b); (2) if all
280 assignments of mortgage cited in and appended to that affidavit, whether original or certified
281 copies, have been duly recorded in the registry of deeds for the county or district within which
282 the land lies; and (3), where the note owner is different from the mortgagee, the mortgagee has

283 filed a certified copy of the agency agreement or other instrument authorizing the mortgagee to
284 institute that proceeding.

285 (k) In a service members civil relief case, where the defendants(s) are not in active
286 service, the Land court or Superior Court shall accept documentary evidence from all defendants
287 only as to the chain of title and ownership of the Note and mortgage.

288 (l) Failure to comply with this section shall be an unfair or deceptive practice under
289 section 2 of chapter 93A, and shall render a mortgagee or mortgage servicer liable to the
290 mortgagor in the amount of \$2,500 for each such violation, plus damages and reasonable
291 attorney's fees under subsection (4) of section 9 of said chapter 93A.

292 (m) The amount of \$2,500 for each violation of subsection (e) shall annually, on January
293 1, be adjusted in accordance with the consumer price index as defined in section 1 of the Internal
294 Revenue Code.

295 SECTION 11. False material statements or omissions during or in connection with
296 mortgage loan process; penalties; statute of limitations; Attorney General reports

297 Section 35A of chapter 266 of General Laws is hereby amended, in subsection (a) by
298 deleting "4" in the definition of "Residential mortgage loan" and substituting "6"; and, in both its
299 title and in subsection (b), by deleting the word "lending" wherever it appears and substituting
300 the word "loan"; and is further amended in subsection (b), after "both such fine and
301 imprisonment", by inserting the following new paragraph:-

302 Where a document including such a material statement that is false or such a material
303 omission is used in connection with a foreclosure or attempted foreclosure, or a larceny or

304 attempted larceny of real property whether such document is filed in a court, recorded in a
305 registry of deeds, or otherwise uttered, punishment may include restitution to the victim(s),
306 including the preparation and recordation at no expense to the victim(s) of whatever
307 instrument(s) might be necessary to clarify the title of the victim(s) to that property; a prohibition
308 from doing business in the commonwealth for any term of years or permanently; or both.

309 Said section 35A of said chapter 266, as so appearing, is hereby further amended by
310 inserting, after subsection (b), the following seven new subsections:

311 (c) Whoever executes or causes to be executed, or files or causes to be filed with any
312 court, or presents or causes to be presented to a registry of deeds for recording or registration,
313 whether in hard copy or by means of electronic transmission, or otherwise utters any instrument
314 that affects title to real property, whether residential or commercial, knowing that it is fraudulent
315 or false in any material respect including by omission, by a false or fraudulent declaration, by a
316 false or fraudulent signature, or by a false or fraudulent notarization, shall be punished by
317 imprisonment in the state prison for not more than 5 years or by imprisonment in the house of
318 correction for not more than 2 and one-half years or by a fine of not more than \$50,000 in the
319 case of a natural person or not more than \$250,000 in the case of any other person, or by both
320 fine and imprisonment. Where such a document is used in connection with a foreclosure or
321 attempted foreclosure, or a larceny or attempted larceny of real property, punishment may
322 include restitution to the victim(s), including the preparation and recordation at no expense to the
323 victim(s) of whatever instrument(s) might be necessary to clarify the title of the victim(s) to that
324 property; a prohibition from doing business in the commonwealth for any term of years or
325 permanently; or both.

326 (d) The statute of limitations for a violation of subsection (c) of this section shall be ten
327 (10) years from the date of execution of the document in question, the date of its presentation to
328 a registry of deeds for recording, its date of recordation, or the date on which it was filed with or
329 proffered in evidence in any court or otherwise uttered, whichever comes last.

330 (e) The provisions of subsections (c) and (d) of said section 35A of said chapter 266, as
331 so appearing, shall be reproduced in 12-point (pica) bolded font, with a heading, “Criminal
332 Liability for False or Fraudulent Documents,” in least 16-point bolded font, and shall be
333 displayed prominently in the public area of each registry of deeds. These provisions shall also be
334 reproduced legibly, with a legible heading in bolded font, on the website of each registry of
335 deeds, and, as a condition of doing business in the commonwealth, on the website of any firm
336 that offers e-recording services in the commonwealth.

337 (f) The Secretary of the Commonwealth shall promptly notify all firms that offer e-
338 recording services in the commonwealth of the provisions of subsections (a), (b), (c), (d) and (e).

339 (g) The Attorney General shall make available to all registers, to land court, superior
340 court, members of the Massachusetts bar, and on the Attorney General’s website, referral forms
341 for reporting violations of section 35A , of section 30 of chapter 26 of the General Laws, and of
342 any other violations of the General Laws that concern title to real property, together with
343 instructions for completing and submitting such forms to the Attorney General’s office.

344 (h) The Attorney General may refer such cases for investigation and prosecution to the
345 district attorney for the county or district in which a case arises.

346 (i) The Attorney General shall report to the legislature annually, within thirty (30) days of
347 the end of each fiscal year, on (1) the number of referrals received during the preceding fiscal

348 year for violations identified in (g) and the violations alleged; (2) the number and types of cases
349 in which civil enforcement actions or criminal charges have been brought, whether by the
350 Attorney General's office or by a district attorney; and (3) the status and disposition of each such
351 case, including sentences of restitution to victim(s) of foreclosure and attempted foreclosure and
352 larceny and attempted larceny of real property and of prohibition from doing business in the
353 commonwealth.

354 (j) The maximum amounts of all fines for violations of section 35A shall be adjusted
355 annually on January 1 in accordance with the consumer price index as defined in section one of
356 the Internal Revenue Code.

357 SECTION 12: Chapter 266 Section 30 subsection 5 is amended by striking out ",60 years
358 of age or older, or of a person with a disability as defined in section 13K of chapter 265,"