



THE TRIAL COURT OF MASSACHUSETTS
LAND COURT

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MEMORANDUM of the CHIEF TITLE EXAMINER

To: All Registered Land Registry Districts
From: Christina T. Geaney, Chief Title Examiner
Date: March 4, 2022

Re: Electronic Notarization as Authorized by Section 12 of Chapter 22 of the Acts of 2022

Prior reference: This Memorandum references and supplements the Chief Title Examiner Memorandum issued on May 13, 2020, entitled "Chapter 71 of the Acts of 2020: An Act Providing for Virtual Notarization to Address Challenges Related to COVID-19 (the "Act")," which provides guidance on the implementation of the Act's temporary authorization of electronic notarization. The Act was extended through December 15, 2021, by Section 7 of Chapter 20 of the Acts of 2021.

The May 13, 2020 Memorandum remains in effect and provides guidance for the acceptance for registration of documents that were notarized in accordance with the procedures set forth in that Act during its effective dates of April 23, 2020 to December 15, 2021.

The legislature has enacted, and the Governor has signed into law, Chapter 22 of the Acts of 2022 (available at: <https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter22>), effective February 12, 2022. Section 12 of this Act authorizes the use of "virtual" or electronic notarization in accordance with the specific requirements set forth therein, "[i]n order to address the disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants."

In accordance with this law, the Land Court's Registered Land Registry Districts may accept for registration otherwise acceptable documents which have been executed and acknowledged in full conformity with this session law, during the time it is in effect. As provided for in Section 12, subsection (c)(1)(ii), full conformity includes, but is not limited to, the requirement that both the notary public and each principal (signatories to the document) physically are located within the Commonwealth of Massachusetts.

Please confirm that any document submitted for registration has attached a notarial certificate which includes the recitals specified in this session law (see Section 12, subsection (c)(3)). Please also note that, while subsection (c)(4) requires the notary public to execute an affidavit under the penalties of perjury, the Act also provides in subsection (d), para. two, that the affidavit “shall not be required to be recorded or filed.”

Finally, please be aware that the Act provides, in Section 12, subsection (f)(1)(i) that, “with respect to any document requiring notarization and executed in the course of closing a transaction involving a mortgage or other conveyance of title to real estate...only a notary public... who is an attorney licensed to practice law in the commonwealth or a paralegal under direct supervision of such an attorney, shall perform an acknowledgement, affirmation or other notarial act utilizing electronic video conferencing in real time as provided in this section.”

Any questions concerning the suitability of any document presented for registration that is executed and acknowledged pursuant to this Act should be directed to the Chief Title Examiner or her designee prior to registration.