

Commonwealth of Massachusetts  
Middlesex North Registry of Deeds  
360 Gorham Street  
Lowell, MA 01852  
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## Life Estate Explained

A life estate is an ownership interest in real estate the duration of which is measured by someone's life. A common estate planning tool, life estates are often used by parents to pass along real estate to their children without the property having to go through probate.

Consider the following example: *Mary Jones, a widow, grants the property to John Jones, her son, but retains the right to live in the property for the rest of her life.* This language creates a life estate for Mary Jones and a "remainder" interest for John Jones. Mary owns the property for the rest of her life, subject to John's right to own it after Mary dies. These are two separate property interests. The moment Mary dies, her interest in the property is automatically extinguished and John becomes the sole owner of the property.

During her life, Mary may sell her interest, but all the buyer would get would be ownership of the property for as long as Mary lives. For the buyer to have total ownership of the property, he would also have to obtain John's future interest, as well.

## When Owner of Life Estate Dies

When the person whose life sets the duration of a life estate dies, the life estate ends immediately and the owner of the remainder interest in the property automatically becomes the sole owner of the property. To show this change of circumstances in the records of the registry of deeds, a death certificate for the deceased life estate owner (the "life tenant") should be recorded. The deed which created both the life estate and the remainder interest along with the recorded death certificate of the life tenant show that ownership resides entirely in the owner of the remainder interest. There is no new deed showing that person to be the sole owner of the property since the life estate deed and the death certificate already do that.

To record a death certificate, bring an original death certificate to the registry of deeds at 360 Gorham Street in Lowell along with the recording fee of \$75 payable by check or cash. To record by mail, send the original death certificate, a check for \$75 payable to Registry of Deeds, and a self-addressed, stamped envelope to Middlesex North Registry of Deeds, 360 Gorham St, Lowell MA 01852. Also, write the book and page number of the life estate deed in the bottom margin of the death certificate so that we can link the two documents on our computer system.

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