

# Real Estate Roundup

Q2 2026 Edition

Welcome to the Q2 2026 edition of Nutter's *Real Estate Roundup*, a periodic update of the latest news, trends, and developments shaping the real estate landscape.

This month we cover:

- **The newly-implemented deregistration process with the Massachusetts Land Court.**

## Massachusetts Land Court's New Process Expedites Deregistration

Commercial real estate transactions often involve a mix of diligence items that create complications for all parties involved. Environmental and permitting challenges are often top of mind. The more arcane realm of title also poses unique risks. While it is widely understood that a property needs to have "clear title" or "marketable title," some real estate professionals assume that merely getting a deed and a title insurance policy is sufficient for diligence purposes. The reality, however, is that a title insurance policy itself cannot extinguish all encumbrances or registry requirements that affect a property. Title issues will always pose the risk of significantly extending the amount of time required to acquire or finance a property, and in certain cases add burdens to the process of subdividing the land or converting the land into a condominium.

In all of these situations, an attorney or project manager should prioritize determining whether the land is so-called "registered land" subject to the title requirements of the Massachusetts Department of the Land Court. Registered land is so-called Torrens system of title – in other words, a method where the government maintains a registry for each parcel and issues a certificate of title that acts as conclusive proof of ownership. This, in turn, means that the registry clerks and Land Court staff scrutinize all documents and plans submitted for recording, with increased likelihood of delays or rejections with additional complications.

When creating a condominium with the Land Court, the bulk of the condominium documents must be presented to the court for approval before they can be recorded. Furthermore, each unit must be separately registered after a review with the court staff. Similarly, many

development projects require the land to be subdivided into new parcels, and sometimes a developer will try to file a subdivision plan as a strategic move to "freeze" the current zoning designation under M.G.L. c. 40A, § 6. In each case, timing and deadlines matter immensely. When subdividing registered land, the draft plan must go through a review process with court staff and satisfy certain specific engineering and survey requirements that are not otherwise imposed on subdivision plans.

All of this begs the question – why not simply "de-register" the land?

Until recently, the answer to the question above was simple: it still took a long time for the Land Court to approve petitions to withdraw the land from the registered land system. And not all properties satisfied the specific criteria required to qualify for withdrawal.

Fortunately, the Massachusetts Legislature enacted The Massachusetts Affordable Homes Act (H. 4977) in 2024, which revised G.L. c. 185, § 52 to allow registered land to be voluntarily deregistered for any reason and set an expedited timeline for the Land Court to approve deregistration complaints. These changes have now been implemented and the revised process is detailed in new guidance from the Land Court's Chief Title Examiner.<sup>1</sup>

## Filing and Serving the Complaint

To begin the deregistration process, a Complaint for Voluntary Withdrawal and a Notice of Voluntary Withdrawal must each be filed with the Land Court.<sup>2</sup> The Complaint must list all current owners of the property and identify any mortgagees, lessees, or option holders of record (collectively, "Interest Holders"), including any Interest Holders listed on the property's certificate of title and memoranda of encumbrances. It is recommended

<sup>1</sup>[The Chief Title Examiner's Memorandum.](#)

<sup>2</sup>All forms noted in this advisory are available on the [Land Court's website.](#)

that the petitioner obtain and file signed assents of any Interest Holders with the Complaint. Filing such assents with the Complaint will eliminate the need to serve the Interest Holders, as further detailed below. The Complaint must also include an attested copy of the property's certificate of title.

If the property owner is a corporate entity or trust, certain additional materials must also be filed with the Complaint. For corporate entities, a current (issued within the last 60 days) Massachusetts Certificate of Good Standing is required, and trusts must file a Trustee's Certificate pursuant to G.L. c. 184, § 35. In either case, the Complaint must also be signed by a Massachusetts attorney.

The Notice<sup>3</sup> must be signed and acknowledged by all fee owners of the property to be withdrawn, with certain basic title and owner information plugged into the form where indicated.

Once the Complaint and Notice have been filed with the court, (i) a Notification of Complaint for Voluntary Withdrawal and (ii) Land Court file-stamped copy of the Complaint and Notice must then serve by certified mail on all Interest Holders who have not assented to the Complaint. If assents of all Interest Holders were obtained and filed with the Complaint, this service requirement is eliminated. After serving any Interest Holders, an Affidavit of Service must be filed with the court certifying that any non-assenting Interest Holders have been served and providing proof of service. If the property owner is represented by an attorney, that attorney must sign the Affidavit.

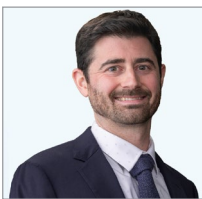
<sup>3</sup>If the property owner is a public entity, there is separate form of Notice of Withdrawal by Public Entity that must be completed in lieu of the Notice of Voluntary Withdrawal. That form is also available on the Land Court's website.

## Land Court Review and Deregistration

The new rules provide that within 30 days of receiving all required information and documentation, and if no objections to the deregistration have been filed, the court will move ahead and endorse the Notice of Voluntary Withdrawal. Once the Notice has been endorsed, the owner must file the Notice with the applicable registry district. This is the final step for the owner to take (though the registry district will then go through a ministerial process to verify the deregistration to officially withdraw the property).

Although many practitioners were initially skeptical of the court's ability to process petitions within the 30-day window, Nutter's Real Estate Department has been handling more deregistration petitions under the new rules, and we are generally finding that the court staff has been able to approve petitions within 30-60 days, depending on the relative complexity of the title. Much of the timing pressure remains on the front-end, when the owner and their counsel work on preparing the petition and obtaining assents from lenders and tenants. If you need assistance or have any questions about navigating the new deregistration process, please reach out to Nutter's Real Estate team.

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