

Massachusetts Deed Indexing Standards 2018

April 2020 Amendment

**(REVISED APRIL 23, 2020 regarding Registered Land)**

The Massachusetts Registers and Assistant Registers of Deeds Association has adopted the following Amendment to the Massachusetts Deed Indexing Standards 2018. This amendment is effective April 17, 2020, as revised on April 23, 2020.

**13-7. Electronic Signatures by Municipal Boards** – The following procedure is recommended for municipal boards and committees that wish to execute documents in accordance with Massachusetts General Laws chapter 110G (Uniform Electronic Transaction Act) which documents are then to be recorded at the registry of deeds.

1. At a properly called meeting, the municipal board or commission should formally vote that the board recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.
2. The board then records at the registry of deeds a Certificate of Vote that provides the language of the motion that was made regarding electronic signatures and attests to the vote taken, and obtains the Town Clerk's certification.
3. Then, board members may cause their electronic signature to be affixed to permitting or compliance documents that have been approved by a board vote. Such electronically signed documents should also include a statement that the signatures are made in accordance with M.G.L. c.110G and pursuant to the board's electronic signature authorization vote recorded on [DATE] in [BOOK and PAGE] at the [NAME OF REGISTRY] Registry of Deeds.
4. Any document so executed shall be accepted for recording at the registry of deeds either in electronic form or as a paper print of the electronically executed document.

**APRIL 23, 2020 REVISION**

**Land Court has not approved the execution of documents by the use of electronic signatures.**

Please see the following memo from the Chief Title Examiner of the Land Court:

**MEMORANDUM**

To: All Registered Land Registry Districts  
From: Christina T. Geaney, Chief Title Examiner

Re: Land Court Advisory Regarding Massachusetts Deed Indexing Standards 2008; April 2020 Amendment, Section 13-7. Electronic Signatures by Municipal Boards

Dated: April 23, 2020

The court is aware of the recent amendment of the Deed Indexing Standards to deal with electronic signatures by municipal boards on documents being presented for record. The court wants to make its Assistant Recorders and their staffs aware that the court has NOT approved, in cases involving registered land, so much of the procedure outlined in the recent changes as allows for electronic signatures to be employed.

The procedure provided for in the April 2020 amendment to the Massachusetts Deed Indexing Standards 2018, **Section 13-7. Electronic Signatures by Municipal Boards**, is not authorized by the Land Court for use with registered land documents, in so far as the procedure permits the designated person acting with delegated authority on behalf of a municipal board or commission, when authorized to do so by vote, to sign documents using an electronic signature.

“Electronic signature” refers to a signature rendered in typewritten fashion as: “/s/John Q. Doe.” To date, the Land Court has not approved, for registered land documents, the general use of electronic signatures as a means of execution. Absent a current statute, rule, order<sup>1</sup>, or court guideline making particular allowance for the execution of a specific type of document using an electronic signature, the court does not authorize the filing for registration of documents which have not been executed using an actual, so-called “wet ink,” signature. (This also is true with regard to signatures placed on a certificate of acknowledgment or a jurat by a notary public.) Accordingly, in the circumstances described in the Standard, Section 13-7, the board’s or commission’s authorized signatory must sign a registered land document with an actual “wet ink” signature.

The court continues to approve and encourage the broad use of e-filing for registered land documents; a document properly executed with a manual wet ink signature may be transmitted to the District using e-filing, and, if otherwise proper for registration, may be accepted for registration in this manner.

The court’s title examination staff remains available to all District personnel to respond to questions about the acceptability of documents for registration, including questions about the adequacy of the method of execution employed. Inquiries to the court’s staff may be directed to us as outlined in the court’s March 25, 2020 guidance, **Land Court interim procedure for remote approvals**, found on the Trial Court’s webpage at: <http://www.mass.gov/guides/court-system-response-to-covid-19#-land-court->

<sup>1</sup>The court authorizes, for example, registration of orders or judgments signed electronically by judges and clerks of Massachusetts courts, or their designees, pursuant to Supreme Judicial Court Rule 1:25 – Massachusetts Rules of Electronic Filing or the “Order Concerning Electronic Signatures of Judges and Clerks” issued March 25, 2020 by the Supreme Judicial Court.