

HOUSE No. 1974

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 29, 1945.

The committee on Bills in the Third Reading, to whom was referred the Bill amending the law relative to sales of real estate by guardians and conservators (Senate, No. 470), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 1974).

For the committee,

WILLIAM R. BARRY.

The Commonwealth of Massachusetts

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

AN ACT MAKING CERTAIN THAT THE PROBATE COURT MAY AUTHORIZE A GUARDIAN OR CONSERVATOR OF A WARD, WITH HIS SPOUSE, TO SELL, MORTGAGE OR LEASE REAL ESTATE HELD UNDER A TENANCY BY THE ENTIRETY.

1 *Whereas*, Any possible uncertainty which may exist
2 relative to the power of a probate court to authorize
3 the sale, mortgage or lease of real estate whereof a
4 ward is a tenant by the entirety should be removed
5 without delay, therefore this act is hereby declared
6 to be an emergency law, necessary for the immediate
7 preservation of the public convenience.

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 two hundred and two of the
2 General Laws is hereby amended by adding at the
3 end, under the heading, SALES, MORTGAGES AND
4 LEASES BY GUARDIANS AND CONSERVATORS OF WARDS
5 HOLDING REAL ESTATE UNDER TENANCIES BY THE
6 ENTIRETY, the following section:—

7 *Section 36.* On petition under any provision of
8 this chapter by a guardian or conservator of a ward
9 who is a tenant by the entirety of real estate for a
10 license to sell, mortgage or lease such real estate, the

11 probate court may, if the other tenant by the en-
12 tirety assents in writing, authorize such guardian or
13 conservator to join with such other tenant by the
14 entirety in the conveyance, mortgage or lease of such
15 real estate upon such terms as it may approve.

1 SECTION 2. Any license heretofore granted by a
2 probate court to a guardian or conservator of a ward
3 who is a tenant by the entirety of real estate to sell,
4 mortgage or lease such real estate, and any convey-
5 ance, mortgage or lease under authority thereof in
6 which the other tenant by the entirety joins or has
7 joined, are hereby made valid, in so far as such license
8 or conveyance, mortgage or lease may be invalid by
9 reason of any lack of power in such court to grant
10 such a license.

