

Memorandum

To: All Registry Districts, Registered Land Division

From: Christina T. Geaney, Esq., Chief Title Examiner

Date: January 27, 2025, effective February 2, 2025

Subject: Amendment of Section 114 under Chapter 185 of the General Laws as Authorized by Section 49 of Chapter 150 of the Acts of 2024

The legislature has enacted, and the Governor has signed into law, Chapter 150 of the Acts of 2024 (the “Act”).¹ Section 49 of this Act makes changes to the statute concerning the correction of clerical errors or omissions made upon the registration book (G.L. c. 185, § 114). Pursuant to Section 143 of the Act, these changes take effect on February 2, 2025.

Previously, under G.L. c. 185, § 114, no erasure, alteration, or amendment could be made to the registration book without an order of court. The Act modified the statute and now permits an Assistant Recorder, *upon approval of the Land Court Chief Title Examiner or their designee*, to make an “erasure, alteration, or amendment” in the “registration book” upon determination that a “clerical error or omission has been made in the entry of the certificate of title or memorandum thereon.”

The Act therefore permits an Assistant Recorder to amend the registration book in certain instances without an order of court. Pursuant to G.L. c. 185, the registration book is maintained by the Assistant Recorder and contains transcriptions of each judgment of registration known as “Original” certificates of title, subsequent “Transfer” certificates of title,² as well as memoranda noting registered documents affecting title on each certificate.³ The “registration book”

¹ Available at: [Chap. 150 of the Acts of 2024 \(mass.gov\)](https://www.mass.gov/info-details/chap-150-of-the-acts-of-2024).

² The “registration book” is defined in G.L. c. 185, § 48. Upon receipt of a judgment of registration from the recorder, an assistant recorder transcribes the judgment in the registration book. The certificate first registered is the “Original” certificate of title and all subsequent certificates for each title are “Transfer” certificates of title. *See* G.L. c. 185, § 49.

³ *See, e.g.*, G.L. c. 185, §10 (Registers of deeds acting as Assistant Recorders); G.L. c. 185, § 64 (Conveyance in Fee – Registered Land); G.L. c. 185, § 68 (Registration of mortgage).

does not include deeds, voluntary instruments, and other documents filed at the registry district relating to registered land.⁴

Accordingly, if an Assistant Recorder determines that a clerical error or omission was made in the preparation and entry of a certificate of title, memorandum of unit ownership, or memorandum thereon, an Assistant Recorder, with the approval of the Chief Title Examiner or their designee, may amend the registration book and correct the clerical error without an order of court. Any other requested alteration or amendment to registry records⁵ not contained in the registration book (such as errors on a deed or mortgage, etc.) will require an order of court.⁶

The Land Court has promulgated an approval request form⁷ for use by Registry District personnel to seek the Chief Title Examiner or their designee's approval for corrections of clerical errors pursuant to G.L. c. 185, § 114(a).⁸ The approval request form should be submitted by email to the Land Court Title Examination Department at LandCourt.Title@jud.state.ma.us along with a scanned attachment of the applicable certificate of title or memorandum of unit ownership (certified), and any other supporting documents. Once the approval request form is received and processed, a Land Court Title Examiner will be assigned to review the approval request.

⁴ Pursuant to G.L. c. 185, § 63, such instruments and documents are kept in the "entry book." Any clerical errors or omissions made within these documents (such as errors on a deed or mortgage, etc.) are not errors of the Assistant Recorder and thus not within the scope of the corrections that may be made by an Assistant Recorder with approval of the Chief Title Examiner.

⁵ All deeds, voluntary instruments, and writs or other processes filed with the Assistant Recorder relating to registered land are made in an "entry book." *See* G.L. c. 185, § 63. These instruments are required to be numbered and indexed and endorsed with a reference to the proper certificate of title. *See id.* Further, a memorandum of the registered instrument on the applicable certificate of title may be made in the registration book by the Assistant Recorder. *See, e.g.,* G.L. c. 185, § 68 (Registration of mortgage).

⁶ G.L. c. 185, § 114(b).

⁷ Assistant Recorder Request for Erasure, Alteration, or Amendment Upon the Registration Book, G.L. c. 184, § 114, Land Court Form LC-REG-REGREQ, available on the Land Court's website, Forms webpage, at <https://www.mass.gov/lists/land-court-forms>.

⁸ For all other record correction requests made by registry district personnel under § 114(b), the Land Court has created a new Complaint form for obtaining an order of court: Complaint for Correction of Registered Land Records, Land Court Form LC-SBQ-SCR. The form is available on the Land Court's website, Forms webpage, at <https://www.mass.gov/lists/land-court-forms>.

If the Assistant Recorder's request is approved by the Chief Title Examiner, or their designee, the Land Court Approval form will be emailed to the Assistant Recorder and/or the applicable Registry District personnel. The Assistant Recorder may then make the approved amendment(s) to the registration book and shall register and note the Land Court Approval on the applicable certificate of title as a line entry.

The amendment procedure outlined in G.L. c. 185, § 114(a) is exclusively intended to address clerical errors or omissions made by registry districts in the preparation and entry of certificates of title, memoranda of unit ownership, or memoranda thereof within the registration book. It is important to note that this procedure cannot be utilized to effect substantive changes to registered documents or make changes that would adversely affect the substantive rights of interested parties. In such instances, a complaint subsequent to registration under G.L. c. 185, § 114(b) will be necessary to address the situation.

The Chief Title Examiner or their designee may conditionally approve an Assistant Recorder's request for approval, by providing that certain requirements must be met, such as notice to potentially interested parties. Additionally, when necessary, the Chief Title Examiner or their designee, in granting approval, may modify, clarify, or change the scope or language of the alternation or correction that the Assistant Recorder is being authorized to employ.