

## **MEMORANDUM**

### **UPDATED PROCEDURES FOR THE PROCESSING OF SUBSEQUENT CASES, CONDOMINIUM DOCUMENTS & DOCUMENT APPROVALS AS WELL AS SCHEDULING APPOINTMENTS WITH TITLE EXAMINERS**

From: Christina T. Geaney, Chief Title Examiner

Date: September 30, 2020

To maintain the health and safety of the community we serve, the Land Court Title Examination Department will follow the orders and guidelines set forth by the Supreme Judicial Court, the Trial Court, and the Land Court with respect to occupancy and social distancing. Accordingly, the Title Examination Department will continue to conduct as much of its business virtually (using mail, phone, email videoconferencing and other electronic means) as is feasible. With all submissions to the Land Court, please provide a call back number and an email address. In-person business with the Title Examination Department shall be limited to business or activities that cannot be handled effectively through remote procedures and will be conducted in accordance with the procedures outlined below.

***The Memoranda entitled "Interim Procedure for Remote Approvals," dated March 25, 2020, and "Interim Procedures for the Remote Processing of Subsequent Cases & Condominium Documents," dated April 10, 2020, are hereby superseded and replaced by the following Sections herein:***

- I. Emergency and Urgent Document Approvals
- II. Subsequent Cases that Constitute Emergency or Urgent Matters
- III. Condominium Document Approvals that Constitute Emergency or Urgent Matters
- IV. Non-Emergency Document Approvals
- V. Non-Emergency/Urgent Matter Subsequent Cases
- VI. Non-Emergency/Urgent Matter Condominium Approvals
- VII. Questions and Appointments

## I. Emergency and Urgent Document Approvals

The Land Court Title Examination Department will continue to accept emergency and urgent matter document approval requests *via* email. (If any emergency/urgency request that is submitted is not approved as constituting an emergency or urgent situation, the submitter can still proceed to have the matter submitted and processed in accordance with the non-emergency, non-urgent procedures set forth herein.)

1. Submit the document to be approved to LandCourt.Title@jud.state.ma.us without attachments.
2. The submitter will retain all original documents for registration purposes.
3. The approval request will be forwarded to a Land Court Title Examiner for review.
4. The submitter will receive a confirmation email providing the name of the Land Court Title Examiner assigned to review the document(s).
5. The assigned Land Court Title Examiner will contact the submitter, *via* email, to request supporting documents as soon as practicable. Any questions as to the status of your approval are to be directly emailed to the Land Court Title Examiner assigned to review your submission.
6. Supporting documentation will include a certified or attested copy of the certificate of title or memorandum of unit ownership. If the certificate of title or memorandum of unit ownership cannot be certified by the registry district at this time, the court will accept a printed, *legible* version from the internet. If the certificate of title or memorandum of unit ownership is not imaged because it is older, contact the registry district for any assistance they may be able to provide. If the current certificate of title or memorandum of unit ownership is not yet prepared, provide the last issued and prepared certificate of title or memorandum of unit ownership, as well as all intervening deeds from the last prepared certificate or memorandum of unit ownership, up to and including the current deed. A printout of the encumbrances is also required.
7. If the approval request requires a review of probate documents, email attested copies of all required supporting probate documentation, if available, to the assigned Land Court Title Examiner. The list of required supporting probate documentation can be found in the [Land Court Chief Title Examiner Memorandum Re: Land Court Guideline 14. Death: The Effect of Death upon Registered Land Titles](#) (October 31, 2019), which is located on the Land Court website in the Forms section, under the topic “Registered land and related forms and instructions,” (See Method Nos. 3 or 4 therein).

