

HOUSE No. 1389

By Mr. Randall of Framingham, petition of Albert B. Wolfe and William I. Randall for legislation to protect unregistered titles to land against formal defects, irregularities and omissions in instruments recorded more than ten years. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT TO PROTECT UNREGISTERED TITLES TO LAND AGAINST FORMAL DEFECTS, IRREGULARITIES AND OMISSIONS IN INSTRUMENTS RECORDED MORE THAN TEN YEARS.

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

1 Chapter 184 of the General Laws is hereby amended
2 by adding at the end thereof a new section 24, as fol-
3 lows:—
4 *Section 24.* When any owner of land the title to which
5 is not registered, or of any interest in such land, has
6 signed an instrument in writing conveying or purporting
7 to convey his land or interest, or in any manner affecting
8 or purporting to affect his title thereto, and the instru-
9 ment, whether or not entitled to record, has been
10 recorded, and indexed under the owner's name, in the
11 registry of deeds for the district wherein such land is
12 situated, and a period of ten years has elapsed since the
13 instrument was accepted for record, and the instrument
14 or the record thereof because of defect, irregularity or
15 omission fails to comply in any respect with any require-
16 ment or requirements of law or statute relating to seals,
17 corporate or individual, to acknowledgment, certificate
18 of acknowledgment, witnesses, attestation, proof of
19 execution, or time of execution, to recitals of considera-

20 tion, residence, address, or date, or to evidence of author-
21 ity of a person signing for a corporation who appears
22 from a certificate of condition or other public record
23 filed on behalf of the corporation to have been at the
24 time of signing the president or treasurer or a principal
25 officer of the corporation, — such instrument and the
26 record thereof shall notwithstanding any or all of such
27 defects, irregularities and omissions, be valid for all
28 purposes to the same extent as though the instrument
29 and the record thereof had originally not been subject to
30 the defect, irregularity or omission, unless any person or
31 persons entitled in event of invalidity on account of the
32 defect, irregularity or omission shall within said period
33 of ten years have commenced an action to have the in-
34 strument set aside or declared invalid and caused notice
35 of the action to be recorded in said registry of deeds and
36 noted on the margin of the record of the instrument, and
37 in event of such action unless the instrument is thereby in
38 due course set aside or declared invalid. This section
39 shall apply to instruments accepted for record prior to
40 its effective date as well as to those accepted thereafter,
41 except that for instruments accepted for record prior to
42 January first, nineteen hundred and fifty, the period
43 instead of being ten years shall be until January first,
44 nineteen hundred and sixty.