

By Mr. Cury of New Bedford, petition of Edward P. Cury relative to providing for liens on any property on which the Department of Public Welfare has made mortgage payments. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR LIENS ON ANY REAL PROPERTY ON WHICH THE DEPARTMENT OF PUBLIC WELFARE HAS MADE MORTGAGE PAYMENTS.

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 117 of the General Laws is hereby amended by
2 inserting after section 5 the following section:—

3 *Section 5A.* In every case where a recipient of benefits under
4 this chapter is in arrears on a mortgage payment, and said
5 payment or payments are made by the department of public
6 welfare, the commonwealth shall take lien upon the mortgaged
7 real property of said recipient for the amount of payments made
8 on said mortgage as hereinafter provided.

9 The commonwealth shall place on record in the proper registry
10 of deeds, or registry district of the land court as the case may be,
11 an instrument in writing and under seal executed in common
12 form and acknowledged in the same manner as deeds for real
13 property creating a lien upon such real estate for the amount of
14 assistance paid by it including amounts paid subsequently to the
15 recording of the lien, which lien shall be prior to any lien
16 thereafter recorded or registered and shall be notice to a
17 subsequent purchaser, assignee or encumbrancer of the existence
18 and nature of such lien. The instrument shall be recorded or
19 registered without fee. Such lien shall be enforceable by a petition
20 or bill in equity filed in the superior court or the probate court for
21 the county wherein the real estate is situated. The subpoena shall
22 be returnable not more than sixty days subsequent to the entry of
23 the bill and shall contain a brief description of the property,

24 sufficient to identify it, and a statement of the amount alleged to
25 be due. At any time before a final decree, upon the suggestion of
26 any party in interest that any other person is or may be interested
27 in the suit, or of its own motion the court may issue a subpoena to
28 such person, or a precept directing him to appear in said court on
29 or before a day certain or be forever barred from any rights
30 thereunder. The court may in its discretion provide for notice to
31 absent parties in interest. As used in this section the term "party
32 in interest" shall include mortgagees and attaching creditors.
33 Upon reimbursement for the amount due under the terms of such
34 lien, the Commonwealth through its appropriate official shall
35 execute and deliver a satisfaction thereof, and upon it being filed,
36 the lien shall be dissolved as of the date of filing.