

SENATE NO. 879

AN ACT MAKING TECHNICAL CHANGES IN LAND COURT ADMINISTRATION OF REGISTERED LAND

*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. Section 52 of chapter 185 of the General Laws is hereby amended by striking the fourth
2 paragraph and inserting in place thereof the following paragraph:

3 As used in this section, “notice of voluntary withdrawal” shall mean an instrument in writing signed
4 and acknowledged by all owners of the land to be voluntarily withdrawn, which contains the following
5 information: names and addresses of all owners; the certificate of title number with the registration
6 book and page numbers; the description of the land in the form contained in the certificate of title; and
7 the street address of such land, if any, and which bears the endorsement of a justice of the land court
8 approving the voluntary withdrawal as provided in this section. Upon filing with the land court of a
9 complaint to withdraw land, the plaintiff shall deposit with the recorder a sum sufficient to cover costs
10 of the proceeding. The court shall then appoint one of the examiners of title, who shall make a report
11 to the court as to the identity of the current record owner and of all mortgagees and lessees with

12 interests of record in the land. A justice of the land court shall approve the application and shall
13 endorse the plaintiff's notice of voluntary withdrawal if: (a) the registered land constitutes less than 50
14 per cent of the total area of a single parcel or of two or more contiguous parcels in common
15 ownership; (b) the registered land consists of less than 10 per cent of the portion of the land area to
16 which an original certificate of title pertains, the rest of the land area to which such certificate pertains
17 having been conveyed since the original registration under this chapter; (c) the owners of the
18 registered land have submitted, or propose to submit as hereinafter provided, the land to the provisions
19 of chapter 183A or 183B or have created interests in the land to which chapter 183B is applicable
20 pursuant to section 3 of chapter 760 of the acts of 1987; or (d) the court finds that the owners of the
21 registered land have demonstrated other good cause for withdrawal under this section, including but
22 not limited to, economic hardship by reason of the land being registered, unless, notice having been
23 given to mortgagees and lessees of record, an outstanding objection has been filed by a mortgagee or
24 lessee of record. Notwithstanding any such outstanding objection, the application may be approved,
25 unless the court determines there is good cause for the objection. The justices of the land court shall
26 establish rules and practices, including an appropriate filing fee for the application as are necessary to
27 implement this section. An owner of registered land who proposes to submit the land to the provisions
28 of chapter 183A or 183B may set forth in the complaint filed hereunder a request that the court
29 approve the application and endorse the notice of withdrawal subject to the condition that the master
30 deed shall be presented for recording pursuant to section 16 of chapter 183A in the registry of deeds
31 for the district in which the land is situated, and upon such recording of the master deed and filing of
32 the judgment of withdrawal and entry on the memorandum of encumbrances of the certificate of title,
33 the subject premises shall be so withdrawn.

34 SECTION 2. Section 62 of said chapter 185 is hereby amended in the second sentence by adding,
35 between the word "instrument" and the word "shall," a comma and the following words:- or by the
36 presentation of a deed or other instrument executed on behalf of a corporation by a person or persons
37 falsely purporting to be the president, vice president, treasurer, or assistant treasurer of such
38 corporation,