

Massachusetts Real Estate Deeds

Whether you are selling a house or just making a family member a co-owner of your existing home, you still need a new deed. Because real estate law is so complicated and because the asset involved— a house— is so valuable, we strongly urge you to HIRE AN ATTORNEY to prepare the new deed. There are no blank deed forms available and the registry of deeds cannot provide you with legal advice.

—The following is for informational purposes only —

According to Eno and Hovey, *Real Estate Law with Forms*, a standard Massachusetts real estate deed contains the following elements:

Grantor – The name of the person/persons/entity transferring an ownership interest in the property;

Grantee – The name of the person/persons/entity receiving an ownership interest. When the property is being transferred to more than one person, the type of joint ownership (i.e., tenants in common, joint tenants, tenants by the entirety) should be stated. The mailing address of the grantee should be specified so the town assessor can mail property tax bills to the proper address;

Consideration – The amount being paid for the property. If the transfer is a gift or if there is no monetary consideration, the consideration on the deed is stated as ONE (\$1.00) DOLLAR;

Words of Grant – Language that clearly expresses the grantor’s intent to convey title to the grantee;

Covenants – The promises regarding the state of the title granted (i.e., “with quitclaim covenants”);

Property Description – The land being conveyed must be described “with such particularity as to make it capable of identification.” At a minimum, the description must include the municipality in which the land is located, and must either identify the land as a particular lot on a recorded plan or include a “metes and bounds” description of the parcel, usually carried forward from the prior deed in the chain of title. The street address by itself is not an adequate legal description;

Title Reference – A statement identifying how the grantor became the owner of the property (usually the date and book and page number of the prior deed in the chain of title);

Property Address – The street address and town of the property must be written in the left margin of the deed so that town assessors can identify the property in their records;

Date of Execution – The date the deed is signed;

Grantor Signature – The signature of the person/persons/entity conveying the property;

Acknowledgement – Grantor signature must be acknowledged by a notary public;

Recording – Once executed and acknowledged, a deed should be recorded at the registry of deeds. The filing fee for a deed is \$125, payable by cash or check. If the consideration being paid is \$500 or more, a deeds excise tax assessed at the rate of \$2.28 per \$500 is due at the time of recording.

You can record the deed at the registry of deeds yourself, but you should have an attorney prepare it for you.