

SENATE No. 828

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 bill:

An Act relative to essential regional services.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 828

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 828) of James E. Timilty for legislation relative to essential regional services. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 896 OF 2011-2012.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act relative to essential 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:

- 1 SECTION 1. Chapter 262 of the General Laws is hereby amended by striking
- 2 out section 38 and inserting in place thereof the following section:-
- 3 Section 38. The fees of the registers of deeds, except as otherwise provided, to
- 4 be paid when the instrument is left for recording, filing or deposit shall be as follows:
- 5 For entering and recording any paper, certifying the same on the original, and
- 6 indexing it and for all other duties pertaining thereto, \$60;
- 7 For recording a declaration of trust, \$210;
- 8 For recording a deed or conveyance, \$110;
- 9 For recording a mortgage, \$160;
- 10 For recording a declaration of homestead, \$40;
- 11 For recording and filing a plan, \$60 per sheet; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 For the entry of an original certificate of title, including issue of one duplicate,
49 \$70.

50 For the entry of a new certificate of title, including issue of one duplicate,
51 \$110.

52 For filing and registering an adverse claim, \$60.

53 For filing a sewer assessment, \$60 for each document and \$5 for each
54 additional certificate affected.

55 For filing and registering a mortgage, \$160.

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

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

60 For every petition after the original registration, \$50.

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

63 For the registration of all other instruments, whether single or in duplicate or
64 triplicate, including entering, indexing and filing it and attesting to the registration thereof, and
65 also making and attesting a copy of memorandum on one instrument or a duplicate certificate
66 when required, except as otherwise provided, \$60, and \$60 for the making and attesting of a
67 copy of memorandum on each additional certificate and duplicate. For noting the registration of
68 any instrument on each other certificate and duplicate in addition to the first certificate duplicate,
69 \$60.

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

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

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

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

78 SECTION 4. Notwithstanding any general or special law to the contrary, with
79 respect to fees collected under Section 23 of Chapter 60 of the General Laws, Section 38 of
80 Chapter 262 of the General Laws, and Section 39 of Section 262 of the General Laws, registries
81 of deeds operated by counties shall continue to deposit with the county treasurer, pursuant to
82 section 39 of chapter 36, fees collected pursuant to the fee structure in place prior to March 15,
83 2003 and shall also deposit with the county treasurer, the fees collected pursuant to sections one
84 through three which are in excess of the fee structure in place prior to the effective date of said
85 sections.