

TABLE OF CONTENTS

Volume 5

PART I. REAL ESTATE TRANSACTIONS

CHAPTER 1. TAX ASPECTS OF REAL ESTATE TRANSACTIONS

§ 1:1	In general
§ 1:2	Capital gains and losses
§ 1:3	Gains and losses from property transactions other than the sale of a personal residence—In general
§ 1:4	Sale of personal residence
§ 1:5	Installment sales
§ 1:6	Conversion of property from personal to business or income—Producing use
§ 1:7	Involuntary conversion of property
§ 1:8	Casualty and theft losses
§ 1:9	Real property subdivided for sale
§ 1:10	Lease or lease with option to purchase—Normal income tax consequences
§ 1:11	— Temptation to use lease with high rentals and low option price in lieu of sale
§ 1:12	Sale with lease back
§ 1:13	Gift with lease back
§ 1:14	Option to purchase real estate
§ 1:15	Offer or contract to purchase real estate
§ 1:16	Taxable or tax—Free exchanges of real estate
§ 1:17	Foreclosures and settlements—Tax consequences to mortgagee
§ 1:18	Reduction of seller financed debt
§ 1:19	Reporting of real estate transactions

CHAPTER 2. OPTIONS AND OFFERS TO PURCHASE REAL ESTATE

§ 2:1	Options—In general
§ 2:2	Essential provisions of options
§ 2:3	Designating the parties
§ 2:4	Consideration for the option
§ 2:5	Time in which to exercise option
§ 2:6	Provision as to time of the essence—Form 
§ 2:7	Description of the property
§ 2:8	Purchase price and terms of payment
§ 2:9	Method of exercising option
§ 2:10	Type of conveyance

TABLE OF CONTENTS

§ 2:11	Proration of taxes and other charges
§ 2:12	Option for the sale and purchase of real estate—Form 
§ 2:13	Option to purchase—Form
§ 2:14	Option to repurchase—Form
§ 2:15	Option agreement—Form 
§ 2:16	____ Another form 
§ 2:17	____ Another form 
§ 2:18	____ Another form 
§ 2:19	Option to purchase with right to cancel—Form 
§ 2:20	Covenant to bind heirs and assigns—Form 
§ 2:21	Option terminated by death
§ 2:22	Option to convey by quitclaim deed—Form 
§ 2:23	Place of performance—Form 
§ 2:24	Option to lessee to purchase—Form 
§ 2:25	____ Another form 
§ 2:26	Option combined with sales agreement—Form 
§ 2:27	Sale and transfer of option—Form 
§ 2:28	Option acceptance—Form 
§ 2:29	____ Another form 
§ 2:30	____ Another form 
§ 2:31	____ Another form 
§ 2:32	Enforcement of the option
§ 2:33	Relief and damages for breach of option
§ 2:34	Offer to purchase real estate—Form 
§ 2:35	____ Another form 
§ 2:36	____ Another form 
§ 2:37	Acceptance of offer to purchase real estate—Form 

CHAPTER 3. REAL ESTATE PURCHASE AND SALE AGREEMENTS

§ 3:1	In general
§ 3:2	Nature of the purchase and sale agreement
§ 3:3	Caveat to purchaser before executing agreement
§ 3:4	Questions for seller
§ 3:5	Time for performance
§ 3:6	Inspection of premises—Form 
§ 3:7	____ Another form 
§ 3:8	____ Another form 
§ 3:9	Termite inspection—Form 
§ 3:10	____ Another form 
§ 3:11	Lead poisoning prevention and control 
§ 3:12	Lead poisoning and smoke detectors—Form 
§ 3:13	Lead paint certification and indemnification agreement— Form
§ 3:14	____ Another form
§ 3:15	Lead paint provision—Form
§ 3:16	Agreements executed on Sunday
§ 3:17	Minor as party
§ 3:18	Incompetent as party
§ 3:19	Heirs of deceased owner as party

