

MASSACHUSETTS REGISTERS AND
ASSISTANT REGISTERS OF DEEDS
ASSOCIATION

DEED INDEXING STANDARDS

FOR THE

COMMONWEALTH OF MASSACHUSETTS

VERSION 3.0
JANUARY 1, 2006

Deed Indexing Standards (Version 3.0)
For the Commonwealth of Massachusetts
January 1, 2006

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Deed Indexing Standards (Version 3.0)
For the Commonwealth of Massachusetts
January 1, 2006

INTRODUCTION

On January 1, 2000, the Massachusetts Registers and Assistant Registers of Deeds Association adopted Deed Indexing Standards for the Commonwealth of Massachusetts. Using standards already adopted by other states as models, the Registers Association customized the Massachusetts version to reflect the unique law and practices of the Commonwealth. While the initial version of the Standards proved quite useful, during the intervening five years, we have identified a number of other areas of registry practice that could also benefit from standardization. Therefore, the Association has adopted this new set of Standards, to become effective January 1, 2006.

Each of the following Standards reflects the practice of the great majority of the Massachusetts Registries of Deeds. Despite the best efforts of the registries, however, universal acceptance of and compliance with these Standards is a practical impossibility. Different computer systems and capabilities and hundreds of years of local precedent cannot be ignored or erased overnight. Recognizing this, and acknowledging that we have a responsibility to fully inform registry users of how local practices deviate from these Standards, each registry should develop and make available to the public a Local Supplement to the Deed Indexing Standards that clearly explains how that registry's practices differ from these statewide Standards.

Because the real estate business is constantly changing, these Standards should be reviewed and updated annually with a formal supplement issued by the Registers Association. To assist with that process, registry employees and registry users should commence an ongoing dialogue about standardization. To facilitate this discussion, we have created a Statewide Indexing Forum on www.lowelldeeds.com, the Middlesex North Registry of Deeds website. Please visit the forum, register to participate, and post your comments and concerns. To submit comments on these Standards in a more traditional way, please send them to Richard Howe at the Middlesex North Registry of Deeds, 360 Gorham Street, Lowell MA 01852 or by email to richard.howe@sec.state.ma.us.

Deed Indexing Standards (Version 3.0)
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1. NAMES

1-1 ABBREVIATIONS

The following words must always be abbreviated as shown unless the word is the first of a name in which case the word is spelled out.

<i>And</i>	<i>&</i>
<i>Company</i>	<i>CO</i>
<i>Companies</i>	<i>CO</i>
<i>Corporation</i>	<i>CORP</i>
<i>Department</i>	<i>DEPT</i>
<i>Incorporated</i>	<i>INC</i>
<i>Limited</i>	<i>LTD</i>
<i>Limited Liability Company</i>	<i>LLC</i>
<i>Limited Liability Partnership</i>	<i>LLP</i>
<i>Limited Partnership</i>	<i>LP</i>

1-2 ABBREVIATIONS – ADDRESSES AS NAMES

No portion of a street name that is used as the name of an entity shall be abbreviated.

“First Street Realty Trust” *FIRST STREET REALTY TRUST*

1-3 ALSO KNOWN AS

All names used to identify a person shall be entered in the index. Descriptive terms such as AKA or FKA shall be omitted.

“Jane Smith fka Jane Simpson” *SMITH* *JANE*
and *SIMPSON* *JANE*

1-4 BUSINESS USING HUMAN NAME

A human name used as the name of a business should be entered in the order presented.

“Jane Smith Engineering Company” *JANE SMITH ENGINEERING CO*

1-5 DEGREES & CERTIFICATIONS

Words or abbreviations indicating degrees or certifications (CPA, MD, ESQ) shall be omitted.

“Jane Smith, MD” *SMITH* *JANE*

1-6 ESTATES

The name of an estate shall be indexed as a human name with the suffix extension (EST) following the first name.

“Estate of Jane Smith” SMITH JANE EST

1-7 FIRST & MIDDLE NAMES

The first name and middle name or initial, whichever appears on the document, shall be entered in the FIRST NAME field of the index. Initials shall not be followed by periods. Multiple initials shall be separated by a space.

“Jane R. Smith” SMITH JANE R
“Jane R. P. Smith” SMITH JANE R P
“Jane Rodman Smith” SMITH JANE RODMAN

1-8 GOVERNMENT NAMES – CITIES & TOWNS

Any combination of words meant to identify a city or town (or an agency of such city or town) within the Commonwealth is entered as [NAME OF CITY] CITY followed by the name of the agency, if any. Words such as Agency, Bureau, Department, Commissioner or Director are omitted.

