

MEMO

To: All Registry Districts

From: Edmund A. Williams

Date: October 8, 2014

Subject: Chapter 287 of the Acts of 2014 (Section 82)

Chapter 185 Section 52 has been amended as follows:

- i.) In cases where registered and recorded land are in contiguous common ownership, there is no longer a requirement that the registered land be less than 50% of the aggregate square footage of the parcel.
- ii.) In cases where the land is to be submitted to Chapter 183A, there is no longer a requirement that the master deed be approved by the Court and registered prior to withdrawal. Petitioner has to have "... submitted the land or satisfy the Court that the owners shall submit the land to Chapter 183A or 183B or shall create interests in the land to which said Chapter 183B is applicable under Section 3 of Chapter 760 of the Acts of 1987 or satisfy the Court that the owners shall create those interests."
- iii.) In a new category, Petitioners may "... establish that the registered land is improved with an occupied building not used or occupied as or in connection with, and not designed or intended for use or occupancy as or in connection with, a 1-to-4 family residential dwelling." Once established to the satisfaction of the Court, withdrawal will be allowed.

Regarding (ii) above, Petitioner or counsel will provide the Land Court with an affidavit of intention to record a master deed and associated condominium documents. The Notice of Withdrawal will be conditional upon the recording of a Master Deed on the recorded side. Registry personnel will ascertain that the Master Deed has been recorded or will oversee its' recording contemporaneously with the registration of the Notice of Voluntary Withdrawal.

The recording sheet that is provided to the registry districts, on which they report the document number of the Notice of Withdrawal, will now contain a section in which the recording information of the Master Deed will also be reported.