



THE TRIAL COURT OF MASSACHUSETTS
LAND COURT

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MEMORANDUM of the CHIEF TITLE EXAMINER

From: Christina T. Geaney, Chief Title Examiner
Date: August 3, 2021

Re: Procedures for the Processing of Subsequent Cases, Condominium Documents & Document Approvals

The Memorandum entitled “Updated Procedures for the Processing of Subsequent Cases, Condominium Documents & Document Approvals as well as Scheduling Appointments with Title Examiners,” dated September 30, 2020, is hereby superseded and replaced by this Memorandum.

The purpose of this Memorandum is to set forth the procedures and guidelines for the transition and continued processing of land registration cases and document approvals by the Land Court Title Examination Department following the expiration of emergency procedures related to the COVID-19 pandemic and the termination of the declaration of the state of emergency necessitated by the pandemic. The procedures set forth herein incorporate and provide for the continued remote and electronic processing of the Land Court’s registered land work in most cases, for the convenience and benefit of the constituents whom the Land Court serves as well as court personnel.

The Land Court and Chief Title Examiner reserve the right to further change, revise, suspend, or update these procedures as conditions warrant or new information regarding the efficacy of such transition measures is revealed.

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I. Complaints Subsequent to Registration (“SBQ Cases,” “Subsequent Cases,” or “S-Cases”)

Complaints Subsequent to Registration (“S-Cases”) must be commenced in accordance with the Massachusetts Rules of Civil Procedure, as well as G.L. c. 185, the Land Court Registered Land Guidelines, and all updates thereto by Memoranda of the Chief Title Examiner.

The procedures outlined below specify the requirements for the initiation and expeditious processing of S-Cases filed at the Land Court, which should be reviewed and adhered to for all filed S-Cases.

NOTE: SJC Rule 1:24

All public filings with the Land Court must comply with Supreme Judicial Court (SJC) Rule 1:24: Protection of personal identifying information in publicly accessible court documents.¹ It is the responsibility of the filer to redact “personal identifying information” such as a social security number, taxpayer identification number, driver’s license number, state-issued identification card number, or passport number, a parent’s birth surname if identified as such, a financial account number, or a credit or debit card number. Noncompliance may result in corrective action in accordance with Section 8 of Rule 1:24.

A. File the S-Case complaint with the Land Court and pay the entry fee.

File the S-Case with the Land Court in accordance with Mass. R. Civ. P. Rule 3, by either (1) mailing by certified or registered mail, or (2) filing at the counter in person, an original signed complaint and the required entry fee at the address below:

Land Court Recorder’s Office
Three Pemberton Square, Fifth Floor
Boston, MA 02108

At this time, electronic filing (eFiling) is not available for S-Cases.

The required entry fee must be paid at the time of filing. The entry fee as of the date of this Memorandum is \$50.00 and may be paid by check (mail or in person) or credit card (in

¹ Available on mass.gov, Massachusetts Supreme Judicial Court Rules webpage, available at: <https://www.mass.gov/supreme-judicial-court-rules/supreme-judicial-court-rule-124-protection-of-personal-identifying>

person at the Recorder's Office cash booth). The complaint will be date stamped and docketed by the Recorder's Office upon receipt and acceptance of the entry fee.

B. Include all required documentation with the complaint.

The filer must submit all required documentation to the Land Court upon filing the S-Case complaint. Failure to submit all required documentation with the complaint could result in extensive delays in the processing of the case or, in some cases, the rejection or dismissal of the case.

1. Subsequent to Registration Complaint Cover Sheet

All S-Cases require the filer to submit the Subsequent to Registration Complaint Cover Sheet, available on the Land Court's website.²

2. Certified copy of current Certificate of Title or Memorandum of Unit Ownership

All S-Cases require the filer to submit a *certified copy* of the current certificate of title or memorandum of unit ownership.

If the current certificate of title or memorandum of unit ownership is not yet prepared, provide a certified copy of the last issued and prepared certificate of title or memorandum of unit ownership as well as all intervening deeds from the last prepared, up to and including the current deed. A *printout* of the encumbrances is also required if the certificate of title or memorandum of unit ownership is not yet prepared.

3. Registered documents and recorded instruments

Submit copies of the previously registered documents or recorded instruments pertinent to your S-Case. Certified copies of documents or instruments already registered or recorded with the Registry District are not required.