-City of Lowell LOWELL CITY
-Groton Board of Appeals GROTON TOWN APPEALS

1-9 GOVERNMENT NAMES – COMMONWEALTH OF MASSACHUSETTS

Any combination of words meant to identify the Commonwealth of Massachusetts or one of its agencies is entered as MASSACHUSETTS COMM followed by the name of the agency, if any. Words such as Agency, Bureau, Department, Commissioner or Director are omitted.

-Commonwealth of Massachusetts MASSACHUSETTS COMM
-Massachusetts Department of Revenue MASSACHUSETTS COMM REVENUE

1-10 GOVERNMENT NAMES – UNITED STATES

Any combination of words meant to identify the United States of America or one of its agencies is entered as USA followed by the name of the agency, if any. Words such as Agency, Bureau, Department, Commissioner or Director are omitted.

-Secretary of Housing and Urban Development
Indexed as USA Housing Urban Development
-United States Treasury Department
Indexed as USA Treasury

1-11 HYPHENATED BUSINESS NAMES

When the name of a business contains a hyphen, retain the hyphen when entering the name in the index. (See 1-13 “Hyphenated Names”).

1-12 HYPHENATED NAMES

Two or more words separated by a hyphen are treated as one word.

<i>“Jane Smith-Simpson”</i>	<i>SMITH-SIMPSON</i>	<i>JANE</i>
<i>“1-800-East-West-Mortgage”</i>	<i>1-800-EAST-WEST-MORTGAGE</i>	
<i>First Co-operative Bank</i>	<i>FIRST CO-OPERATIVE BANK</i>	

1-13 PUNCTUATION MARKS IN NAMES

Except for hyphens, no punctuation marks shall be used when entering a name in the index.

<i>“E*Trade”</i>	<i>ETRADE</i>	
<i>“Amazon.com”</i>	<i>AMAZONCOM</i>	
<i>O’Brien, Jeffrey</i>	<i>OBRIEN</i>	<i>JEFFREY</i>

1-14 LINEAGE SUFFIX

Any lineage suffix should be entered after the first name and middle name/initial.

<i>“John Smith Jr”</i>	<i>SMITH</i>	<i>JOHN JR</i>
<i>“John R Smith Jr”</i>	<i>SMITH</i>	<i>JOHN R JR</i>
<i>“John R Smith III”</i>	<i>SMITH</i>	<i>JOHN R III</i>

1-15 MERS OR MORTGAGE ELECTRONIC REGISTRATION SYSTEM

Should be indexed as MORTGAGE ELECTRONIC REGISTRATION SYSTEM INC. The name of the bank or mortgage company involved may be entered in the index but is not required to be.

1-16 MOUNT OR MT

A last name that contains Mount or Mt should be entered as two words in the last name field. The name should be entered in the index the way it appears on the document.

<i>“John Mount Vernon”</i>	<i>MOUNT VERNON</i>	<i>JOHN</i>
<i>“John Mt Vernon”</i>	<i>MT VERNON</i>	<i>JOHN</i>

1-17 MULTIPLE LAST NAMES – NO HYPHEN

Multiple word surnames shall not be assumed. Only the last word in a person’s name should be entered in the last name field.

<i>“Jane Smith Simpson”</i>	<i>SIMPSON</i>	<i>JANE SMITH</i>
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1-18 NON TRADITIONAL NAMES

Non traditional names shall be entered as presented with the last word as the last name.

<i>“To So”</i>	<i>SO</i>	<i>TO</i>
<i>“Aime Jean Ricot Bien”</i>	<i>BIEN</i>	<i>AIME JEAN RICOT</i>
<i>“Red Elk”</i>	<i>ELK</i>	<i>RED</i>

1-19 NUMBERS IN NAMES

A number spelled alphabetically, an Arabic number or a Roman numeral shall all be entered as they appear on the document.

<i>Five Broadway Realty Trust</i>	<i>FIVE BROADWAY REALTY TRUST</i>
<i>5 Broadway Realty Trust</i>	<i>5 BROADWAY REALTY TRUST</i>
<i>V Broadway Realty Trust</i>	<i>V BROADWAY REALTY TRUST</i>

1-20 PREFIXES

A last name presented with an obvious prefix should be entered as one word without spaces or punctuations.

