

HOUSE No. 4488

By Mr. Whitney of Dudley, petition of A. James Whitney relative to appeals and proceedings in the Land Court. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO APPEALS AND PROCEEDINGS IN 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 15 of chapter 185 of the General Laws, as most recently
2 amended by chapter 417 of the acts of 1975, is hereby further
3 amended by adding the following sentences:— The memoran-
4 dum shall have attached thereto a copy of the complaint filed in
5 the proceeding and the filing of the memorandum shall be of no
6 effect unless it shall appear from the face of the complaint that
7 this action effects the title to the real property or to the use and
8 occupancy thereof or the buildings thereon. In any case wherein
9 this procedure has been used for the sole purpose of circumvent-
10 ing the procedural requirements of attachment, the party on
11 whose behalf the procedure is so used shall be subject to a suit in
12 tort for abuse of procedure and shall be entitled to recover special
13 damages plus a reasonable attorney's fee plus court costs and in
14 such cases wherein such damages shall not exceed three thousand
15 dollars the court shall issue a judgment in the amount of three
16 thousand dollars plus a reasonable attorney's fee and court costs.