4. Attested copies of probate and other court documents

If the S-Case involves a probate proceeding, or any document from another court (including the Probate and Family Court), the submitter must submit *attested or certified copies* of such documents (e.g., Decree of Sale, Bankruptcy Order).

² Available on the Land Court's website, Forms webpage, under the "Registered land and related forms and instructions" section, at <https://www.mass.gov/doc/subsequent-to-registration-complaint-cover-sheet>

NOTE: Complaint for certificate after death and

Land Court Standing Order 1-21 (dismissal for premature filings)

For an S-Case requesting the issuance of a new certificate after the death of a registered owner, refer to the Land Court Chief Title Examiner Memorandum Re: Land Court Guideline 14. Death: The Effect of Death upon Registered Land Titles (issued October 31, 2019)³ and use the Land Court's form Complaint for Certificate after Death.⁴ ***Attested or certified copies of probate documents are required.***

Complaints for certificate after death are subject to Land Court Standing Order 1-21: Dismissal without prejudice of prematurely filed complaints for certificate after death.⁵ Accordingly, such a complaint shall not be filed with the Land Court unless the entry of judgment in an appropriate probate proceeding has become final, without appeal or after a resolved appeal. An informal probate proceeding, or a formal probate decree that that does not result in a determination of heirs and testacy, does not qualify as an appropriate probate proceeding. Such S-Cases will be dismissed by the court without prejudice and may be refiled upon compliance with G.L. c. 185, § 97, and all applicable Land Court Registered Land Guidelines and Chief Title Examiner Memoranda.

5. Additional required documentation

Additional required documentation varies from case to case. Review all relevant Registered Land Guidelines of the Land Court,⁶ as well as all updates to such Guidelines set forth in the Registered Land Memoranda from the Chief Title Examiner,⁷ related to the subject of your S-Case to determine the documentation required.

³ Available on the Land Court's website, Registered Land Memos from the Chief Title Examiner webpage, at <https://www.mass.gov/doc/land-court-chief-title-examiner-memorandum-re-land-court-guideline-14-death-the-effect-of-death>

⁴ Available on the Land Court's website, Forms webpage, under "Registered land and related forms and instructions" section, at <https://www.mass.gov/doc/complaint-for-certificate-after-death>

⁵ Available on the Land Court's website, Massachusetts Land Court Standing Orders webpage, at <https://www.mass.gov/land-court-rules/land-court-standing-order-1-21-dismissal-without-prejudice-of-prematurely-filed-complaints-for-certificate-after-death>

⁶ Available on the Land Court's website at <https://www.mass.gov/doc/land-court-guidelines-on-registered-land>

⁷ Available on the Land Court's website, Registered Land Memos from the Chief Title Examiner webpage, at <https://www.mass.gov/lists/registered-land-memos-from-the-chief-title-examiner>

NOTE: Voluntary Withdrawals

If the S-Case is requesting the voluntary withdrawal of the property from the land registration system pursuant to c. 185, § 52, refer to the Checklist for Voluntary Withdrawal from the Registration System (issued May, 2019)⁸ and use both the court's forms for the Complaint for Voluntary Withdrawal of Land ("Complaint")⁹ and Notice of Voluntary Withdrawal of Land ("Notice").¹⁰

Original documents that do not need to be registered should be submitted with the complaint. With the exception of the Notice in voluntary withdrawal cases, if the original document will need to be registered, retain the originals in your files and include copies of those documents with the complaint.

C. Provide an electronic copy of the complaint and all required documentation.

Either concurrently with the filing of the case, or shortly thereafter, submit by email an electronic copy of the complaint, the Subsequent to Registration Complaint Cover Sheet, and all required documentation that constitutes the S-Case to the Land Court Title Examination Department. The electronic copy must be submitted as a scanned document attachment in the Portable Document Format ("PDF," ".pdf") to this email:

LandCourt.Title@jud.state.ma.us

The subject line of the email should reference the assigned case number, which contains the Land Court plan number.¹¹

NOTE: Plan number

If the certificate of title or memorandum of unit ownership does not contain a plan number reference, contact the Land Registration District for the plan