<i>“Anthony La Crosse”</i>	<i>LACROSSE</i>	<i>ANTHONY</i>
<i>“Jane O’Brien”</i>	<i>OBRIEN</i>	<i>JANE</i>

1-21 SAINT OR ST

A last name that contains Saint or St should be entered as two words in the last name field. The name should be entered in the index the way it appears on the document.

<i>“James Saint Paul”</i>	<i>SAINT PAUL</i>	<i>JAMES</i>
<i>“James St Paul”</i>	<i>ST PAUL</i>	<i>JAMES</i>

1-22 THE

Omit “The” when it appears as the first word of a name.

<i>“The Gotham Group”</i>	<i>GOTHAM GROUP</i>
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1-23 TRUSTS & TRUSTEES

A party designated as a TRUSTEE shall be indexed in accordance with these standards with the suffix extension TR depicting the status as trustee added after the first name and middle initial (if any) in the First Name field. The name of the trust shall also be entered in the index.

<i>“John Smith, Trustee of Jamestown Realty Trust”</i>	<i>SMITH</i>	<i>JOHN TR</i>
	<i>JAMESTOWN REALTY TRUST</i>	

1-24 VAN

Unless it clearly appears that the word “Van” is a person’s first or middle name, “Van” shall be treated as part of the person’s last name, with “Van” and any other last name being entered in the last name field of the index as two separate words.

<i>“Vincent van Gogh”</i>	<i>VAN GOGH</i>	<i>VINCENT</i>
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2. SOCIAL SECURITY NUMBERS

2-1 DOCUMENT PRESENTED FOR RECORDING

No document containing a social security number shall be accepted for recording. This rule shall not apply to state or federal tax liens or to releases of state or federal tax liens. (Standard 2-1 was made effective July 1, 2005).

2-2 DOCUMENT PREVIOUSLY RECORDED

Anytime a social security number is discovered in a previously recorded document, the registry of deeds shall take such steps as are necessary to redact such numbers, however, the registry of deeds shall retain a copy of the original, un-redacted record in a non-public file. This rule shall not apply to state or federal tax liens or releases of state or federal tax liens.

3. ADDRESSES

3-1 ABBREVIATIONS

The following words must always be abbreviated when used as part of an address. (But see ABBREVIATIONS – ADDRESS AS NAME)

Avenue	AVE
Boulevard	BLV
Drive	DR
Lane	LN
Parkway	PKW
Place	PL
Road	RD
Square	SQ
Street	ST
Terrace	TER
Turnpike	TPK

3-2 CONDOMINIUM UNIT NUMBERS

A condominium unit number is part of a property's address and shall be entered into the index. Check with individual registries to determine which field of the index contains the unit number: some registries enter the unit number in the street name field following the name of the street; other registries place the unit number in the "description" field.

3-3 PROPERTY ADDRESS ON FIRST PAGE OF DOCUMENT

The address (street number, street name, town and condominium unit number if applicable) of the property on a deed, a mortgage, or a discharge of mortgage shall be typed or printed clearly in a prominent location on the first page of the document.

3-4 DEEDS – GRANTEE MAILING ADDRESS REQUIRED

The mailing address of the GRANTEE on a deed must be clearly stated on the document.

4. ACKNOWLEDGEMENTS

4-1 DOCUMENTS REQUIRING ACKNOWLEDGEMENT

The document types listed in Appendix A (“Document Types Requiring Acknowledgement”) shall not be recorded unless they are notarized in accordance with Indexing Standard 4-2.

4-2 NOTARY PUBLIC RULES

Failure to comply with the strict requirements of Executive Order 455 (03-13) shall not prevent a document from being recorded. A non-conforming acknowledgement purported to be taken within Massachusetts must contain, at a minimum, the original signature and printed or typed name of the officer making the acknowledgement, the expiration date of the officer’s commission and some language that indicates that the parties intended such signature to constitute an acknowledgement.

4-3 ONE OR MORE GRANTORS

The acknowledgement of a deed or other written instrument required to be acknowledged shall be by one or more of the parties signing the document.

4-4 OUT OF STATE ACKNOWLEDGEMENT

An acknowledgment made outside of the Commonwealth of Massachusetts but within any state, territory, district or dependency of the United States shall be made (in accordance with Massachusetts General Laws chapter 183, section 33) by:

- 1) a justice of the peace, notary public, or magistrate of the state in which the acknowledgment is made;
- 2) a commissioner appointed therefor by the governor of the Commonwealth of Massachusetts; or
- 3) any other officer of the state in which the acknowledgment is made provided that a certificate of authority of said officer in the form prescribed by M.G.L. c. 183, s. 33 is attached thereto.

