

REBA Title Standard No. 19 Municipal Lien Certificates

A municipal lien certificate, if recorded within 150 days after its date, operates to discharge the land described therein from liens for all taxes, assessments, or portions thereof, rates and charges, not shown by the certificate to constitute liens except taxes, assessments, or portions thereof, rates and charges

- (1) with respect to which evidence of a taking or sale by a municipality has been recorded, or,
- (2) concerning which a statement or order creating or continuing such lien has been so filed under any provision of law, if said lien can be discharged by the recording or registration of an instrument other than a municipal lien certificate.

Comment

See M.G.L. c. 60, § 23, as amended by C. 248 of Acts of 1987 and by C. 437 of Acts of 1989 and Meenes v. Goldberg, 331 Mass. 688, 122 N.E.2d 356.

Whether or not recorded, a municipal lien certificate does not affect the personal liability of any person for the tax or charge.

Some examples of liens that can be discharged by recording or registration of an instrument are betterment and special assessments created under M.G.L. c. 80, § 2 and demolition liens created under M.G.L. c. 139, § 3A. Note: Municipal light plant liens created under M.G.L. c. 164, § 58B, et seq. do not provide for a means of discharge by a recording or registration.

The foregoing applies to certificates issued on or after January 23, 1990.

For certificates issued between January 1, 1981 and January 22, 1990, the following standard is applicable.

A municipal lien certificate, if recorded within 90 days after its date, operates to discharge the land described therein from liens for all taxes, assessments, or portions thereof, rates and charges, not shown by the certificate to constitute liens except taxes, assessments, or portions thereof, rates and charges

- (1) with respect to which evidence of a taking or sale by a municipality has been recorded*
- or*
- (2) concerning which a statement has been recorded.*

(Note: The 150 day recording requirement became effective October 12, 1987 by C. 248 of Acts of 1987.)

For certificates issued prior to January 1, 1981, the following standard is applicable:

"A municipal lien certificate, if recorded within thirty days after its date, operates to discharge the land described therein from liens for all taxes, assessments, rates and charges not shown by the certificate to constitute liens except taxes, assessments, rates and charges

(a) which accrued within the three years immediately preceding the date of the certificate

or

(b) which are included in a tax title account

or

(c) concerning which a statement has been recorded."

Adopted May 3, 1976

Amended May 15, 1982 (to reflect St.1980 c. 412)

Amended May 8, 1990 (to reflect St.1989 c. 437)

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