

Berkshire Middle District Registry of Deeds

Andrea F. Nuciforo, Jr.

Register of Deeds

Message from the Register ...

TRENDS IN THE BERKSHIRE REAL ESTATE MARKET

As summer 2009 approaches, the staff and I at the Berkshire Middle District have begun to see the effects of the turbulent economic times our state and nation have experienced over the last several months.

Recording volumes are down significantly from prior years. For example, our registry recorded 8,981 documents in the first quarter of 2009, down by 7% from that same quarter in 2007. We have also seen the mix of documents change substantially. For example, in the first quarter of 2007, our registry recorded 1,417 deeds, indicating a robust level of transactional activity. In the first quarter of 2009, we recorded just 795 deeds, indicating a substantial decrease in conveyances.

Foreclosure activity has picked up noticeably,

with 78 foreclosure deeds recorded at the Berkshire Middle District in 2008, as opposed to 32 such deeds recorded in 2006. While not as pronounced as in Suffolk, Worcester and Essex, this increase in foreclosure activity reflects that statewide trend.

OPERATIONS

You may notice some operational improvements at the Berkshire Middle District. We are now returning documents in a very timely manner. Longtime users of our registry may recall that it sometimes took several weeks to get a copy of a recorded document back from our registry. We now are returning documents within 10 days, on average. Law offices, banks, credit unions and others will notice how this quick response will improve their operations.



We continue to implement technology solutions, with an eye towards making our documents accessible to the public. Our staff has been scanning and back-indexing older documents, and putting these images and indices online. We are back as far as July 1, 1983, and will continue making progress in this area.

Please let me know whether you have any questions, or if you have ideas for how we may better serve the public. I wish you a productive and enjoyable summer.

Andrea F. Nuciforo, Jr.

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Refresher on Registered Land

Land Registration is a separate system of recording documents. The Land Court is a Department of the Massachusetts Trial Court, which determines ownership of real property that has been disputed. The Registry of Deeds operates as a Registry District of the Land Court. After the Land Court renders its decision as to the ownership and boundary lines of real property, the ownership of that parcel can never again be disputed. The Registered Land section retains all original documents that are registered, including the original deed.

In Registered Land, the Registry of Deeds issues a Certificate of Title when a deed is put on record. The Certificate of Title is a decree in which the Land Court declares that a particular person is the owner of a particular parcel of property. Any document that affects the ownership of that parcel is annotated on the Memoranda of Encumbrances of the same Certificate of Title, and remains as long as it is applicable. When recording Registered Land, it is the sole responsibility of the customer to record documents in the correct section of the Berkshire Middle District Registry of Deeds.

If you are concerned as to whether or not your document should be recorded in Registered Land, please contact Jean Boudreau, before presenting your document, at (413) 443-7438 ext. 15.

Remember:

Recording times
are from
8:30 AM to 3:59 PM

Recording Tips ...

Typically the requirements for recording Registered Land documents follow those of Recorded Land. However, there are some additional requirements. Following are just a few:

➤ All documents that pertain to Registered Land must include the Certificate of Title number, the book and page number of the Certificate and any relevant document numbers.

➤ **Deeds:** Are required to state the complete legal description as shown on the Certificate of Title including the Lot number and Plan number, the grantees residence and post office address, consideration, property address and the conveyance clause should include the current Certificate number, Book and Page. The grantor must be the same as the owner on the Certificate of Title.

➤ **Mortgages:** Must have an

Exhibit A as included on Deed, not just a Book and Page reference.

➤ **Discharge of Mortgage:**

Must include the Certificate number, the Book number and Page and the document number of the mortgage that is being discharged. If the mortgage has been assigned or partially released, those assignments/partial releases must be recorded prior to the discharge.

➤ **Death Certificate and Affidavit of No Divorce:**

Must be filed when one tenant by the entirety named on the Certificate of Title has died.

➤ **Trusts:** Any trust that takes title through a Trustees' Certificate pursuant to MGL c.184 § 35 must present a new c. 184 § 35 Certificate each time additional documents are recorded. (i.e. mortgages, etc.)

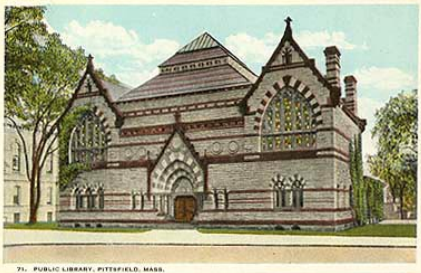
➤ **Nominee Trusts:** Any time

a Trustee Certificate is presented on behalf of a nominee trust, it must include the verbiage that the trustee has full power and authority, and is acting as directed by the beneficiaries of the Trust.