To be recorded in Massachusetts, such an acknowledgement does not require the seal of the Notary Public taking the acknowledgement.

4-5 OUT OF COUNTRY ACKNOWLEDGEMENT

An acknowledgment made outside of the United States or any dependency thereof shall be made (in accordance with Massachusetts General Laws chapter 183, section 33) by:

- 1) a justice of the peace, notary public, or magistrate of the country in which the acknowledgment is made;
- 2) a commissioner appointed therefor by the governor of the Commonwealth of Massachusetts;
- 3) or before an ambassador, minister, consul, vice consul, charge d'affaires or consular officer or agent of the United States accredited to the country where the acknowledgment is made and if made before an ambassador or other official of the United States, it shall be certified by him under his seal of office.

5. TRUSTS & TRUSTEES

5-1 RECORD OF TRUST (c.203, s.2)

“If a trust concerning land is created or declared by [a written instrument signed by the party creating or declaring the trust], the recording of the instrument in the registry of deeds for the district where the land lies shall be equivalent to actual notice to every person claiming under a conveyance, attachment or execution thereafter made or levied.”

5-2 TRUSTEE’S CERTIFICATE (c.184, s.35)

A certificate sworn to by a person who, from the records of the registry of deeds, appears to be a trustee and which certifies as to (a) the identity of the trustees or the beneficiaries of the trust; (b) the authority of the trustees to act with respect to real estate owned by the trust; or (c) the existence or nonexistence of a fact which constitutes a condition precedent to acts by the trustees, shall be binding on all trustees and the trust estate in favor of a purchaser or other person relying in good faith on the certificate.

6. PLANS

6-1 SUBDIVISION CONTROL FILE (c.41, s.81X)

Each registry of deeds shall maintain a “Subdivision Control File” in which shall be entered all notices related to the Subdivision Control Act sent by the boards within a city or town responsible for the implementation and enforcement of said act, including copies of the rules and regulations of such boards, a list of all board members and a list of individuals who are authorized to sign “Approval Not Required” plans. It is the responsibility of the respective boards of each city or town to forward this information to the registry of deeds.

6-2 MUNICIPAL LIEN CERTIFICATES & SUBDIVISION PLANS (c.60, s.23)

No definitive subdivision plan (i.e. any subdivision plan which DOES NOT contain the phrase “Approval not required” over the signature(s) of the applicable

Planning Board) shall be accepted for recording unless it is accompanied by a municipal lien certificate indicating that all taxes, assessments, and charges then assessed against the land shown on the plan have been paid in full.

6-3 CONDOMINIUM UNIT PLANS (c.183A, s.9)

In accordance with MGL c. 183A, s. 9, the first deed of each condominium unit must have attached to it a copy of the floor plan of the unit being conveyed and of the immediately adjacent units. Such plan shall also state that the plan fully and accurately depicts the layout of the unit, its location, dimensions, approximate area, main entrance and immediate common area to which it has access. This statement must be signed by a registered architect, registered professional engineer or registered land surveyor. Notwithstanding the above, the registry of deeds shall make no determination of whether a deed is the first deed for that condominium unit.

6-4 PLANS AS ATTACHMENTS TO OTHER DOCUMENTS

A copy of a plan that is to be recorded as an attachment to another document must be on white paper that is no smaller than 8.5” by 11” and no larger than 8.5” by 14”. Plans recorded in accordance with this section are exempt from the Plan Regulations contained in Appendix B. A document with a plan attached shall not be considered to be a “multiple document” for the calculation of the recording fee for that document.

6-5 PLAN REGULATIONS

See Appendix B.

6-6 REQUIREMENTS FOR RECORDING OF PLANS

Except for a plan recorded as an attachment to another document in accordance with Indexing Standard 6-4, no plan shall be recorded UNLESS it contains a statement signed by a registered land surveyor that no new lines have been drawn on said plan OR UNLESS:

- (1) The plan is endorsed by the Planning Board that such plan has been approved by said Planning Board AND a certificate of the clerk of the city or town stating that no notice of appeal was received during the twenty days after approval of said plan;
- (2) The plan is endorsed by the Planning Board or its designee that approval of the plan is not required; or
- (3) The plan is accompanied by a certificate of the clerk of the city or town that it is a plan which has been approved by reason of the failure of the Planning Board to act.