- a. As an interim procedure, and only if attested copies cannot be obtained, the court will accept copies of relevant Probate and Family Court documents provided the images can also be accessed on MassCourts.org.
  - b. Any document from another court, including the Probate and Family Court, that is to be registered as part of an approval, will require the submitter to obtain an attested copy which will be submitted to the assigned Land Court Title Examiner *via* email, before an approval can be finalized (e.g., Decree of Sale).
  - c. If the approval request is pursuant to a Decree of Sale (license), verify that the Decree of Sale contains the correct legal description.
8. Once approved, both the submitter and the registry district will receive an email from the Land Court Title Examiner, **from their work email address**, with an attachment entitled “LAND COURT REGISTERED LAND DOCUMENT APPROVAL” stating that the document is “APPROVED FOR REGISTRATION BY THE COURT.” The attachment will include:
  - a. the certificate of title number or memorandum of unit ownership number;
  - b. the number of pages of the approved document;
  - c. the registry district;
  - d. the type of document;
  - e. what the document is being approved for;
  - f. if there are documents to be registered together with the approved document;
  - g. additional notes or instructions (if any);
  - h. an electronic signature of the Land Court Title Examiner; and
  - i. the date of the approval.
9. The submitter will print out the “LAND COURT REGISTERED LAND DOCUMENT APPROVAL” attachment emailed to you by the Land Court Title Examiner and attach this approval as the final page of the approved document. The document(s) will be registered with the attached approval in accordance with that registry district’s current registration process. The registry district will compare/match this approval to the one previously emailed to the registry by the court.

10. **Certification Requirement:** The submitter will include (to the registry district), on a separate page, a short ***signed*** Certification stating that the document(s) to be registered in connection with the approval is/are **identical** to the document(s) sent to the Land Court Title Examiner for review and approval by the submitter. An Attorney's Certification shall include both a signature and BBO number. That Certification will be emailed by the registry district back to the Land Court Title Examiner who approved the documents. The Certification is **not** to be registered. Before e-filing the documents, please contact the registry district regarding their preference for separately sending the Certification. When mailing original documents, the Certification can be included. ***Until the Certification is presented to the registry district, the approved document(s) cannot be registered.***

## II. Subsequent Cases that Constitute Emergency or Urgent Matters

The Land Court Title Examination Department will continue to accept electronically submitted emergency and urgent subsequent case requests *via email*. The remote processing of subsequent cases is available on a *very limited basis* and depends upon several factors to be assessed by the Chief Title Examiner upon submission of the request and explanation of the nature of the emergency or urgency. (If any emergency/urgency request that is submitted is not approved as constituting an emergency or urgent situation, the submitter can still proceed to have the matter submitted and processed in accordance with the non-emergency, non-urgent procedures set forth herein.)

1. The Subsequent Complaint (Petition) or Notice of Voluntary Withdrawal and Complaint, *without supporting documents*, must be sent, by the submitter, to the Chief Title Examiner, during normal business hours, *via email*, to [christina.geaney@jud.state.ma.us](mailto:christina.geaney@jud.state.ma.us), with an explanation of the nature of the emergency or urgency.
2. After initial review, the submitter will be informed *via email*, or by telephone, as to whether the submission can be processed at this time.
3. If the matter is advanced and assigned, the submitter will thereafter be contacted by the assigned Land Court Title Examiner, *via email*, to provide electronic copies of any required documentation. The submitter is responsible for ensuring that all required information or documentation is emailed to the Land Court Title Examiner.
4. The [Subsequent to Registration Complaint Cover Sheet](#) is located on the Land Court website in the Forms section, under the topic "Registered land and related forms and instructions," and is to accompany all subsequent case submissions and requires the submitter to include the case number (2 digit year-SBQ-plan number-2 digit month-sequence number (the sequence number may be left blank). Please refer to [Land Court, Court Case Numbering Format](#) located on the Land Court website for further explanation. This case number can be utilized to access the docket on MassCourts.org.

If the certificate of title or memorandum of unit ownership does not contain a plan reference number, contact the registry district for the plan number. If the plan number is not referenced on the certificate of title or memorandum of unit ownership, submit a copy of the Land Court plan as part of the case.

Plans are available at the registry districts.

