HOUSE . . . . No. 497

By Mr. Green of Cambridge, petition of Thomas Leighton and another that owners' copies of certificates of title to registered land shall have the same force and effect as the owners' duplicate certificate when they have been certified by the assistant recorder. Legal Affairs. Jan. 12.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Eight.

An Act relative to Duplicate Certificates of Title of Registered Land.

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 forty-eight of chapter one hundred and eighty-five of the General Laws is hereby amended by adding to the end thereof the following: — Instead of owner's duplicate certificate as above provided, the assistant recorder may issue in place thereof an owner's copy of the certificate of title which, when certified by him, shall have the same force and effect as the owner's duplicate certificate, for all purposes set forth in said chapter. Such copy may be made by photographic process, — so that said section as amended shall read as follows: — *Section 48.* Immediately upon the entry of the decree of registration, the recorder shall send a certified copy thereof, under the seal of the court, to the register of deeds for the district or districts where the land lies, and the register, as assistant recorder, shall transcribe the decree

in a book to be called the registration book, in which a leaf or leaves in consecutive order shall be devoted exclusively to each title, and note therein the day, hour and minute when said decree is transcribed. The entry made by the assistant recorder in this book in each case shall be the original certificate of title, shall be signed by him and sealed with the seal of the court. All certificates of title shall be numbered consecutively, beginning with number one. The assistant recorder shall in each case make an exact duplicate of the original certificate, including the seal, but putting on it the words "Owner's duplicate certificate", and deliver it to the owner or to his duly authorized attorney. In case of a variance between the owner's duplicate certificate and the original certificate, the original shall prevail. The certified copy of the decree of registration shall be filed and numbered by the assistant recorder, with a reference noted on it to the place of record of the original certificate of title. If, however, a petition includes land lying in more than one district, the court shall cause the part lying in each district to be described separately by metes and bounds in the decree or decrees of registration, the recorder shall send to the assistant recorder for each registry district a copy of the decree containing a description of the land within that district, and the assistant recorder shall register the same and issue an owner's duplicate therefor; and thereafter, for all matters pertaining to registration, the portion in each district shall be treated as a separate parcel of land. Instead of the owner's duplicate certificate as above provided, the assistant recorder may issue in place

thereof an owner's copy of the certificate of title which, when certified by him, shall have the same force and effect as the owner's duplicate certificate, for all purposes set forth in said chapter. Such copy may be made by photographic process.

SECTION 2. Section sixty-eight of said chapter is hereby amended by striking out in lines nine to fourteen inclusive, the following: — "The assistant recorder shall also, at the request of the mortgagee, make out and deliver to him a duplicate of the certificate of title like the owner's duplicate, except that the words 'Mortgagee's duplicate' shall be stamped upon it in large letters diagonally across its face. A memorandum of the issue of the mortgagee's duplicate shall be made upon the original certificate of title.", — so that said section as amended shall read as follows: — *Section 68.* Registration of a mortgage shall be made in the following manner: The owner's duplicate certificate shall be presented to the assistant recorder with the mortgage deed, and he shall enter upon the original certificate of title and also upon the owner's duplicate certificate a memorandum of the purport of the mortgage deed, the time of filing and the file number of the deed, and shall sign the memorandum. He shall also note upon the mortgage deed the time of filing and a reference to the volume and page of the registration book in which it is registered.

SECTION 3. Section sixty-nine of said chapter is hereby amended by striking out in lines one to eleven inclusive, the following: — "If a mortgage

upon which a mortgagee's duplicate has been issued is assigned, extended or otherwise dealt with, the mortgagee's duplicate shall be presented with the instrument which assigns, extends or otherwise deals with the mortgage, and a memorandum of the instrument shall be made upon the mortgagee's duplicate certificate. When the mortgage is discharged or otherwise extinguished, the mortgagee's duplicate certificate shall be surrendered and stamped 'cancelled'. The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented, subject, however, to all the provisions and exceptions contained in section sixty-three, so far as applicable,"—so that said section as amended shall read as follows:—*Section 69.* A mortgage on registered land may be discharged by the mortgagee in person on the registration book in the same manner as a mortgage on unregistered land may be discharged by an entry on the record book in the registry of deeds, and such discharge shall be attested by an assistant recorder.

SECTION 4. Clause seventeen of section seven of chapter four of the General Laws is hereby amended by adding at the end thereof the following:—The words "Owner's duplicate certificate" whenever used in chapter one hundred and eighty-five, or wherever used with reference to registered land, shall include "Owner's copy of certificate of title",—so that said clause as amended shall read as follows:—*Seventeenth*—"Land", "lands" and "real estate" shall include lands, tenements and hereditaments, and all rights

thereto and interests therein; and "recorded", as applied to plans, deeds or other instruments affecting land, shall, as affecting registered land, mean filed and registered. The words "Owner's duplicate certificate" wherever used in chapter one hundred and eighty-five, or whenever used with reference to registered land, shall include "Owner's copy of certificate of title"