6-7 AMENDED PLANS (c.41, s.81X)

No register of deeds shall accept for record a notice of modification, amendment or rescission of approval of a plan of a subdivision unless such notice contains a statement by the planning board that such modification, amendment or rescission

does not affect any lot or rights appurtenant thereto in such subdivision which lot was conveyed or mortgaged in good faith and for valuable consideration subsequent to the approval of the subdivision plan.

7. RECORDING PROCEDURES

7-1 ATTORNEY AFFIDAVIT

MGL chapter 183, section 5B: “An affidavit made by a person claiming to have personal knowledge of the facts therein stated and containing a certificate by an attorney at law that the facts stated in the affidavit are relevant to the title to certain land and will be of benefit and assistance in clarifying the chain of title may be filed for record and shall be recorded in the registry of deeds where the land or any part thereof lies.” Neither this nor any other affidavit needs to be notarized (although it should be signed under the penalties of perjury). Also, for indexing and fee calculation, an affidavit of this type should not be treated as a multiple document (i.e., an affidavit and a certificate), but only as an affidavit.

7-2 CERTIFIED COPIES – HOW RECORDED

Copies certified by another registry of deeds, a court, or a governmental entity at the federal, state, county or municipal level may be recorded at the registry of deeds. If the certification appears on a separate page, that page shall be treated as another page of the document (i.e., a single piece of paper that contains the printed document on one side and the certification on the other should be considered to be a two-page document).

7-3 COPIES (NON-CERTIFIED) PRESENTED FOR RECORDING

The registry of deeds shall not record photocopies of documents unless certified in accordance with Indexing Standard 7-2.

7-4 ERRONEOUS RECORDING OF REGISTERED LAND

The customer is solely responsible for recording (“registering”) registered land documents in the correct section of the registry of deeds. While registry personnel will make every effort to record documents received by mail in the correct section of the registry of deeds, this is only a courtesy and the registry of deeds bears no responsibility for recording mailed in documents in the correct registry section.

7-5 FOREIGN LANGUAGE DOCUMENTS

No document written in a language other than English shall be recorded unless it is accompanied by a certified translation into English. In such a case, the document to be recorded shall consist of (1) the English language translation with signatures typed and preceded by “/s/” to indicate a signature; (2) a certification of the accuracy of the translation, signed by the translator and acknowledged; and (3) the original foreign language document.

7-6 GRANTOR NAMES

On a deed or mortgage, only the names of those individuals or entities who have signed the document shall be placed in the Grantor Index. For example, if the grantor clause on a mortgage said “John Smith and Mary Smith” granted the mortgage, but only John Smith signed it, then only John Smith’s name would be placed in the index. Conversely, if the grantor clause only mentions John Smith but the mortgage is signed by both John Smith and Mary Smith, then both names should be entered in the index.

7-7 LIS PENDENS

No Lis Pendens (i.e. a memorandum indicating that a pending legal action constitutes a claim of a right to title to real property or the use and occupation thereof or the buildings thereon) shall be accepted for recording unless such memorandum (in accordance with M.G.L. chapter 184, section 15)

- 1) contains the names of the parties to the proceeding, the court in which it is pending, the date of the writ or other commencement thereof, the name of the town where the affected real property lies and a description of such real property sufficiently accurate for identification;
- 2) has been endorsed by a justice of the court before which the action is pending; and
- 3) is accompanied by an affidavit to the effect that the moving party has served notice of the allowance of such motion by certified mail addressed to all other parties prior to the recording of the memorandum.

7-8 MULTIFUNCTIONAL DOCUMENTS

A document that accomplishes more than one function shall be treated as a multiple document. A separate recording fee will be charged and index entry made for each separate function accomplished by the document. For example, a single assignment that assigns different mortgages executed by different people on different properties to one assignee is a multifunctional document and would be charged a separate recording fee and have separate index entries made for each mortgage assigned.

7-9 MULTIPLE DOCUMENTS – ATTACHED AS EXHIBITS

A document that is otherwise recordable on its own (or a photocopy of such a document) shall not be recorded as an attachment to another document but must be recorded separately. This rule does not apply to Affidavits filed in accordance with MGL chapter 183, section 5B. Examples of document combinations that would be prohibited by this practice include:

- Deed + 6D Certificate
- Deed + Trustee Certificate
- Deed + Vote
- Deed + Power of Attorney
- Deed + Death Certificate
- Mortgage + 6D Certificate
- Mortgage + Collateral Assignment of Rents & Leases

- Mortgage + Trustee Certificate
- Affidavit re Estate Tax + Death Certificate

The above list only illustrates frequent combinations. It is not an exhaustive inventory of all possible examples of this practice. The one exception to this rule involves a chapter 183, section 5B affidavit which is intended to allow information that will clarify the chain of title to be recorded. This type of affidavit is the appropriate method of attaching copies of documents that cannot be recorded on their own. The required attorney certification that the information is relevant provides a safeguard against this section being misused.

