REBA Title Standard No. 25
Mortgage Discharges

A mortgage may be discharged by an acknowledged and recorded deed of release or written acknowledgment of payment or satisfaction by the holder of record or any one of the joint holders of record, unless such joint holders hold as tenants by the entirety.

Comment

See M.G.L. c. 183, § 54.

Both tenants by the entirety must execute the mortgage discharge but if only one of them has executed the discharge it may still be effective under M.G.L. c. 183, § 54(a).

One who satisfies a mortgage by paying the record holder assumes the risk of paying the wrong person unless the holder surrenders the note. See Lamson & Co. v. Abrams, 305 Mass. 238, 25 N.E.2d 374.

Caveat

In the event the mortgagees hold as tenants in common, all must join in the discharge. But mortgagees are presumed to hold as joint tenants. See M.G.L. c. 184, § 7 and Park v. Parker, 216 Mass. 405, 103 N.E. 936.

Adopted November 14, 1977
Amended September 1, 1982 (Added second sentence of Caveat)
(11-15-82)

© Real Estate Bar Association for Massachusetts
(6-1-04)