⁸ Available on the Land Court's website, Forms webpage, under "Registered land and related forms and instructions" section, at <https://www.mass.gov/doc/checklist-for-voluntary-withdrawal-of-land-from-the-registration-system-ch-185-s-52>

⁹ Available on the Land Court's website, Forms webpage, under "Registered land and related forms and instructions" section, at <https://www.mass.gov/doc/complaint-for-voluntary-withdrawal>

¹⁰ Available on the Land Court's website, Forms webpage, under "Registered land and related forms and instructions" section, at <https://www.mass.gov/doc/notice-of-voluntary-withdrawal>

¹¹ The S-Case number is comprised of the 2-digit year-SBQ-five digit plan number-2 digit month-sequence number (and the sequence number is usually designated as "001"). Do not include any letters or numbers after the initial plan number. For example, if you file in August of 2021, and the plan number on the certificate of title is 1234-B, the subsequent case number will be 21-SBQ-01234-08-001.

number, and submit a copy of the Land Court plan with the S-Case.

The attachment file size limit by email is approximately 19 megabytes (MB). Sending an email with one single attached document containing the entire case initiation file within the file size limit of 19 MB is preferred. However, if the file size of the attachment is larger than 19 MB, then the attachment may be split into more than one document across multiple emails, with appropriate notation in the subject line of the email (e.g. "Email 1 of 3").

D. Use [masscourts.org](https://www.masscourts.org) to check the status of your S-Case.

Once received and processed by the Land Court Title Department, the electronic copy of the case initiation documents will be uploaded to the court's case management system. The uploaded image will be available for viewing and download from the Massachusetts Trial Court Electronic Case Access portal, available to the public and attorneys at [masscourts.org](https://www.masscourts.org).¹²

Additional court docket entries and case activities will be noted on the docket as the S-Case proceeds and may be reviewed on [masscourts.org](https://www.masscourts.org) at any time. Once the case is assigned to a Land Court Title Examiner, that assignment will appear on the docket. Case inquiries should be directed to the assigned Land Court Title Examiner.

E. Register the Order of Court or Endorsement.

Once the S-Case has been processed and finalized, the Order of Court or endorsement will bear the signature of the Land Court Title Examiner and/or Justice of the Land Court, as applicable.

1. Order of Court

In the case of an Order of Court, the court will either (1) mail the Order to the submitter, or (2) email the Order to the submitter and the applicable Land Registration District personnel from the LandCourt.Title@jud.state.ma.us email address. The Order of Court will be imaged under the S-Case docket number and available for view or download on [masscourts.org](https://www.masscourts.org).

Whether mailed or emailed, the submitter must then present the Order of Court for registration to the appropriate Land Registration District, together with any documents to

¹² When searching for the case on [masscourts.org](https://www.masscourts.org), a slightly different format is used and must be entered *exactly* to return a result. Using the above example, you would search for case number 21 SBQ 01234 08 - 001. Please refer to the Land Court Case Numbering Format reference available on the Land Court's website at <https://www.mass.gov/doc/land-court-court-case-numbering-format>

be registered therewith, and pay the required fees. The personnel of the Land Registration District will compare and match the Order of Court submitted for registration by the filer either (1) to the Order of Court previously emailed from the LandCourt.Title@jud.state.ma.us email address, or (2) to the same image available on masscourts.org for verification prior to accepting the Order of Court for registration.

NOTE: Prompt registration required

An Order of Court must be registered by the filer promptly upon its issuance, as the order will affect title to registered land only upon the act of registration, pursuant to G.L. c. 185, § 57. Failure to promptly register an Order of Court may result in delays in the registration of title documents affecting the property and may necessitate further court proceedings.

2. Endorsement on a Notice of Voluntary Withdrawal

In the case of an Endorsement on the Notice of Voluntary Withdrawal from the Land Registration System, the court has two options available for endorsement. A Justice of the Land Court may either (1) sign (endorse) the Notice, or (2) attach a signed endorsement to the Notice.

After employing either method of endorsement, the court will either (1) mail the endorsed original Notice (or Notice and attached endorsement) along with an Exhibit A to the submitter, or (2) email the endorsed Notice (or attached endorsement) along with an Exhibit A to the submitter and the applicable Land Registration District personnel from the LandCourt.Title@jud.state.ma.us email address.¹³

Whether mailed or emailed, the submitter must then present the endorsed original Notice (or Notice and attached endorsement) along with its Exhibit A for registration to the appropriate Land Registration District and pay the required fees. The first page should either be the directly endorsed original Notice or the endorsed attachment to the Notice.