7-10 REDACTING PORTIONS OF DOCUMENTS

In accordance with MGL c. 66 & c. 4, the register of deeds shall have the authority to redact any information from any document found to be recorded or presented to be recorded which does not meet the requirements of these standards or any regulation or statute.

7-11 RE-RECORDING A DOCUMENT

The former practice of “re-recording” an original document to correct an error or omission is prohibited.

8. REGISTERED LAND

8-1 APPLICATION OF THESE STANDARDS TO REGISTERED LAND

These INDEXING STANDARDS shall apply to Registered Land as suggested methods of indexing documents. Any time a conflict exists between these standards and Land Court Guidelines, policies, practices or statutes, the Land Court procedures shall be followed.

9. DEEDS EXCISE TAX

9-1 COMPUTATION OF TAX

Massachusetts imposes an excise tax upon the transfer of any deed, instrument or other writing whereby realty is conveyed to a purchaser. The excise is based upon the consideration given for the property and applies, whenever the consideration, exclusive of the value of any lien or encumbrance remaining on the property, is greater than \$100. The tax is paid by the person making or signing the deed and is evidenced by a stamp affixed to it. The tax is \$2.28 for each \$500 or fraction of consideration.

9-2 MARTHA’S VINEYARD & NANTUCKET LAND BANK

Additional fees are assessed in Nantucket and Dukes Counties by their Land Bank Commissions. To contact the Nantucket Land Bank Commission, go to www.nantucketlandbank.org or call 508-228-7240. To contact the Martha’s

Vineyard Land Bank Commission (Dukes County), go to <http://www.mvlandbank.com/> or call 508-627-7141.

9-3 EFFECT OF LIEN OR ENCUMBRANCE

Where property is conveyed subject to existing encumbrances, the amount of the encumbrances is not taxable. In other words, if a property is purchased “subject to” an existing mortgage or if the buyer “assumes” an existing mortgage, the currently outstanding amount of that mortgage is deducted from the amount of consideration when calculating the excise tax. The drafter of the deed should state the full consideration (that is, the amount of the mortgage being assumed plus any money being paid to the seller) and the amount of the mortgage being assumed. DOR Directive 88-18.

9-4 DEED IN LIEU OF FORECLOSURE

When a bank takes back a deed to property and cancels the mortgage debt in lieu of foreclosure, the consideration is the amount of the mortgage debt cancelled by the bank, plus any additional cash paid to the mortgagor. DOR Directive 88-18.

9-5 PARTITION OF JOINTLY HELD PROPERTY

When no party in partition of a joint tenancy receives a greater interest than he held before, no deeds excise is due. Where any party receives an interest in jointly owned property greater than his original undivided interest, there is a deeds excise imposed based on the consideration given for the excess value of the property. Where an interest in property is conveyed out to a third party, a deeds excise is due on the consideration paid for the portion conveyed. In each case where an excise is due, it is to be paid by the person making or signing the deed. DOR Directive 89-13.

9-6 TRANSFERS BY CERTAIN FEDERALLY SPONSORED CORPORATIONS

The deeds excise tax does not apply to transfers of realty by the RTC, Freddie Mac, Fannie Mae and Ginnie Mae. The deeds excise tax cannot be imposed on the grantee of the written instrument where the grantor is one of these federally sponsored corporations. DOR Directive 91-2.

9-7 TRANSFERS OF INTERESTS IN NOMINEE TRUSTS

Sales and transfers of beneficial interests in nominee trusts for consideration in excess of one hundred dollars are subject to the deeds excise tax. The excise stamps should be affixed to the assignments of beneficial interest, whether or not these documents are recorded. DOR Directive 95-5.

9-8 REFUSAL TO RECORD

The register of deeds may refuse to record or register any deed, instrument or writing which does not have the stamps required by chapter 64D attached thereto. MGL c.64D, s.6B.