5. If the subsequent case is processed through the emergency procedure and constitutes a *new filing*, the submitter will receive a confirmation email that it has been initiated and assigned to a Land Court Title Examiner. This email will also include instructions to submit the original documents which constitute the entire file to the court, along with a printout of the confirmation email and the \$50.00 filing fee (payable to Land Court).
6. The submitter should retain ONLY those original documents that are to be REGISTERED with the Order of Court (e.g., deeds, trustee's certificates, affidavits of no divorce), and submit copies of the retained document(s) to the court. All other documents submitted to the court are to be the originals.
7. Mail submissions to the Land Court at:

Land Court  
Three Pemberton Square, Fifth Floor  
Boston, Massachusetts 02108

8. A certified or attested copy of the certificate of title or memorandum of unit ownership is required. Please refer to **Section I, Para. 6** of this Memorandum.
9. If the Order of Court requires original documents to be provided as part of the order, those documents must be emailed to the Land Court Title Examiner before an Order of Court can be finalized and presented to a Judge for review (when applicable) as many of these documents are incorporated into the orders.
10. If the complaint subsequent to registration is for 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](#) (October 31, 2019) for supporting documentation.
11. Once an Order of Court has been issued, the submitter and the applicable registry district will receive an email from the Land Court Title Examiner, **from their work email address**, with an attached electronic "LAND COURT REGISTERED LAND ORDER OF COURT."
12. If the subsequent case is a Voluntary Withdrawal, the submitter will **retain** the original Notice of Voluntary Withdrawal for registration purposes and submit, to the court, a duplicate COPY of said Notice. Once the Voluntary Withdrawal is endorsed,

both the submitter and the registry district will receive an email from the Land Court Title Examiner, **from their work email address**, with an attached, electronically mailed, "LAND COURT REGISTERED LAND ENDORSED NOTICE OF VOLUNTARY WITHDRAWAL," electronically signed by a Justice of the Land Court. The submitter will also receive, *via* email, the applicable attorney and registry district forms. The electronic endorsement will constitute the first page, followed by the Notice of Voluntary Withdrawal, followed by the Exhibit A attached thereto. This is considered one document.

13. Based upon the reason for the withdrawal on the Complaint, the submitter may be asked for supporting documentation. Please review the [Checklist for Voluntary Withdrawal from the Registration System](#) (May, 2019), located on the Land Court website in the Forms section, under the topic "Registered land and related forms and instructions."
14. Subsequent to email receipt of the Order of Court or Endorsed Notice of Voluntary Withdrawal, the submitter will submit the same to the registry district with all applicable documents in accordance with the registry district's current registration process.
15. The registry district will compare/match the submitter's: (a) Order of Court or (b) Endorsed Notice of Voluntary Withdrawal, original Notice of Voluntary Withdrawal (with Exhibit A), to those previously emailed by the Land Court Title Examiner.
16. With respect to the Notice of Voluntary Withdrawal, please follow up with the registry district as to their procedure for recording the notice on the unregistered side at the registry district.

### **III. Condominium Document Approvals that Constitute Emergency or Urgent Matters**

The Land Court Title Examination Department will continue to accept emergency condominium approval requests *via* email. The remote processing of condominium documents is available on a *very limited basis*, based upon an emergency or urgent reason provided by the submitter. (If any emergency/urgency request that is submitted is not approved as constituting an emergency or urgent situation, the submitter can still proceed to have the matter submitted and processed in accordance with the non-emergency, non-urgent procedures set forth herein.)

1. Submit the reason for the request to the Chief Title Examiner's email at [christina.geaney@jud.state.ma.us](mailto:christina.geaney@jud.state.ma.us), during normal business hours, and include the name of the condominium project. Supporting documents and plans are not to be attached to this initial email.

