



**THE TRIAL COURT OF MASSACHUSETTS  
LAND COURT**

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**MEMORANDUM of the CHIEF TITLE EXAMINER**

To: All Registered Land Registry Districts  
From: Christina T. Geaney, Chief Title Examiner  
Date: March 31, 2023  
*Updated December 29, 2023*

**Re: Repeal of Electronic Notarization as Authorized by Section 12 of Chapter 22 of the Acts of 2022 and Enactment of "Remote Online Notarization"**

**References:**

[\*Chapter 2 of the Acts of 2023\*](#), sections 23-33, 48, 81, 84, and 85

[\*Chapter 107 of the Acts of 2022\*](#), section 5

[\*Chapter 22 of the Acts of 2022\*](#), sections 12, 37, 41, and 44

[\*Chapter 20 of the Acts of 2021\*](#), section 7

[\*Chapter 71 of the Acts of 2020\*](#)

**UPDATE, December 29, 2023:**

The statutory provisions authorizing remote online notarization in [Chapter 2 of the Acts of 2023](#) require, prior to implementation, the adoption and promulgation by the Secretary of the Commonwealth of protocols, approvals, and regulations, G.L. c. 222, § 28. The institution of remote online notarization for registered land documents will not be possible until that process concludes. The Land Court, which has authority to adopt rules, guidelines, or directives concerning the acceptance of remotely notarized registered land documents, will defer doing so until further notice, to afford the Secretary full opportunity to adopt and issue appropriate and required protocols, approvals, and regulations. The court's goal will be to achieve as much consistency as possible between the acceptance of registered land documents employing remote online notarization and the acceptance of instruments employing remote online notarization which affect title to recorded land. Accordingly, no registry district should accept for registration any documents notarized remotely until further instruction from the court issues. Any questions concerning this Memorandum may be directed to the Land Court Chief Title Examiner or her designee.

## **I. Repeal of “Virtual” Electronic Notarization**

Effective March 31, 2023, section 12 of Chapter 22 of the Acts of 2022 – which had authorized temporarily the use of “virtual” electronic notarization in accordance with the specific requirements set forth in that Act – is repealed.<sup>1</sup>

Accordingly, the Land Court’s Land Registration Districts may not accept for registration documents that have been virtually notarized on or after March 31, 2023. For any document requiring acknowledgement, the taking of an oath, or other notarial act, if that notarial act took place on or after March 31, 2023, the notarial act must have been performed in the physical presence of the notary public.

For any documents notarized pursuant to Chapter 22 of the Acts of 2022 or Chapter 71 of the Acts of 2020, prior to March 31, 2023, and during the respective effective dates of those Acts, please refer to the two prior Chief Title Examiner Memoranda attached at the end of this Memorandum to verify that the document presented for registration complies with the requirements of those Acts.

## **II. Enactment of “Remote Online Notarization”**

The legislature has enacted, and the Governor has signed into law, Chapter 2 of the Acts of 2023 (available at: [Chap. 2 of the Acts of 2023 - Supp Budget \(mass.gov\)](#)). Sections 23 through 33 of this Act make extensive changes to notarial law in Massachusetts. Included in this new legislation are provisions allowing remote online notarization in accordance with the requirements set forth therein. The substantive provisions of this law authorizing remote online notarization are significantly different than those in the now-repealed Acts authorizing virtual electronic notarization and generally become effective on January 1, 2024, subject to the implementation of regulations by the Secretary of the Commonwealth, and to the issuance of any rules, guidelines, or directives by the Land Court as to registered land.

The Land Court will provide further guidance about accepting registered land documents notarized under the new remote online procedures after the Secretary of the Commonwealth establishes the new protocols, approvals, rules and regulations.

Attachments:

- [Memorandum of the Chief Title Examiner Re: Electronic Notarization as Authorized by Section 12 of Chapter 22 of the Acts of 2022 \(issued Mar. 4, 2022, last updated Jul. 22, 2022\)](#)

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<sup>1</sup> See sections 41 and 44 of Chapter 22 of the Acts of 2022 as amended by section 5 of Chapter 107 of the Acts of 2022 (replacing original sunset date of July 15, 2022).

- [Memorandum of the Chief Title Examiner Re: Chapter 71 of the Acts of 2020: An Act Providing for Virtual Notarization to Address Challenges Related to COVID-19 \(the “Act”\)](#)