The personnel of the Land Registration District will compare and match the endorsed original Notice (or Notice and attached endorsement) and Exhibit A submitted for registration by the filer either (1) to the document previously emailed from the LandCourt.Title@jud.state.ma.us email address, or (2) to the same document image available on masscourts.org for verification prior to accepting the endorsed Notice (or Notice and attached endorsement) and Exhibit A for registration.

¹³ If necessary, originals will be returned to the submitter, or can be picked up from the Land Court Recorder's Office.

NOTE: Recording the Notice on the recorded side of the registry

The submitter must follow up with the Land Registration District personnel regarding their procedure for recording the Notice of Voluntary Withdrawal on the recorded land side of the Registry.

II. Condominium Document Approvals

The procedures outlined below specify the requirements for the initiation and expeditious processing of requests for condominium document approvals submitted to the Land Court Title Examination Department.

A. Options: Submit the condominium document approval request by paper or by email.

When requesting approval of condominium documents and plans with the Land Court the submitter has two options available: either submit the documents by paper or by email. There is no entry fee due for condominium document approvals.

1. Submissions by paper

To submit your approval request by paper, either (1) mail the condominium documents and plans (2) or submit such documents and plans at the counter in person at the address below:

Land Court Recorder's Office
Three Pemberton Square, Fifth Floor
Boston, MA 02108

After submission, a Land Court Title Examiner will be assigned to review the approval request, and the submitter will be notified of the assignment. Once the approval request is assigned, direct all inquiries about the matter directly to the assigned Land Court Title Examiner.

2. Submissions by email

To submit your approval request by email, send an email (without any attachments) to the Land Court Title Examination Department at LandCourt.Title@jud.state.ma.us with the condominium project name as the subject line and a brief description of the nature of your request in the body of the email. *Do not attach scans of the condominium documents and plans in this initial email.*

After the email request is received and processed, a Land Court Title Examiner will be assigned to review the approval request, and the submitter will be notified of the assignment. The submitter must then submit electronic copies of all the required condominium documents and plans as a scanned document attachment in the Portable Document Format (“PDF,” “.pdf”) directly to the assigned Land Court Title Examiner for review. The attachment file size limit by email is approximately 19 megabytes (MB). Email attachments larger than 19 MB must be split into more than one document and sent across multiple emails. Each email must reference the condominium project name and indicate how many separate emails with attachments are being sent (e.g., Email 1 of 2: Condo Project Name).

NOTE: Submitter’s responsibility to send documents and plans

It is the submitter’s sole responsibility to submit all condominium documents and plans to the assigned Land Court Title Examiner by email, upon notification of the assignment. No work will be done on the emailed approval request until all required documents are submitted.

B. Include all required documentation and plans for review.

The submitter must submit all required documentation to the Land Court in accordance with the procedures outlined above. Failure to submit all required documentation could result in extensive delays in the processing of the condominium document approval.

NOTE: Land Court Registered Land Guideline 57

All condominium documents and plans must be in full compliance with Land Court Registered Land Guideline No. 57 “Condominiums. Approval of Condominium Documents.”¹⁴

1. Certified copy of current Certificate of Title

Submit a *certified copy* of the current certificate of title with your condominium document approval request as well as a copy of the Land Court plan.

If the current certificate of title is not yet prepared, provide a certified copy of the last issued and prepared certificate of title as well as all intervening deeds from the last

¹⁴ Available on the Land Court’s website at <https://www.mass.gov/doc/land-court-guidelines-on-registered-land>

prepared, up to and including the current deed. A *printout* of the encumbrances is also required if the certificate of title is not yet prepared.

2. Copies of final plans

Submission of original mylar plans is *not* required and all original mylars should be retained for filing with the Land Registration District once the condominium documents are approved. Instead, once the case is assigned, submit *paper copies* of the final plans for review to:

ATTN: [Assigned Land Court Title Examiner]
Land Court Recorder's Office
Three Pemberton Square, Fifth Floor
Boston, MA 02108

C. Register the approved condominium documents and plans.

**NOTE: All condominium document approvals
will be transmitted from the court by email.**

Once the condominium documents have been reviewed and allowed by a Justice of the Land Court, the court will email the court's Approval form to the submitter and the applicable Land Registration District personnel from the LandCourt.Title@jud.state.ma.us email address.

