

off-street parking facilities.

SECTION 11. Section 1 of chapter 801 of the acts of 1975 is hereby amended by striking out, in lines 6, 7 and 8, the words "real property board of the city of Boston, as successor to the board of real estate commissioners of said city" and inserting in place thereof the following words:- off-street parking facilities board.

SECTION 12. There shall be established within the transportation department, subject to chapter thirty-one of the General Laws, three new job titles: the executive officer of the off-street parking facilities board; the executive assistant to the off-street parking facilities board; and the administrative assistant to the off-street parking facilities board. The following positions in the property management department and the employees in said positions shall be transferred to the transportation department: the incumbent division engineer responsible for public off-street parking facilities for the property management department shall be transferred to the position of executive officer of the off-street parking facilities board; the incumbent executive secretary to the real property board shall be transferred to the position of executive assistant to the off-street parking facilities board; and the incumbent administrative assistant in the parking division shall be transferred to the position of administrative assistant to the off-street parking facilities board. Each of the aforementioned positions shall be subject to the direction, control and supervision of the commissioner of transportation, and as provided in chapter four hundred and eighty-six of the acts of nineteen hundred and nine, each such employee who immediately prior to such transfer held an office or position subject to the civil service laws and rules shall be appointed without examination or registration and shall upon such appointment retain all rights to retirement with pension that shall have or would have accrued, and each such employee's service shall be deemed continuous to the same extent as if this reorganization had not taken place.

SECTION 13. This act shall take effect upon its passage.

Approved January 13, 1995.

Chapter 364. AN ACT PERMITTING REGISTERS OF PROBATE TO ISSUE CERTIFICATES OF APPOINTMENT TO VOLUNTARY ADMINISTRATORS AND VOLUNTARY EXECUTORS.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 195 of the General Laws, as most recently amended by section 29 of chapter 161 of the acts of 1993, is hereby further amended by adding the following paragraph:-

Upon payment of the proper fee, the register of probate may issue a certificate of appointment to said administrator, with a copy of the statement annexed thereto.

SECTION 2. Section 16A of said chapter 195, as most recently amended by section 31 of said chapter 161, is hereby further amended by adding the following paragraph:-

Upon payment of the proper fee, the register of probate may issue a certificate of the appointment to said executor, with a copy of the statement annexed thereto.

Approved January 13, 1995.

Chapter 365. AN ACT RELATIVE TO CERTAIN COMMON AREAS AND FACILITIES AND EASEMENTS IN CONDOMINIUMS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 183A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by inserting after the definition of "Leasehold condominium" the following definition:-

"Limited common areas and facilities", a portion of the common areas and facilities allocated by the master deed or any amendment thereto for the exclusive use of one or more but fewer than all of the units.

SECTION 2. Section 5 of chapter 183A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The percentage of the undivided interest of each unit owner in the common areas and facilities as expressed in the master deed shall not be altered without the consent of all unit owners whose percentage of the undivided interest is affected, expressed in an amended master deed duly recorded. The organization of unit owners shall have the power, as attorney in fact on behalf of all unit owners and their successors in title, to grant, modify or amend easements through or over the common areas and facilities and to accept easements benefiting the condominium or any portion thereof, including, without limitation, easements for public or private utility purposes, including cable television; provided, however, that at the time of creation of such easement and at the time of the modification or amendment of any such easement, such easement and any such modification and amendment shall not be inconsistent with the peaceful and lawful use and enjoyment of the condominium property by the owners thereof. Said organization shall further have the power to grant to any unit owner an easement for the exclusive use of any limited common area and facility, or a portion thereof. The actions of the organization of unit owners in granting such easements shall not require the joinder of any unit owner, except for an easement for the use of a limited common area and facility; such easement shall only be granted upon the written consent of the owner or owners of the unit or units directly abutting the limited common area and facility or whose unit or units are directly affected thereby and upon the payment by the unit owner to whom the easement is being granted of the reasonable costs of the preparation, execution and the recordation thereof. Except as expressly provided herein, the provisions hereof may not be varied by agreement and rights conferred hereby may not be waived. The percentage of the undivided interest in the common areas and facilities shall not be separated from the unit to which it appertains, and shall be deemed to be conveyed or encumbered with