2. The Chief Title Examiner will review the emergency reason and will inform the submitter, *via* email, or by telephone, as to whether the approval can be assigned at this time.
3. If the condominium approval is assigned to a Land Court Title Examiner, the submitter will receive a confirmation email indicating the Land Court Title Examiner assigned.
4. The Land Court Title Examiner will email the submitter as soon as practicable to request a scanned copy of the documents and plans to be reviewed. Please mail paper copies of the plan(s) (site and floor, if applicable), to the court with a cover letter addressed to the assigned Land Court Title Examiner.
5. Ensure that all condominium documents and plans are in full compliance with Land Court Guideline No. 57. Condominiums. Approval of Condominium Documents.
6. The submitter will retain all original documents and mylar plans for registration purposes.
7. If the certificate of title cannot be certified by the registry district at this time, the court will accept a printed, **legible** version from the internet. If the certificate of title is not imaged because it is older, contact the registry district for any assistance they may be able to provide. If the current certificate of title is not yet prepared, provide the last issued and prepared certificate of title as well as all intervening deeds from the last prepared certificate of title, up to and including the current deed. A printout of the encumbrances and current Land Court plan are also required.
8. Once the condominium documents have been reviewed and approved by a Justice of the Land Court, both the submitter, as well as the registry district, will receive an email from the Land Court Title Examiner, **from their work email address**, with an attached, electronically mailed, LAND COURT REGISTERED LAND "CONDOMINIUM MASTER DEED APPROVAL," or "AMENDMENT TO CONDOMINIUM MASTER DEED APPROVAL." This attachment will contain the electronic signature of a Justice of the Land Court.
9. The submitter will print out the electronic approval emailed by the Land Court Title Examiner and attach it as the **first page** to the master deed or amendment to the master deed. The submitter will then proceed to register the documents and plans (if applicable) in accordance with the registry district's current registration process.
10. The electronic approval attached to the master deed or amendment thereto will be compared/matched, by the registry district, to the electronic approval previously emailed to the registry district by the Land Court Title Examiner.

11. **Certification Requirement:** The submitter will include (to the registry district), on a separate page, a short ***signed Certification*** stating that the documents and plans to be registered in connection with the approval are **identical** to the documents and plans that the submitter sent to the Land Court Title Examiner for review and approval by a Justice of the Land Court. An Attorney's Certification will include both a signature and BBO number. That Certification will be emailed, by the registry district, back to the Land Court Title Examiner who approved the documents. The Certification is ***not*** to be registered. ***Until the Certification is presented to the registry district, the approved document(s) and plans cannot be registered.***

#### **IV. Non-Emergency Document Approvals**

Non-emergency document approval submissions may be emailed to [LandCourt.Title@jud.state.ma.us](mailto:LandCourt.Title@jud.state.ma.us) with a reference in the subject matter line to "Non-Emergency Document Approval Request." Non-emergency document approval requests will be processed by the court subject to its available resources and after giving first attention to emergency and urgent matters which have been approved for that status by the court. Otherwise, procedurally, refer to **Section I** of this Memorandum.

These requests may also be mailed to the Land Court at the mailing address provided for above, with a return, pre-paid envelope large enough to accommodate all of the documents submitted. There is also a drop-off box for the Land Court located in the lobby of the courthouse. No documents are to be brought to or picked up from the Recorder's Office without a prior appointment.

If documents are dropped off or mailed to the court for approval, and the document(s) is/are appropriate for registration, the document(s) to be approved will be stamped as approved for registration and returned by mail. The submitter will ***not*** receive an electronic approval as the original documents will contain the approval stamp required for registration. (In this case, the submitter will ***not*** need to provide a Certification to the registry district.)

**New Affidavit:** If the document approval request is a Post-Foreclosure (Eaton) Affidavit, when applicable, complete the new [Affidavit Showing Foreclosure Deed May Be Registered Notwithstanding Foreclosure Moratoria](#) (August 2020), located on the Land Court website in the Forms section, under the topic "Registered land and related forms and instructions." The completed Affidavit must be submitted for Land Court approval.

