

HOUSE No. 175

Bill accompanying the petition (taken from the files of last year) of the Real Estate Exchange and Auction Board for legislation to provide that mortgages on real estate shall have priority over mechanics' liens. Joint Judiciary. January 14.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

AN ACT

Relative to the recording of Liens on Real Estate.

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. Section five of chapter one hundred
2 and ninety-seven of the Revised Laws is hereby
3 amended by striking out the words " prior to the
4 date of the contract under which the lien is
5 claimed," and substituting therefor the follow-
6 ing:—*unless the person claiming the lien shall,*
7 *previous to the record of the mortgage, have re-*
8 *corded in the registry of deeds for the county or*
9 *district where the land lies a notice in writing of*
10 *the contract under which the lien is claimed on said*
11 *property. Such notice shall contain a statement*

12 of the purport of the contract and the date when
13 the same was made, the names and addresses of
14 the parties thereto, a description of the property
15 to which the same relates sufficiently accurate for
16 identification, and the name of the owner or owners
17 of such property, and shall be indexed under the
18 name of such owner or owners, — so that said sec-
19 tion shall read as follows:—

20 Section 5. The lien shall not avail against a
21 mortgage actually existing and duly recorded un-
22 less the person claiming the lien shall, previous to
23 the record of the mortgage, have recorded in the
24 registry of deeds for the county or district where
25 the land lies a notice in writing of the contract un-
26 der which the lien is claimed on said property.
27 Such notice shall contain a statement of the pur-
28 port of the contract and the date when the same
29 was made, the names and addresses of the parties
30 thereto, a description of the property to which the
31 same relates sufficiently accurate for identification,
32 and the name of the owner or owners of such prop-
33 erty, and shall be indexed under the name of such
34 owner or owners.

1 SECTION 2. This act shall take effect upon its
2 passage.