

By Mr. LeLacheur of Lowell (by request), petition of Edward J. Kennedy relative to the clarification of the fees of registers of deeds. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT RELATIVE TO THE CLARIFICATION OF REGISTERS OF DEEDS.

1 *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to immediately provide adequate  
3 funding for the functions of the various registries of deeds and  
4 related services of the several counties, therefore it is hereby  
5 declared to be an emergency law, necessary for the immediate  
6 preservation of the public convenience.

*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 38 of chapter 262 of the General Laws,  
2 as appearing in the 1990 Official Edition, is hereby amended by  
3 striking out the first paragraph and inserting in place thereof the  
4 following:—

5 The fees of registers of deeds, except as otherwise provided, to  
6 be paid when the instrument is left for recording, filing, or deposit  
7 shall be twenty-five dollars for any papers, regardless of the num-  
8 ber of pages, certifying the same in the original, and indexing it  
9 and for all other duties pertaining thereto, and for recording and  
10 filing any plan complying with the requirements of section 13A  
11 of chapter 36 and indexing it and for all other duties pertaining  
12 thereto. No fee shall be charged for sewer assessment or addition-  
13 al certificates. Any other services which the registers of deeds  
14 may provide they shall charge a fee commensurate with the cost  
15 of providing such services. All such fees to be turned over to the  
16 county treasurers as provided in section 39, chapter 36 of the  
17 General Laws.

1 SECTION 2. Section 38 of chapter 262 of the General Laws,  
2 as appearing in the 1990 Official Edition, is hereby amended by  
3 striking out the fourth paragraph.

1 SECTION 3. Chapter 262 of the General Laws is hereby  
2 amended by striking out section 39 and inserting in place thereof  
3 the following section:—

4 Section 39. The fees payable under chapter one hundred and  
5 eighty-five shall be as follows:

6 For the entry of every original petition or writ and transmit-  
7 ting it to the recorder, when filed with an assistant recorder, fifty  
8 dollars.

9 For every plan filed in an original proceeding, twenty-five  
10 dollars, and for every new plan filed after original registration, or  
11 for making a new plan on request filed under an original registra-  
12 tion, or for making a new plan on request of a registered owner,  
13 fifteen dollars plus three dollars for each lot shown on said plan.  
14 The filing fee in the registry of deeds upon receipt from the  
15 recorder of the land court department of a plan or copy of a plan  
16 shall be ten dollars.

17 For indexing an instrument recorded while a petition for regis-  
18 tration is pending, five dollars.

19 For examining title, or a petition to register lands, or on a peti-  
20 tion to register easements or rights in land, the actual amount  
21 charged or allowed therefor to the examiner by the court.

22 For each notice by mail, three dollars plus the actual cost of  
23 printing.

24 For all services by a sheriff or deputy sheriff under provisions  
25 of chapter one hundred and eighty-five, the same fees as are pro-  
26 vided by law for like services.

27 For each notice by publication, three dollars plus actual cost of  
28 publication.

29 For entry of an order dismissing a petition for registration of  
30 title, or for foreclosure of a tax title, or a decree of foreclosure of  
31 a tax title or of redemption, and sending a memorandum to the  
32 assistant recorder, ten dollars.

33 For entry of a decree of registration and sending a memoran-  
34 dum to the assistant recorder, three-eighths of one per cent of the  
35 assessed value of the property registered, on the basis of the last

36 assessment for municipal taxation, in addition to any sum payable  
37 under section ninety-nine of chapter one hundred and eighty-five,  
38 but in no one proceeding shall the amount payable under this  
39 paragraph be less than fifty nor more than two thousand dollars.

40 For the entry of an original certificate of title, including issue  
41 of one duplicate, twenty-five dollars.

42 For the entry of a new certificate of title, including issue of one  
43 duplicate, twenty-five dollars.

44 For filing and registering an adverse claim, twenty-five dollars.

45 For filing a sewer assessment, no fee shall be charged for each  
46 document and no fee shall be charged for each additional certifi-  
47 cate affected.

48 For filing and registering a mortgage, twenty-five dollars.

49 For entering statement of change of residence or post office  
50 address, including endorsing and attesting it on a duplicate certifi-  
51 cate, twenty-five dollars.

52 For entering any note in the entry book or in the registration  
53 book, twenty-five dollars.

54 For every petition after the original registration, twenty-five  
55 dollars.

56 For certified copy of any decree or registered instrument, the  
57 same fees as are provided for registers of deeds.

58 For the registration of all other instruments, whether single or  
59 in duplicate or triplicate, including entering, indexing and filing it  
60 and attesting the registration thereof, and also making and attest-  
61 ing a copy of memorandum of one instrument or a duplicate  
62 certificate when required, except as otherwise provided, twenty-  
63 five dollars, and twenty-five dollars for the making and attesting  
64 of a copy of memorandum on each additional certificate and  
65 duplicate. For noting the registration of an instrument on each  
66 other certificate and duplicate in addition to the first certificate  
67 duplicate, twenty-five dollars.

1 SECTION 4. Section 23 of chapter 60 of the General Laws, as  
2 appearing in the 1990 Official Edition, is hereby amended by  
3 striking out, in line 46, the words "four" and inserting in place  
4 thereof the word:— five.

1 SECTION 5. Section 24 of chapter 36 of the General Laws, as  
2 appearing in the 1990 Official Edition, is hereby amended by  
4 striking out in the second section, in line 7, the word “five” and  
5 inserting in place thereof the word:— twenty-five.

1 SECTION 6. Section 9-403 of chapter 106 of the General  
2 Laws, of the Uniform Commercial Code, as appearing in the 1990  
3 Official Edition, is hereby amended by striking out in para-  
4 graph (5) the words “ten dollars”, in line 57, and inserting in place  
5 thereof the words:— twenty-five dollars.

1 SECTION 6A. (3) Section 9-404 of said chapter 106, as so  
2 appearing, is hereby amended by striking out, in lines 39 and 40,  
3 the words “four dollars, but in no event shall any fee be greater  
4 than ten dollars” and inserting in place thereof the words:—  
5 twenty-five dollars.

1 SECTION 6B. Section 9-406 of said chapter 106, as so appear-  
2 ing, is hereby amended by striking out in lines 15 and 16 the  
3 words “four dollars, but in no event shall any such fee be greater  
4 than ten dollars” and inserting in place thereof the words:—  
5 twenty-five.