#### **V. Non-Emergency/Urgent Matter Subsequent Cases**

Subsequent cases that do not constitute emergency or urgent matters will be processed by the court subject to its available resources and after giving first attention to

emergency and urgent matters which have been approved for that status by the court. Non-emergency matters are to be submitted as follows:

1. Mail or drop off the subsequent case and all supporting documents to the Land Court at the mailing address provided for above, along with the \$50.00 filing fee (payable to Land Court). A drop-off box for the Land Court is also located in the lobby of the courthouse. No documents are to be brought to or picked up from the Recorder's Office without a prior appointment. The submitter will retain any original documents to be REGISTERED while providing the court with a copy/copies of those document(s) to be registered. All other originals are to be submitted to the court as part of the file.
2. Contemporaneously, email a pdf of the entire file that constitutes the complaint subsequent to registration to [LandCourt.Title@jud.state.ma.us](mailto:LandCourt.Title@jud.state.ma.us) with a reference, in the subject matter line, to the case number. If the pdf submission is larger than 19 megabytes, email the file in segments with reference to the case number in the subject matter line for each email submitted, specifically indicating how many separate emailed segments are being submitted (e.g., Part 1 of 2 Case No. 20-SBQ-01898-10-001).
3. The case will be assigned to a Land Court Title Examiner who will process the case accordingly. Once assigned, direct all inquiries regarding the case to the Land Court Title Examiner assigned.
4. All submitted subsequent cases must be filed with a Subsequent to Registration Complaint Cover Sheet, located on the Land Court website in the Forms section, under the topic "Registered land and related forms and instructions." Please refer to **Section II, Para. 4** of this Memorandum.
5. The case will be considered *filed* when the paper copies and check are received and processed by the court.
6. Procedurally, refer to **Section II, Paras. 6 through 16 inclusive** of this Memorandum.
7. An Order of Court for a new certificate after the death of a registered owner may also be mailed, by the court, to the attorney of record or submitter.

## **VI. Non-Emergency/Urgent Matter Condominium Approvals**

Condominium approvals of master deeds and amendments to master deeds that do not constitute emergency or urgent matters are to be submitted as follows:

1. Email copies of the documents and plans (including the current Land Court plan) to [LandCourt.Title@jud.state.ma.us](mailto:LandCourt.Title@jud.state.ma.us) as a pdf. If the pdf submission is larger than 19 megabytes, email the file in segments with reference to the condominium project name, specifically indicating how many separate emailed segments are being submitted (e.g., Part 1 of 2 with reference to the condominium project name).
2. The subject matter line should provide that the submission is a “Non-Emergency Condominium Approval Request.”
3. Contemporaneously, mail copies of the paper plans (site and floor, if applicable) to the court with a cover letter providing the name of the condominium project and the date the condominium was emailed as a pdf to the court.
4. A Land Court Title Examiner will be assigned to review the condominium approval, and the submitter will receive a confirmation email once assigned.
5. Procedurally, refer to **Section III, Paras. 5 through 11 inclusive** of this Memorandum.

## **VII. Questions and Appointments**

Registered land questions may be emailed to [LandCourt.Title@jud.state.ma.us](mailto:LandCourt.Title@jud.state.ma.us), and a Land Court Title Examiner will respond to the inquiry. Questions about a particular case are to be directed to the assigned Land Court Title Examiner by email or by telephone.

To schedule a virtual appointment with a Land Court Title Examiner, email a request to the email address provided above. If a matter cannot be addressed by telephone, email, or videoconferencing, and an in-person appointment is requested, please email that request to the email address provided above, including the reason for the in-person appointment.

Any in-person appointment request will be reviewed by the Chief Title Examiner. Appointments will be scheduled in half-hour increments and limited to such allotted time. If the need for additional time is anticipated to conduct the required business with a Land Court Title Examiner, explain that need and request an additional sequential half-hour appointment slot. To make the most of the allotted time, please request, in advance, any case files that will need review. The staff will endeavor to have the files ready for the appointment.

***The above processes are subject to further change, revision, or suspension by the Court.***