

By Mr. Marotta of Medford, petition of John F. Zamparelli and Angelo Marotta relative to the assurance fund of the Land Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT CONCERNING THE ASSURANCE FUND OF THE LAND COURT.

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 101 of chapter 185 of the General Laws, as appearing in
2 the Tercentenary Edition, is hereby amended by striking said
3 section and inserting in place thereof the following section: —
4 A person who, without negligence on his part, sustains loss or
5 damage, or is deprived of land or of any estate or interest therein
6 after the original registration of land, by the registration of
7 another person as owner of such land or of any estate or interest
8 therein, through fraud or in consequence of any error, omission,
9 mistake or misdescription in any certificate of title or in any entry
10 or memorandum in the registration book, may recover in contract
11 in the superior court compensation for such loss or damage or for
12 such land or estate or interest therein from the assurance fund.
13 This section shall not deprive the plaintiff of any action of tort
14 which he may have against any person for such loss or damage or
15 deprivation of land or of any estate or interest therein. If the
16 plaintiff elects to pursue remedies both in contract and tort and the
17 plaintiff recovers in contract against the assurance fund prior to
18 the result in the action of tort, then the commonwealth shall be
19 subrogated to the rights of the plaintiff against any such person in
20 the action of tort pursuant to section one hundred and five of this
21 chapter.

