

REBA Handbook of Standards & Forms

Index of Available Standards & Forms

The following contains the preamble and table of contents taken directly from the *REBA Handbook of Standards & Forms*. It is intended to give REBA members a sense of the breadth and scope of this collection of resources.

Preamble

The objective of the conveyancer is to determine whether or not the title in question is satisfactory of record. Objections to the title should be made only when the defect or defects could reasonably be expected to expose the prospective owner, tenant or lienor to the risk of adverse claims or litigation. The following title standards express the practice considered reasonable by members of the Real Estate Bar Association for Massachusetts. This standard of reasonableness is intended to assist the conveyancer in determining if title is marketable. This is not necessarily the same standard that the Land Court will apply consistent with its statutory obligation under M.G.L. Chapter 185. While every effort has been made to maintain consistent standards for both recorded and registered land, there are instances in which the two sets of standards diverge. When dealing with registered land the conveyancer should always review the applicable Land Court Guidelines.

When a conveyancer encounters a situation that he or she believes to constitute a defect in title, it is recommended that the conveyancer contact the prior conveyancing attorney to determine if there are facts or circumstances not apparent from the record that would make title marketable under these standards or otherwise.

To achieve uniformity and harmony in the practice of conveyancing, every purchase and sale agreement should contain the following provision: "Any matter which is the subject of a title, practice or ethical standard of the Real Estate Bar Association for Massachusetts at the time for delivery of the deed shall be governed by said standard to the extent applicable".

Comment

The foregoing provision should protect sellers by preventing sales from being lost by technical and non-substantive objections to title and should protect buyers by avoiding disputes and assuring them a title that will be marketable in the event of a resale.

Adopted May 17, 1973

Amended May 22, 1980 (third paragraph added)

Amended: May 8, 2006 (first paragraph substantially rewritten, new second paragraph added, Comment revised)

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Note: The REBA Handbook of Standards & Forms was last updated on November 5, 2018.