**NOTE: Approved condominium documents and plans will not be
emailed directly to the Land Registration District by the court**

The approved condominium documents and plans will not be emailed directly to the Land Registration District by the court. It is the submitter's responsibility to submit such documents and certify to the Land Registration District that the documents and plans to be registered/filed are identical to the documents and plans allowed by a Justice of the Land Court, in accordance with the certification requirement outlined in subsection D below.

The submitter must then present the court's Approval form for registration to the appropriate Land Registration District, together with all condominium documents and plans to be registered therewith, and pay the required fees. The court's Approval form must be included as the ***first page*** of the Master Deed or Amendment to Master Deed. The personnel of the Land Registration District will compare and match the Approval form

submitted for registration to the Approval form previously emailed from the LandCourt.Title@jud.state.ma.us email address for verification prior to accepting the condominium documents and plans for registration/filing.

D. Certify the approved condominium documents and plans to be registered.

The submitter must include (to the Land Registration District), on a separate paper, a *signed* Certification stating that the documents and plans to be registered/filed are *identical* to the documents and plans allowed by a Justice of the Land Court. An attorney's Certification must include both a signature and BBO number.

NOTE: Until the Certification is presented to the Land Registration District, the document(s) and plan(s) cannot be registered/filed.

The Certification will be emailed by the Land Registration District back to the LandCourt.Title@jud.state.ma.us email address. This Certification is *not* to be registered.

III. All Other Land Court Document Approvals

The procedures outlined below specify the requirements for the initiation and expeditious processing of requests for all other types of document approvals submitted to the Land Court Title Examination Department.

A. Options: Submit the document approval request by paper or email.

When requesting approval of documents for registration from the Land Court Title Examination Department the submitter has two options available: either submit the documents by paper or by email. There is no entry fee due for document approvals.

1. Submissions by paper

To submit your approval request by paper, either (1) mail the documents (2) or submit such documents at the counter in person at the address below:

Land Court Recorder's Office
Three Pemberton Square, Fifth Floor
Boston, MA 02108

NOTE: Return of approved documents by mail

To have the approved documents returned by mail, the submitter must

include a postage prepaid, return-addressed envelope that is large enough to accommodate the return of all submitted documents.

For requests submitted at the counter in person, an Approval Request Form must be completed at the time of submission. A Land Court Title Examiner will be assigned to review the approval request, and the submitter will be notified of the assignment.

2. Submissions by email

To submit your document approval request by email, send an email to the Land Court Title Examination department at LandCourt.Title@jud.state.ma.us with a scanned attachment of the fully-executed document(s) to be approved, and a certified copy of the certificate of title or memorandum of unit ownership, **but without any additional attachments**. The submitter should retain all original documents. (Email attachments may not exceed a 19 MB file size.)

After the email request is received and processed, a Land Court Title Examiner will be assigned to review the approval request, and the submitter will be notified of the assignment. Thereafter, the assigned Land Court Title Examiner will contact the submitter, via email, to request the supporting documents. The Land Court Title Examiner will begin work on the approval only once all necessary documents have been received.

B. Include all relevant documents in your submission of supporting documents.

1. Certified copy of current Certificate of Title or Memorandum of Unit Ownership

Submit a *certified copy* of the current certificate of title or memorandum of unit ownership with your approval request.

If the current certificate of title or memorandum of unit ownership is not yet prepared, provide a certified copy of the last issued and prepared certificate of title or memorandum of unit ownership as well as all intervening deeds from the last prepared, up to and including the current deed. A *printout* of the encumbrances is also required if the certificate of title or memorandum of unit ownership is not yet prepared.

2. Attested copies of probate and other court documents

If the approval request involves a probate proceeding, the submitter must provide attested copies of all supporting probate documents once requested by the assigned Land Court Title Examiner. The list of required supporting probate documentation is set forth in the

Land Court Chief Title Examiner Memorandum Re: Land Court Guideline 14. Death: The Effect of Death upon Registered Land Titles (issued October 31, 2019) (See Method Nos. 3 or 4 therein).¹⁵

For any document from another court (including the Probate and Family Court), that will be registered as part of an approval, the submitter must submit an attested or certified copy of such document to the assigned Land Court Title Examiner before an approval can be finalized (e.g., Decree of Sale, Bankruptcy Order).

