

# Memo

**To:** All Registry Districts, Registered Land Divisions  
**From:** Edmund Williams  
**Re:** Chapter 282 of the Acts of 2010 (Chapter 183, § 54B)

Effective November 9, 2010, there is no longer any requirement for authority documentation for any person or entity signing foreclosure deeds and any associated documents registered in conjunction with the foreclosure, including, but not limited to powers of attorney, notices, deeds, affidavits, certificates, votes, assignments of bids and agreements of sale. This includes all conveyances, whether they are executed pursuant to a power of attorney or whether they are executed by the actual holder of the mortgage being foreclosed.

In addition, cases in which a bank or other mortgagee has taken title pursuant to a foreclosure will not require authority documentation for the subsequent deed from that entity (i.e.: REO sale).

Attached hereto is a copy of the new section 54B.

**NOTE:** In cases where a signatory is claiming to be an attorney in fact, whether it be a foreclosure or deed subsequent, the power of attorney must be registered or recorded.

This memo supercedes any previously issued memos concerning Chapter 183 section 54B

### **MGL Chapter 183 Section 54B**

Notwithstanding any law to the contrary, (1) a discharge of mortgage; (2) a release, partial release or assignment of mortgage; (3) an instrument of subordination, non-disturbance, recognition, or attornment by the holder of a mortgage; (4) any instrument for the purpose of foreclosing a mortgage and conveying the title resulting therefrom, including but not limited to notices, deeds, affidavits, certificates, votes, assignments of bids, confirmatory instruments and agreements of sale; or (5) a power of attorney given for that purpose or for the purpose of servicing a mortgage, and in either case, any instrument executed by the attorney-in-fact pursuant to such power, if executed before a notary public, justice of the peace or other officer entitled by law to acknowledge instruments, whether executed within or without the commonwealth, by a person purporting to hold the position of president, vice president, treasurer, clerk, secretary, cashier, loan representative, principal, investment, mortgage or other officer, agent, asset manager, or other similar office or position, including assistant to any such office or position of the entity holding such mortgage, or otherwise purporting to be an authorized signatory for such entity, or acting under such power of attorney on behalf of such entity, acting in its own capacity or as a general partner or co-venturer of the entity holding such mortgage, shall be binding upon such entity and shall be entitled to be recorded, and no vote of the entity affirming such authority shall be required to permit recording.