

SENATE No. 219

To accompany the petition of George L. Wainwright for legislation to extend the right under summary process to purchasers of real estate. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT TO EXTEND THE RIGHTS UNDER SUMMARY PROCESS TO PURCHASERS OF 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 1 of chapter 239 of the General
2 Laws is hereby amended by inserting after the words
3 "or otherwise" in line 7 of said section, the following:
4 — or if a person has acquired title to land or tenements
5 by purchase, and the seller or any person holding
6 under him refuses to surrender possession thereof to
7 the buyer, — so that the first sentence of section 1 of
8 chapter 239 will read as follows: — If a forcible entry
9 into land or tenements has been made, if a peaceable
10 entry has been made and the possession is unlawfully
11 held by force, if the lessee of land or tenement or a
12 person holding under him holds possession without
13 right after the determination of a lease by its own
14 limitation or by notice to quit or otherwise, or if a
15 mortgage of land has been foreclosed by a sale under

16 a power contained or otherwise, or if a person has ac-
17 quired title to land or tenements by purchase, and the
18 seller or any person holding under him refuses to sur-
19 render possession thereof to the buyer, the person en-
20 titled to the land or tenements may recover possession
21 thereof under this chapter.

1 SECTION 2. Section 6 of said chapter 239 is hereby
2 amended by adding at the end thereof, the following
3 sentences:— If the action is for possession of land
4 after purchase, the condition of the bond shall be for
5 the entry of the action and payment to the plaintiff,
6 if final judgment is in his favor, of all costs and of a
7 reasonable amount as rent of the land from the day
8 that the purchaser obtained title to the premises until
9 the delivery of possession thereof to him, together with
10 all damage and loss which he may sustain by with-
11 holding of possession of the land or tenement de-
12 manded, and by any injury done thereto during such
13 withholding with all costs. Upon final judgment for
14 the plaintiff, all money then due to him may be re-
15 covered in an action on the bond.