

HOUSE No. 1806

By Mr. Ansel, of Boston, petition of Eric A. Nelson and another for legislation relative to statutory conditions incorporated in mortgages. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT RELATIVE TO THE STATUTORY CONDITION INCORPORATED IN ANY MORTGAGE.

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 183 of the General Laws is hereby
2 amended by striking out section 20, as appearing in the Ter-
3 centenary Edition, and inserting in place thereof the following
4 section:—

5 *Section 20.* The following “condition” shall be known as the
6 “Statutory Condition”, and may be incorporated in any mort-
7 gage by reference:—

8 (CONDITION.)

9 Provided, nevertheless, except as otherwise specifically stated
10 in the mortgage, that if the mortgagor, or his heirs, executors,
11 administrators or assigns shall pay unto the mortgagee or his
12 executors, administrators or assigns the principal and interest
13 secured by the mortgage, and shall perform any obligation se-
14 cured at the time provided in the note, mortgage or other instru-
15 ment or any extension thereof, and shall perform the condition
16 of any prior mortgage, and until such payment and performance
17 shall pay when due and payable all taxes, charges and assess-
18 ments to whomsoever and whenever laid or assessed, whether
19 on the mortgaged premises or on any interest therein or on
20 the debt or obligation secured thereby; shall keep the buildings
21 on said premises insured against fire in a sum not less than the

22 amount secured by the mortgage or as otherwise provided therein
23 for insurance for the benefit of the mortgagee and his executors,
24 administrators and assigns, and, at least two days before the ex-
25 piration of any policy on said premises, shall deliver to him or
26 them a new and sufficient policy to take the place of the one so
27 expiring; however, no mortgagee, his executors, administrators
28 or assigns shall purchase insurance for the mortgaged premises
29 unless in fact the said premises are uninsured, and without first
30 notifying the mortgagor or his heirs, executors, administrators
31 or assigns at least ten days prior to the expiration of the policy,
32 and shall not commit or suffer any strip or waste of the mort-
33 gaged premises or any breach of any mortgage covenant con-
34 tained in the mortgage or in any prior mortgage, then the mort-
35 gage deed, as also the mortgage note or notes, shall be void.
36 No mortgagee, his executors, administrators or assigns shall re-
37 quire, as a condition of the mortgage, advance payments of real
38 estate taxes on the mortgaged premises without the express con-
39 sent of the mortgagor, or his heirs, executors, administrators or
40 assigns, and in such event all taxes collected shall be paid over
41 to the municipality wherein the mortgaged premises are located
42 in quarterly payments on the last day of January, April, August
43 and October.

1 SECTION 2. Section twenty-three of said chapter one hun-
2 dred and eighty-three, as so appearing, is hereby repealed.