

INTERIM PROCEDURES FOR THE REMOTE PROCESSING OF SUBSEQUENT CASES & CONDOMINIUM DOCUMENTS

From: Christina T. Geaney, Chief Title Examiner

Date: April 10, 2020

In an effort to address only **emergency business** at this time, the Title Examiners will process Subsequent cases as well as condominium master deeds and amendments to condominium master deeds that constitute emergencies, *via* electronic mail, as interim procedures.

If you have sent original documents to the court as part of your Subsequent case that is *currently pending*, and the file that is located in the courthouse contains documents that will need to be registered along with your Order of Court (e.g. deed, trustee's certificate, death certificate, affidavit of no divorce), you will need to be able to obtain new original documents in order to proceed with this remote electronic process as the Title Examiners will not have access to the courthouse and to your file at this time. If that is not possible, please know that we will make every effort to address your pending case as soon as practicable once the courthouse reopens to full Land Court staffing and the Title Examiners have returned to working at the courthouse full-time. The remote processing of Subsequent cases will be available on a *very limited basis* and will depend upon several factors to be assessed by the Chief Title Examiner upon submission of your request and emergency situation.

If you have sent original condominium documents and mylar plans to the court, you will need to have new documents and mylar plans available to proceed with this remote process. If that is not possible, please know that we will make every effort to review your condominium documents as soon as practicable once the courthouse reopens to full Land Court staffing and the Title Examiners have returned to working at the courthouse full-time. The remote processing of condominium documents will be available on a *very limited basis*, based upon an emergency situation.

For your reference, in addition to the Chief Title Examiner (see below), work email addresses for Title Examiners who may be assigned to process these emergency matters are as follows:

1. leo.bieler@jud.state.ma.us
2. james.bothwell@jud.state.ma.us
3. olga.bagnol@jud.state.ma.us
4. maura.egan@jud.state.ma.us
5. robert.walsh@jud.state.ma.us
6. kalee.polito@jud.state.ma.us

PLEASE DO NOT MAIL ORIGINAL DOCUMENTS TO THE COURT UNTIL FURTHER NOTICE

As the Trial Court Standing Orders provide, the court is only handling emergency business. Given that, if you have a pending case or a pending review of condominium documents and plans, the resolution of which can wait until the courthouse reopens to full Land Court staffing and the Title Examiners have returned to working at the courthouse full-time, please do not submit a request to process your case or condominium documents. For those few matters that constitute an emergency, the Title Examiner staff will work with you to try to finalize your Subsequent case or condominium documents. If your Subsequent case or condominium document review constitutes an emergency, please see below:

The temporary processing of **Subsequent cases** will be as follows:

1. The submitter will retain all original documents for registration purposes.
2. If the submitter has a *pending* Subsequent case, the submitter must have access to copies of the entire file as it was submitted to the court, which will include the Subsequent Complaint (Petition) and the supporting documentation. Any questions regarding this requirement may be directed to the Chief Title Examiner, *via* email, during normal business hours (christina.geaney@jud.state.ma.us)
3. The Subsequent Complaint (Petition) or Notice of Voluntary Withdrawal and Complaint (**without supporting documentation**) will be sent, by the submitter, to the Chief Title Examiner, *via* email, with the reason for the issuance of an Order of Court or Endorsement that would constitute an emergency. The submission is to be made during normal business hours to (christina.geaney@jud.state.ma.us)
4. Given that many practitioners may be working remotely, please provide a call back number.
5. Once the Chief Title Examiner has initially reviewed the Subsequent case and the emergency situation, the submitter will be contacted, either *via* email, or by telephone, as to whether it can be processed remotely at this time.
6. If your case is to be processed remotely, and there is currently a Title Examiner assigned to your case, the Chief Title Examiner will contact that Title Examiner to discuss the further processing of your case.
7. The submitter will thereafter be contacted by the assigned Title Examiner, *via* email, for scans of the entire file that constitutes the Subsequent case.
8. The submitter is responsible for ensuring that they email all required information to the Title Examiner.

9. If the Certificate of Title cannot be certified by the registry district at this time, we will accept a printed, legible version from the internet. If the Certificate of Title is not imaged because it is older, please contact the registry district for any assistance they may be able to provide. If the current Certificate of Title is not yet prepared, please provide the last issued and prepared Certificate of Title, as well as all intervening deeds from the last prepared Certificate of Title, up to and including the current deed. Please also include a printout of the encumbrances in the documents submitted *via* email.
10. Thereafter, the Title Examiner will review the scanned file, *via* email, and will correspond with you, *via* email, with any questions or requests for additional documentation.
11. If your Order of Court requires original documents to be provided as part of the order, those documents will be emailed to the Title Examiner before your Order of Court can be finalized and presented to a Judge for review (when applicable), as many of these documents are incorporated into the orders.
12. Once your Order of Court has been reviewed by a Justice of the Land Court (when applicable) and has thereafter been finalized, both the submitter, as well as the registry district, will receive an email from the Title Examiner, **from their work email address**, with an attached, electronically mailed, LAND COURT REGISTERED LAND “ORDER OF COURT.”
13. If your Subsequent case is a voluntary withdrawal that requires a Notice of Voluntary Withdrawal to be endorsed by a Justice of the Land Court, both the submitter, as well as the registry district will receive an email from the Title Examiner, **from their work email address**, with an attached, electronically mailed, LAND COURT REGISTERED LAND “ENDORSED NOTICE OF VOLUNTARY WITHDRAWAL,” electronically signed by a Justice of the Land Court. In addition, you will receive, *via* email, the applicable attorney and registry district forms. The electronic endorsement will constitute the first page, followed by the Notice of Voluntary Withdrawal, followed by the Exhibit A attached thereto. This is considered one document.
14. If you have a *pending* voluntary withdrawal that requires an endorsed Notice of Voluntary Withdrawal, the first consideration to be made is whether you can obtain a new Notice of Voluntary Withdrawal to be registered with your endorsement. If that is not possible, the Court may consider a scanned copy of the Notice of Voluntary Withdrawal as a substitute for the original. This, of course, is not to be considered if a new Notice of Voluntary Withdrawal can be obtained. Further, if any revisions are needed to be made to the Notice of Voluntary Withdrawal or Complaint, new documents will need to be obtained, as revisions cannot be made to photocopies.

