

Commonwealth of Massachusetts  
Middlesex North Registry of Deeds  
360 Gorham Street  
Lowell, MA 01852  
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## What to do when co-owner has died

In most cases, all you have to do is record a death certificate for the deceased co-owner. The recording fee for a death certificate is \$75.

In Massachusetts, there are several ways in which real estate may be jointly owned. Both TENANTS BY THE ENTIRETY and JOINT TENANTS have a right of survivorship. That means that when one joint owner dies, the surviving joint owner automatically owns the entire property.

The third type of joint ownership is TENANTS IN COMMON. If someone owning an interest in property as TENANT IN COMMON dies, that person's interest in the property must pass through the Probate Court since there is no right of survivorship for TENANTS IN COMMON.

Look at your deed to determine how your property is owned. It will say something like "SELLER grants to JOHN JONES and MARY JONES as Tenants by the Entirety." The underlined language determines the type of joint ownership. (If the deed does not specify the joint ownership type it is automatically TENANTS IN COMMON).

To show that the co-owner has died, the surviving co-owner should record a death certificate for the deceased co-owner at the registry of deeds. Once the death certificate is recorded, the registry will create a hyperlink between the deed showing joint ownership with a right of survivorship and the death certificate. Taken together, these two documents show that the survivor is now the sole owner of the property. That's all that needs to be done.

To record a death certificate by mail, send an original death certificate to Middlesex North Registry of Deeds, 360 Gorham St, Lowell MA 01852. Include a check for \$75 payable to "Registry of Deeds" for the filing fee. Also enclose a self-addressed, stamped envelope so that the original document may be returned to you once the official copy is made at the registry. If possible, please write the registry's Book and Page number of the deed that created the joint ownership between the survivor and the decedent on a Post-it note and stick it on the front of the death certificate. This will assist the registry in linking the two documents together.

For more information, contact the registry's Customer Service counter at 978/322-9000 or at lowelldeeds@comcast.net