➤ All **UCC** documents, unlike in recorded land, must be signed and include the title of the signor, where applicable.

➤ A deed, mortgage or other instrument from an **LLC** must be accompanied by one of the following: (1) Certificate of Organization –or- Application of Registration and Certificate from the Secretary of the States office; (2) Good Standing Certificate (M.G.L. c.156C § 68); or (3) Certification under M.G.L. c. 156C § 67. The certificate must be an original and be dated within 60 days of the date presented for recording.

➤ All documents recorded in Registered Land become permanent documents at the Registry of Deeds.



71. PUBLIC LIBRARY, PITTSFIELD, MASS.



COURT HOUSE, PITTSFIELD, MASS.

Registered Plans -

All Registered Land Plans on record at the Berkshire Middle District have all been scanned into computer images. The Berkshire Middle District Registry is working with our software vendor to make them available

for viewing online. To order copies of Registered Land Plans call Heidi Stimpson at (413) 443-7438, ext. 16.

Recorded Plans -

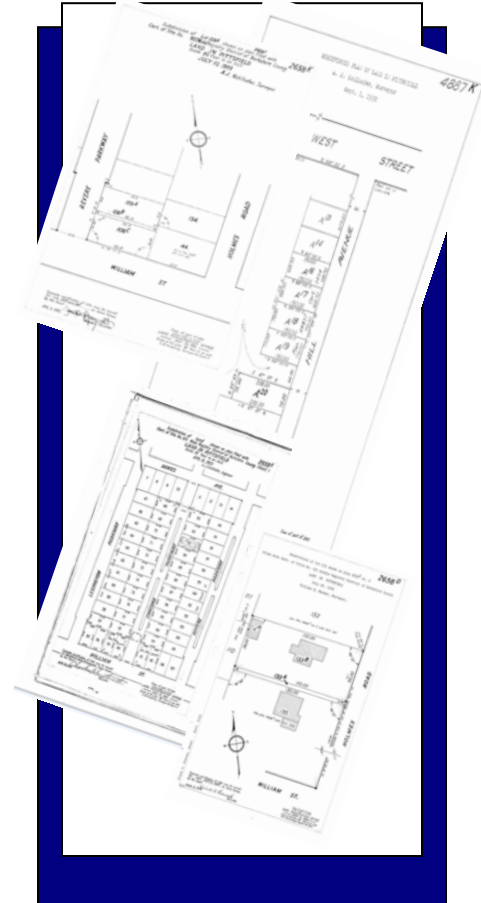
All Recorded Land Plans (surveys) on record at the Berkshire Middle District have been scanned into computer images and are available for viewing online. For assistance, please call Heidi Stimpson at (413) 443-7438, ext. 16.

Registered Land Documents -

The Registry is currently in the process of scanning our older Registered Land documents. When a document for Registered Land

comes in for recording, Registry staff will review the Certificate of Title. If it has not previously been scanned, Registry staff will set

up and scan any old documents and the old Certificate, therefore updating the Certificate of Title completely.





Staff can be reached at:

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Meet Our Staff

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**Berkshire Middle
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Registry of Deeds**

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We're on the Web!
See us at:
www.berkshiremiddled deeds.com

City's and Town's in our Registry

The following municipalities
comprise the
**Berkshire Middle
District Registry of
Deeds:**

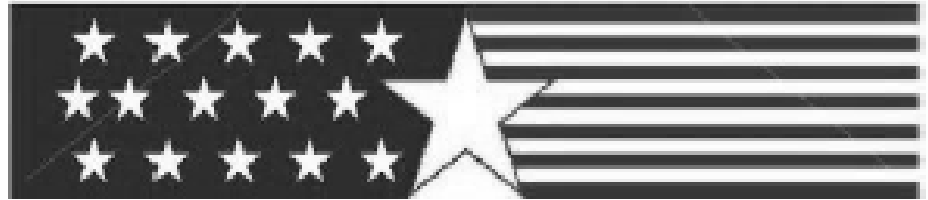
Pittsfield
Becket
Dalton
Hinsdale

Lee
Lenox
Otis
Peru
Richmond
Stockbridge
Tyringham
Washington

Noteworthy:

Beginning with Book 1077,
all documents from July 19,
1983 to the present day are
available for viewing on
www.masslandrecords.com

***We continue to index our
older Recorded Land
books, and periodically
adjust the date to reflect
our progress.***



***BERKSHIRE MIDDLE DISTRICT
REGISTRY OF DEEDS
44 BANK ROW
PITTSFIELD, MA 01201***



**COMPANY NAME
STREET ADDRESS
CITY, ST 22134**