HOUSE DOCKET, NO. 1895 FILED ON: 1/20/2011

HOUSE . . . . . No. 1304

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin and Louis L. Kafka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act Relative to the enhancement of regional services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William C. Galvin	*6th Norfolk*
Louis L. Kafka	*8th Norfolk*
John H. Rogers	*12th Norfolk*
Walter F. Timilty	*7th Norfolk*
Bruce J. Ayers	*1st Norfolk*
Denise C. Garlick	*13th Norfolk*
Alice Hanlon Peisch	*14th Norfolk*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Denise Provost	*27th Middlesex*
Paul McMurtry	*11th Norfolk*

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By Messrs. Galvin of Canton and Kafka of Stoughton, a petition (accompanied by bill, House, No. 1304) of William C. Galvin and others relative to fees by paid to the Registry of Deeds. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1756* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act Relative to the enhancement of regional services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 262 of the General Laws is hereby amended by striking out section 38, as so appearing, and inserting in place thereof the following section:-

Section 38. The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be as follows:

For entering and recording any paper, certifying the same on the original, and indexing it and for all other duties pertaining thereto, $60;

For recording a declaration of trust, $210;

For recording a deed or conveyance, $110;

For recording a mortgage, $160;

For recording a declaration of homestead, $40;

For recording and filing a plan, $60 per sheet; and

For all copies of documents, whether copied out of books or generated electronically, $1 per page, and all coin operated copy machines shall be $.50 per page.

The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit, shall be subject to a surcharge under section 8 of chapter 44B.

SECTION 2. Chapter 262 of the General Laws is hereby amended by striking out section 39, as so appearing, and inserting in place thereof the following section:-

Section 39. The fees payable under chapter one hundred and eighty-five shall be as follows:

For the entry of every original petition, complaint or writ and transmitting it to the recorder, when filed with an assistant recorder, $240. For the entry of complaint to foreclose tax lien $200. An additional fee of $90 shall be paid for the issuance of an injunction or restraining order.

For every plan filed in an original proceeding, $70, and for every new plan filed after original registration, or for making a new plan filed under an original registration, or for making a new plan on request of a registered owner, thirty dollars, plus five dollars for each lot shown on said plan.

The filing fee in the registry of deeds upon receipt from the recorder of the land court department of a plan or copy of a plan shall be $60 per sheet.

For indexing an instrument recorded while a petition for registration is pending, $7.

For examining title, on a petition to register land, or on a petition to register easements or rights in land, the actual amount charged or allowed therefor to the examiner by the court.

For each notice by mail, $5 plus the actual cost of printing.

For all services by a sheriff or deputy sheriff under provisions of chapter one hundred and eighty-five, the same fees as are provided by law for like services.

For each notice by publication, $5 plus actual cost of publication.

For entry of an order dismissing a petition for registration of title, or for foreclosure of a tax title, or a decree of foreclosure of a tax title or of redemption, and sending a memorandum to the assistant recorder, $35.

For entry of a decree of registration and sending a memorandum to the assistant recorder, three-eighths of one percent of the assessed value of the property registered, on the basis of the last assessment for municipal taxation, in addition to any sum payable under section ninety-nine of chapter one hundred and eighty-five, but in no one proceeding shall the amount payable under this paragraph be less than $70 nor more than $2,800.

46 For the entry of an original certificate of title, including issue of one duplicate, $70.

47 For the entry of a new certificate of title, including issue of one duplicate, $110.

48 For filing and registering an adverse claim, $60.

49 For filing a sewer assessment, $60 for each document and $5 for each additional
50 certificate affected.

51 For filing and registering a mortgage, $160.

52 For entering statement of change of residence or post office address, including endorsing
53 and attesting it on a duplicate certificate, twenty dollars.

54 For entering any note in the entry book or in the registration book, twenty dollars.

55 For every petition after the original registration, $50.

56 For a certified copy of any decree or registered instrument, the same fees as are provided
57 for registers of deeds.

58 For the registration of all other instruments, whether single or in duplicate or triplicate,
59 including entering, indexing and filing it and attesting to the registration thereof, and also making
60 and attesting a copy of memorandum on one instrument or a duplicate certificate when required,
61 except as otherwise provided, $60, and $60 for the making and attesting of a copy of
62 memorandum on each additional certificate and duplicate. For noting the registration of any
63 instrument on each other certificate and duplicate in addition to the first certificate duplicate,
64 $60.

65 The fees of the assistant recorder, except as otherwise provided, to be paid when the
66 instrument is left for registering, filing or entering with respect to registered land shall be subject
67 to a surcharge under section 8 of chapter 44B.

68 The fee for filing a declaration of homestead shall be $40.

69 The fee for the filing and registration of a declaration of trust shall be $210.

70 SECTION 3. Section 23 of chapter 60 of the General Laws is hereby amended by striking
71 out, in the last sentence of the first paragraph the figure: $50 and inserting in place thereof the
72 following figure: $60.

73 SECTION 4. Notwithstanding any general or special law to the contrary, with respect to
74 fees collected under Section 23 of Chapter 60 of the General Laws, Section 38 of Chapter 262 of
75 the General Laws, and Section 39 of Section 262 of the General Laws, registries of deeds
76 operated by counties shall continue to deposit with the county treasurer, pursuant to section 39 of
77 chapter 36, fees collected pursuant to the fee structure in place prior to March 15, 2003 and shall

78 also deposit with the county treasurer, the fees collected pursuant to sections one through three
79 which are in excess of the fee structure in place prior to the effective date of said sections.