10. DOCUMENT FORMATTING STANDARDS

Documents recorded after January 1, 2007 must meet the following requirements:

- 10-1 Be on white 20-pound paper without watermarks
- 10-2 All document pages and attachments must be on paper that is a minimum size of 8.5 inches by 11 inches or a maximum paper size of 8.5 inches by 14 inches.
- 10-3 Printing shall be on one side of page only; no double-sided pages will be accepted.
- 10-4 On the first page of a document, the top margin shall be 3 inches; the side and bottom margins shall be 1 inch. On second and subsequent pages of the same document, all margins shall be 1 inch.
- 10-5 All documents must be printed or typed in a font size no smaller than 10 point Times New Roman or equivalent.
- 10-6 Blanks in an instrument and corrections to an instrument may be made in pen.
- 10-7 Signatures shall be in either black or dark blue ink. Names shall be typed, stamped or printed beneath all written signatures.
- 10-8 All documents must display on the first line of print on the first page a single title identifying the recordable event that the instrument represents.
- 10-9 Do not use colored markers to highlight text.

**APPENDIX A
DOCUMENTS REQUIRING ACKNOWLEDGEMENT**

The following types of instruments shall not be accepted for recording unless properly acknowledged in a manner authorized by Massachusetts General Laws chapter 183, section 30 and by these rules:

1. Deeds (excepting conveyances from the United States); see MGL Chapter 183, sec. 29. The term “deeds” shall broadly construed to include all types of deeds, with or without covenants, including mortgage and easement deeds; also included are boundary line agreements, leases, terminations of leases, and notices of leases including assignments of leases, collateral or conditional assignment of leases, options to lease and assignments of same, options to purchase including assignments of same and deeds of trust, as opposed to declarations of trust.
2. Purchase and Sale Agreements (MGL Chapter 184, sec. 17A)
3. Discharges and Partial Releases (MGL Chapter 183, secs. 54, 54B, and 54C)
4. Powers of Attorney (MGL Chapter 183, sec. 32)
5. Homesteads and Releases of same (MGL Chapter 188)
6. Receipts of federal revenues for succession taxes (MGL Chapter 36, sec. 16)
7. Subdivision Covenant Releases and Clerk’s Certificates (MGL Chapter 41, sec. 81U)
8. Tax Redemptions (MGL Chapter 60, sec. 62)
9. Incorporation Certificates re Roman Catholic Church (MGL Chapter 68, sec. 44)
10. Liens for failure to reimburse the Commonwealth of Massachusetts for removal of wharves or piers (MGL Chapter 91, sec 49B)
11. Veteran’s Agent Liens and Discharges or Satisfactions thereof (MGL Chapter 115, sec. 5A)
12. Dissolutions of attachments by plaintiff, or his executor, administrator or attorney of record (MGL Chapter 223, sec. 132)
13. Notices or other instruments required or permitted to be recorded by MGL Chapter 254 (MGL Chapter 254, sec. 30)
14. Release of Notice of Contract
15. Planning Board Release
16. Declaration of Trust
17. Resignation of Trustee
18. Release of Damages (General Releases)
19. Certification of translation of foreign language document
20. Instrument types not contained in this list shall be accepted for recording whether or not they are acknowledged.

APPENDIX B

PLAN REGULATIONS

1. **Size of Plan.** Plan sizes shall be a minimum of eight and one-half inches by eleven inches (8 1/2" x 11") and a maximum of twenty-four inches by thirty-six inches (24" x 36")
2. **Plan Material.** Plans being presented for recording shall be on linen or polyester film ("mylar"), single matte with a thickness of .003 mils¹, and must have an opacity so as to allow consistent computer scanning and Diazo and microfilm reproduction.
3. **Type of Ink.** All plans shall be prepared using a compatible ink with excellent cohesiveness which will produce a permanent bond and result in a plan with long term durability. All signatures must be in black India ink or its equal.
4. **Plan Reproductions.** Linen or polyester reproductions shall be accepted for recording provided they contain original signatures and comply with the other requirements for the recording of plans.
5. **Borders.** Each plan shall have three quarter inch (3/4") borders.
6. **Size of Letters.** The minimum letter size on plans presented for recording shall be one-eighth (1/8") if free-hand lettering is used and one-tenth inch (1/10") if lettering guides are used.
7. **Graphic Scale.** Each plan presented for recording shall include a graphic scale.
8. **Recitations or Certifications.** Each plan shall have an area reserved to receive planning board recitation or contain a surveyors certification as per Chapter 380, Acts of 1966 (G.L. c. 41, s. 81x).
9. **"Registry Square."** Each sheet of each plan shall have a three and one-half (3 1/2") square
10. **Certification Clause.** Each plan must contain a certification clause signed by the person preparing the plan stating that he has conformed with the rules and regulations of the Registers of Deeds in preparing the plan.
11. **No Tape or Raised Print.** No tape adhesion or the like shall be placed on any plan presented for recording or registration. Plans presented for recording shall not contain any raised print.