15. Based upon the reason for the withdrawal on the Complaint, you may be asked for supporting documentation. Please review the Checklist for Voluntary Withdrawal from the Registration System dated May 3, 2019, located on the Land Court website under Registered land and related forms and instructions.
16. The submitter will then print the Order of Court or Endorsed Notice of Voluntary Withdrawal, and submit the same to the registry district with all applicable documents in accordance with the registry district's current registration process. The submitter's Order of Court or Endorsed Notice of Voluntary Withdrawal, together with the original Notice of Voluntary Withdrawal (with Exhibit A), will be matched, by the registry district, to the Order of Court or Endorsed Notice of Voluntary Withdrawal and the copy of the Notice of Voluntary Withdrawal (with Exhibit A) previously sent, by the Title Examiner, to the registry district.
17. A certified copy from the registered land registry district of the Endorsed Notice of Voluntary Withdrawal, including the Notice of Voluntary Withdrawal (with Exhibit A) can be recorded on the unregistered side at the registry district.
18. If you have submitted a Subsequent case to the court which constitutes an emergency, and *which has not yet been assigned*, it will be assigned to a Title Examiner.
19. If you have *not yet filed* a Subsequent case, and your situation constitutes an emergency, please email the Chief Title Examiner, and a determination will be made as to whether your case can be electronically submitted at this time.
20. As an interim procedure, we will accept copies of relevant Probate and Family Court documents if attested copies cannot be obtained, provided the images can also be accessed on the Probate Court website.
21. Any document from another court, including the Probate and Family Court, that is to be registered as part of an Order of Court, will require the submitter to obtain an attested copy which will be submitted to the Title Examiner, *via* email, before an Order of Court will be finalized.

The temporary process for reviewing **condominium documents** will be as follows:

1. The submitter will retain all original documents for registration purposes.
2. Please ensure that your condominium documents and plans are in full compliance with Land Court Guideline No. 57. Condominiums. Approval of Condominium Documents.
3. If the Certificate of Title cannot be certified by the registry district at this time, we will accept a printed, legible version from the internet. If the Certificate of Title is not imaged

because it is older, please contact the registry district for any assistance they may be able to provide. If the current Certificate of Title is not yet prepared, please provide the last issued and prepared Certificate of Title, as well as all intervening deeds from the last prepared Certificate of Title, up to and including the current deed. Please also include a printout of the encumbrances in the documents submitted *via* email.

4. If the submitter has already submitted condominium documents and plans for review, the submitter must be able to have new original documents executed before a condominium master deed or an amendment thereto can be electronically approved by a Justice of the Land Court.
5. A request for emergency review of condominium documents and plans or amendments thereto (**without attaching any documents or plans**) will be sent, by the submitter, to the Chief Title Examiner, *via* email, with the reason for the review and approval of the condominium documents that would constitute an emergency. This is the case whether the documents have already been submitted to the court or are now being submitted. The submission is to be made during normal business hours to christina.geaney@jud.state.ma.us
6. Given that many practitioners may be working remotely, please provide a call back number.
7. Once the Chief Title Examiner has initially reviewed the request and the emergency situation, the submitter will be contacted as to whether the condominium documents can be reviewed remotely at this time.
8. The submitter will need to be able to email legible paper copies of any applicable plans (including the Land Court plan) or other requested documents to the assigned Title Examiner.
9. Once your condominium documents have been reviewed and approved by a Justice of the Land Court, both the submitter, as well as the registry district, will receive an email from the Title Examiner, **from their work email address**, with an attached, electronically mailed, LAND COURT REGISTERED LAND “CONDOMINIUM MASTER DEED APPROVAL,” or “AMENDMENT TO CONDOMINIUM MASTER DEED APPROVAL.” This electronic attachment will contain the electronic signature of a Justice of the Land Court.
10. The submitter will print out the electronic approval emailed to you by the Title Examiner and attach this electronic approval as the first page to the Master Deed or Amendment to the Master Deed. You will then proceed to register your documents in accordance with the registry district’s current registration process. You will need to contact the registry district as to the procedure for submitting your mylars along with your documents. The

electronic approval attached to the master deed or amendment thereto will be matched, by the registry district, to the electronic approval previously emailed to the registry district.

11. The submitter will include (to the registry district), on a separate page, a short signed **Certification** stating the documents and plans to be registered in connection with the approval are identical to the documents and plans that you, as the submitter, sent to the Title Examiner for review and approval by a Justice of the Land Court. If you are an Attorney, the Certification will have your signature as well as your BBO number. Your Certification will later be sent, by the registry district, *via* email, back to the Title Examiner who reviewed your documents. **The Certification is not to be registered.**

The above processes are interim procedures to aid with the processing of Subsequent cases and the review and approval of condominium documents that constitute an emergency, and are subject to further change, revision, or suspension by the Court.