SENATE DOCKET, NO. 1864 FILED ON: 1/21/2011

SENATE . . . . . No. 675

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 land court department of the Trial Court..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Harriette L. Chandler	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 1864 FILED ON: 1/21/2011

SENATE . . . . . No. 675

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 675) of Harriette L. Chandler for legislation relative to the land court department of the Trial Court. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1607* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to the land court department of the Trial Court..

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. Section 1 of chapter 185 of the General Laws, as appearing in the 2008 Official Edition is hereby amended by striking out the introductory paragraph and inserting in place thereof the following introductory paragraph:-

The land court department established under section 1 of chapter 211B shall be a court of record, and wherever the words "land court", or wherever in this chapter the word "court" is used in that context, they shall refer to a division of the land court department of the trial court, and the words "judge of the land court" or the word "judge", in context, shall mean an associate justice of the trial court appointed to a division of the land court department. The land court department shall have exclusive original jurisdiction of the following matters:

SECTION 2. Said section 1 of said chapter 185, as so appearing, is hereby further amended by striking out the last 3 paragraphs and inserting in place thereof the following 3 paragraphs:-

The court shall be composed of an eastern division, including the former counties of Essex and Middlesex, the counties of Suffolk, Norfolk, Bristol, Plymouth, Barnstable, and Dukes, and a western division, including the former counties of Hampden, Hampshire, Berkshire and Worcester, and the county of Franklin. The court shall hold its sessions in Boston and Worcester, but may adjourn from time to time at such other places as public convenience may require. In Suffolk county, the city of Boston shall provide suitable rooms for the sittings of the

19 court in the same building with, or convenient to, the probate court or the registry of deeds. In
20 other counties or former counties, the trial court or the commonwealth, whichever is applicable,
21 shall provide suitable rooms for the sittings of the court in the same building with, or convenient
22 to, the probate court or the registry of deeds.

23 The court shall always be open, except on Saturdays, Sundays, and legal holidays, and
24 shall have a seal with which all orders, processes, and papers, made by or proceeding from the
25 court and requiring a seal, shall be sealed; but if the convenience of the public so requires, the
26 court shall be open on such Saturdays, not legal holidays, and during such hours thereof, as the
27 judges thereof may determine. Its notices, order, and processes may run into any county within
28 its division and be returnable within the respective division as it directs. The court shall from
29 time to time make general rules and forms for procedure, which, before taking effect, shall be
30 approved by the supreme judicial court or by a justice thereof.

31 SECTION 3. Section 6 of said chapter 185, as so appearing, is hereby amended by
32 inserting after the word "recorder", in line 2, the following words:- of each division.

33 SECTION 4. Section 22 of said chapter 185, as so appearing, is hereby amended by
34 striking out the first sentence and inserting in place thereof the following sentence:- Writs,
35 complaints, bills, pleadings, and proceedings in the land court may be filed with the recorder of
36 the land court for the division covering the town in which the land is located, or with the register
37 of deeds for the district where the land or any part thereof lies, who shall immediately index the
38 proceedings in the general index by the names of the parties, and transmit the papers to the
39 recorder.