¹ The language ".003 mils" is an apparent scrivener's error in the regulations approved in 1988 which are understood to have established a thickness standard of three thousandths of an inch. The thickness should read ".003 inches" or "3 mils" which are the same thing. The above language will remain, however, until the regulations can be formally amended.

APPENDIX C

SOME RELEVANT STATUTES

Following are summaries and citations to a few of the many statutes that are relevant to land recording and registry operations.

ATTACHMENT – DISSOLUTION OF (MGL c.223, s.132)

An attachment shall be dissolved by a release signed and acknowledged by the plaintiff or by his executor, administrator or attorney of record and recorded in the registry of deeds, or by a certificate from the clerk of court in which the action was pending that the attachment has been dissolved or that the action has finally been determined.

ATTACHMENT - EXPIRATION OF (MGL c.223, s.114A)

An attachment shall expire by operation of law six years from the date of recording at the registry of deeds unless the register of deeds shall, within said period and at the written request of the plaintiff or his attorney, bring forward such attachment. The request to bring forward said attachment must be in writing and signed by the plaintiff or his attorney. The request must be accompanied by the applicable recording fee and shall be recorded and indexed by the registry. Within six years of the date that such a request to bring forward was recorded, a second or subsequent request may also be recorded.

ATTACHMENT OF REAL ESTATE (MGL c.223, ss.63, 64)

The officer who makes an attachment of real estate shall deposit a certified copy of such attachment and so much of his return thereon as relates to the attachment in the registry of deeds for the district where the land lies.

CLERK'S CERTIFICATE (MGL c.184, s.16)

At any time after final judgment or a decree in favor of the defendant, or after the discontinuance, dismissal or other final disposition, the clerk of the court where such disposition is recorded shall upon demand give a certificate of the fact of such disposition. Such clerk's certificate may be recorded in the applicable registry of deeds.

DIVORCE DECREE (MGL c.183, s.44)

The recording of a duly certified copy of a divorce decree in the registry of deeds of the district where said real estate is situated, shall have the same force and effect as if a duly executed deed, conveyance or release had so been recorded. MGL c.183, s.44. For example, if a decree of divorce orders the conveyance of real property, a certified copy of the divorce decree may be recorded in lieu of a deed. The recording fee for the divorce decree is \$75.

DRUG FORFEITURES (MGL c.94C, s.47)

MGL c.94C, s.47 sets out the procedure to be followed for the forfeiture of real property (and other items) used in connection with violations of the state's Controlled Substance Act. Section 47 explains how to determine a court's jurisdiction in such a case, the procedure to be followed, the type of notices and other documents that should be recorded at the registry of deeds, and the effect of the Declaration of Homestead on such matters.

LEVY MADE VOID BY OPERATION OF LAW

If a levy on execution shall not have been completed by set-off within six years from the date on which notice of the execution was deposited with the registry of deeds, the levy shall be void as to any land within such registry district unless within said six year period it shall be brought forward in such registry by written request of the plaintiff or his attorney which request shall indexed and recorded at said registry upon the payment of the applicable recording fee.

LIS PENDENS (MGL c.184, s.15)

No Lis Pendens (i.e. a memorandum indicating that a pending legal action constitutes a claim of a right to title to real property or the use and occupation thereof or the buildings thereon) shall be accepted for recording unless such memorandum (in accordance with M.G.L. chapter 184, section 15)

- 4) contains the names of the parties to the proceeding, the court in which it is pending, the date of the writ or other commencement thereof, the name of the town where the affected real property lies and a description of such real property sufficiently accurate for identification;
- 5) has been endorsed by a justice of the court before which the action is pending; and
- 6) is accompanied by an affidavit to the effect that the moving party has served notice of the allowance of such motion by certified mail addressed to all other parties prior to the recording of the memorandum.

PURCHASE AND SALE AGREEMENT (MGL c.184, s17A)

No purchase and sale agreement shall be recorded in any registry of deeds unless such agreement is acknowledged by the parties agreeing to sell such real estate or one of them. MGL c.184, s.17A.

TENANTS BY THE ENTIRETY

A deed that conveys title to two individuals as Tenants by the Entirety may be recorded even when there is no mention of "husband and wife" or "married to each other" or similar language.