TABLE OF CONTENTS

§ 3:20	Fiduciaries as parties
§ 3:21	Corporations dealing with real estate
§ 3:22	Partnership as party
§ 3:23	Agent for principal
§ 3:24	Auctioneers as agents
§ 3:25	Auctioneer memorandum of sale—Form 
§ 3:26	Compliance with the statute of frauds
§ 3:27	Signature of party to be charged
§ 3:28	Preliminary deposit
§ 3:29	Deposit to bind the sale
§ 3:30	Return of deposit—Form 
§ 3:31	____ Another form 
§ 3:32	____ Another form 
§ 3:33	Payment of purchase price
§ 3:34	Provisions for mortgage
§ 3:35	Provision for mortgage—Form 
§ 3:36	Conditions precedent
§ 3:37	Condition precedent—Obtaining mortgage—Form 
§ 3:38	Insurable Interests
§ 3:39	Provision relating to insurable interests—Form 
§ 3:40	____ Another form 
§ 3:41	____ Another form 
§ 3:42	Damage by fire—Form 
§ 3:43	Encumbrances
§ 3:44	Conveyance free of existing encumbrances—Form
§ 3:45	Discharge of existing encumbrances—Form 
§ 3:46	Unpaid taxes as encumbrance
§ 3:47	Subject to mortgage—Form 
§ 3:48	Assumption of mortgage—Form 
§ 3:49	Subject to approval of planning board—Form 
§ 3:50	Zoning regulations
§ 3:51	Use of money to discharge encumbrances—Form
§ 3:52	Nature of title to be conveyed
§ 3:53	Nature of title to pass—Form 
§ 3:54	____ Another form 
§ 3:55	Proration of taxes—Form 
§ 3:56	Fuel adjustment
§ 3:57	Water adjustment
§ 3:58	Rent adjustments
§ 3:59	Effect of acceptance of deed
§ 3:60	Discharge of covenants in agreement—Form 
§ 3:61	Possession of the premises
§ 3:62	Possession of the premises—Form 
§ 3:63	Occupancy by seller—Form
§ 3:64	Occupancy by buyer—Form
§ 3:65	Storage of personalty by buyer—Form 
§ 3:66	Broker's commission
§ 3:67	____ Form 
§ 3:68	____ Another form 
§ 3:69	____ Another form 
§ 3:70	____ Another form 

TABLE OF CONTENTS

§ 3:71	No broker's commission—Form 
§ 3:72	No broker involved—Form 
§ 3:73	Broker's commission—Exclusive agency—Form 
§ 3:74	Recording of purchase and sale contracts
§ 3:75	Assignment of agreement
§ 3:76	Items of personalty included in the sale—Form 
§ 3:77	Municipal lien certificates
§ 3:78	Betterment assessments
§ 3:79	Provision for betterments—Form 
§ 3:80	Remedies for misrepresentations
§ 3:81	Remedies for breach of agreement
§ 3:82	Purchase and sale agreement—Form
§ 3:83	Subject to obtaining mortgage—Form 
§ 3:84	Purchase and sale agreement—Another form 
§ 3:85	Provision if unable to give title—Form 
§ 3:86	Provision of no warranties—Form
§ 3:87	Warranties in agreement—Form 
§ 3:88	Restrictive covenant or condition based on race, color, religion or national origin
§ 3:89	Violation of restrictive covenant
§ 3:90	Responsibility for streets—Form 
§ 3:91	Conflict of laws

CHAPTER 4. DRAFTING AND EXECUTION OF DEEDS

§ 4:1	In general
§ 4:2	Necessary information for preparing deed
§ 4:3	Necessary elements for a conveyance
§ 4:4	Warranty deeds
§ 4:5	Warranty deed—Form 
§ 4:6	— Statutory form in appendix to M.G.L.A. Chapter 183 
§ 4:7	Title reference in deed—Form 
§ 4:8	Deed as equitable mortgage
§ 4:9	Confirmatory deeds
§ 4:10	Quitclaim deeds
§ 4:11	— Form 
§ 4:12	— Statutory form in appendix to M.G.L.A. Chapter 183 
§ 4:13	Release—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 4:14	Deed of executor, administrator, trustee, guardian, conservator, receiver or commissioner—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 4:15	Fiduciary signature as grantor—Form 
§ 4:16	Execution of deeds
§ 4:17	Documentary stamps on deeds
§ 4:18	Documentary stamps on deeds
§ 4:18	Exemption from stamps—Form 
§ 4:19	Grantees as joint tenants
§ 4:20	Grantees as joint tenants—Form 