NOTE: Verifications of Decree of Sale (License)

If the approval request is pursuant to a Decree of Sale (License), verify that the Decree of Sale contains the correct legal description (Lot/Lots, Land Court Plan Number, Certificate of Title/ Memorandum of Unit Ownership/ unit number) in the space provided for a legal description on the Decree of Sale.

3. Forms/documents related to coronavirus/moratoria legal requirements

If the document approval request is a Post-Foreclosure (*Eaton*) Affidavit, when applicable, complete an Affidavit Showing Foreclosure Deed May Be Registered Notwithstanding Foreclosure Moratoria (Land Court Form, August 2020).¹⁶ The completed Affidavit must be submitted for Land Court approval.

Note: Virtual notarization authorization

Chapter 71 of the Acts of 2020, “An Act Providing for Virtual Notarization to Address Challenges Related to COVID-19,” has been extended through December 15, 2021, by Section 7 of Chapter 20 of the Acts of 2021.

¹⁵ Available on the Land Court’s website, Registered Land Memos from the Chief Title Examiner webpage, at <https://www.mass.gov/doc/land-court-chief-title-examiner-memorandum-re-land-court-guideline-14-death-the-effect-of-death>

¹⁶ Available on the Land Court’s website, Forms webpage, under “Registered land and related forms and instructions” section, at <https://www.mass.gov/doc/affidavit-showing-foreclosure-deed-may-be-registered-notwithstanding-foreclosure-moratoria>

C. Register the approved documents.

1. Paper approvals

If the documents submitted by paper are appropriate for registration without need for further follow-up, the submitter will be notified by the assigned Land Court Title Examiner of the approval. Approved documents will be stamped as approved for registration and signed by the Land Court Title Examiner. The submitter may then arrange to pick up the approved documents at the Land Court Recorder's Office front counter. (If the submitter included a prepaid return envelope at the time of submission, the approved documents will be mailed back.)

*Where the document to be registered bears the stamped and signed approval of a Land Court Title Examiner, nothing further is needed for registration. The submitter will **not** need to attach an approval form or provide a certification as set forth in subsection D below prior to registration of the documents.*

2. Email approvals

If the documents submitted by email are appropriate for registration without need for further follow-up, the assigned Land Court Title Examiner will email the court's Approval form to the submitter and the applicable Land Registration District personnel from the assigned Land Court Title Examiner's official court email address.

The submitter must then present the approved documents for registration to the appropriate Land Registration District, together with the court's Approval form, and pay the required fees. The Approval form must be attached as the **final page** of the approved document(s). The personnel of the Land Registration District will compare and match the Approval form submitted for registration to the Approval form previously emailed from the Land Court Title Examiner's court email address for verification prior to accepting the documents for registration.

D. Certify the approved documents to be registered (email approvals only).

NOTE: Certification only required for email approvals.

The Certification Requirement only applies to emailed document approvals.

The submitter must include (to the Land Registration District), on a separate paper, a *signed* Certification stating that the documents to be registered are *identical* to the

documents approved by the Land Court Title Examiner. An attorney's Certification must include both a signature and BBO number.

NOTE: Until the Certification is presented to the Land Registration District, the document(s) cannot be registered.

The Certification will be emailed by the Land Registration District back to the Land Court Title Examiner who approved the documents. This Certification is **not** to be registered.

NOTE: Check with Registry personnel on their e-filing procedures
If e-filing the approved documents, contact the Land Registration District personnel regarding their procedures for submitting the Certification.

E. Rejections

If the document(s) cannot be approved based on the submitter's request, the submitter will receive a Rejection Notice. A request for approval of documents may be resubmitted, with any necessary corrections or defects remedied, in accordance with the options set forth in section III.A. above.

NOTE: Approval requests resubmitted following rejection
As instructed in the Rejection Notice, **do not** resubmit your approval request directly to a Land Court Title Examiner by email. You must resubmit such request in accordance with section III.A. above.