TABLE OF CONTENTS

§ 4:21	Husband and wife as joint tenants—Form 
§ 4:22	Grantees as tenants by the entirety
§ 4:23	Husband and wife as tenants by the entirety—Form 
§ 4:24	Grantee acting in a representative capacity
§ 4:25	Guardian of minor as grantee—Form 
§ 4:26	Executor of will as grantee—Form 
§ 4:27	Corporation as grantee
§ 4:28	Partnership as grantee
§ 4:29	____ Form 
§ 4:30	Corporation signature as grantor—Form 
§ 4:31	Tenants by the entirety
§ 4:32	Tenants by the entirety as grantors—Form 
§ 4:33	Designation of minor or incompetent as grantor
§ 4:34	Designation of grantors as joint tenants or tenants in common
§ 4:35	Corporation as grantor
§ 4:36	Grantor corporation—Form 
§ 4:37	Grantor foreign corporation—Form 
§ 4:38	Partnership as grantor
§ 4:39	Designation of grantor with legally changed name— Form 
§ 4:40	Designating the parties
§ 4:41	Sale under license of court
§ 4:42	Description of the premises
§ 4:43	Recital of the consideration
§ 4:44	Recital of consideration—Form 
§ 4:45	Easements
§ 4:46	Easement—Form 
§ 4:47	____ Another form 
§ 4:48	____ Another form 
§ 4:49	Restrictions
§ 4:50	Restriction in deed—Form 
§ 4:51	Restrictive covenant—Form 
§ 4:52	____ Another form 
§ 4:53	____ Another form 
§ 4:54	____ Another form 
§ 4:55	Reservation in deed—Form 
§ 4:56	Provision in restrictive covenant—Form 
§ 4:57	Assumption of prior mortgage by grantee—Form 
§ 4:58	Doctrine of worthier title
§ 4:59	Subject to encumbrances—Form 
§ 4:60	Assumption of mortgage—Form 
§ 4:61	Satisfaction of mortgage obligation—Form 
§ 4:62	Conveyance in consideration for support
§ 4:63	Provision in consideration of support—Form 
§ 4:64	Provision in consideration of support—Another form 
§ 4:66	Marketable title
§ 4:66	Remainders
§ 4:67	Straw as owner of record
§ 4:68	Power of attorney to sell real estate—Form 
§ 4:69	Power of attorney relating to real estate—Form 

TABLE OF CONTENTS

§ 4:70	Power of attorney—General form 
§ 4:71	Dower and curtesy
§ 4:72	Restrictive covenants regarding ownership
§ 4:73	Massachusetts realty trust—Form 
§ 4:74	Declaration of trust—Form 
§ 4:75	Resulting trusts
§ 4:76	Designation of parties to deed
§ 4:77	Where the grantor is married
§ 4:78	Names of husband and wife grantors—Form 
§ 4:79	Name of grantor aka—Form
§ 4:80	Acknowledgment of deeds
§ 4:81	Acknowledgment of individual acting by attorney—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 4:82	Acknowledgment of individual acting in his own right—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 4:83	Acknowledgment of a corporation or joint stock association—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 4:84	Certificate of authority of officer taking acknowledgment—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 4:85	Delivery of the deed
§ 4:86	Delivery of deed in escrow
§ 4:87	Recording of Deeds
§ 4:88	Acceptance of deed
§ 4:89	Provision in deed of commonwealth

CHAPTER 5. CLOSING A REAL ESTATE TRANSACTION

§ 5:1	In general
§ 5:2	Passing of title
§ 5:3	Removal of encumbrances from record
§ 5:4	Homestead exemptions
§ 5:5	Declaration of homestead exemption—Form 
§ 5:6	— Another form 
§ 5:7	— Another form 
§ 5:8	Request for occupancy permit—Form 
§ 5:9	Occupancy permit—Form 
§ 5:10	Check list for attorney for purchaser 
§ 5:11	Proration of real estate taxes
§ 5:12	Apportionment of taxes—Form 
§ 5:13	Tax reapportionment agreement—Form 
§ 5:14	Rent adjustment
§ 5:15	Proration of betterment assessments
§ 5:16	Adjustment of insurance premiums
§ 5:17	Massachusetts documentary stamps
§ 5:18	Meter readings
§ 5:19	Real estate settlement statement—Form
§ 5:20	Uniform settlement statement—Form
§ 5:21	Refinance settlement statement
§ 5:22	Initial escrow account disclosure statement—Form 

TABLE OF CONTENTS

- § 5:23 Certification of non-foreign status pursuant to Internal Revenue Code § 1445—Form 
- § 5:24 Recording the deed

CHAPTER 6. REAL ESTATE ESCROW AGREEMENTS

- § 6:1 In general
- § 6:2 Delivery to escrow holder
- § 6:3 Duty of escrow holder
- § 6:4 Delivery by holder after death of grantor
- § 6:5 Delivery to grantee
- § 6:6 Delivery of deed in escrow—Form 
- § 6:7 Wrongful delivery of deed to grantee
- § 6:8 Conditions of escrow agreement—Form 
- § 6:9 Conditions of performance by grantee—Form 
- § 6:10 Condition of payment—Form 
- § 6:11 Provision for deposit—Form 
- § 6:12 Damages for non-performance—Form 
- § 6:13 Return of deposit—Form 
- § 6:14 Memorandum to the escrow holder—Form 
- § 6:15 Receipt from escrow holder—Form 
- § 6:16 Acceptance by escrowee—Form 
- § 6:17 Escrow agreement for deposit of deed and money—
Form 
- § 6:18 Discharge of mortgage as condition—Form 
- § 6:19 — Another form 

CHAPTER 7. TITLE EXAMINATION

- § 7:1 In general
- § 7:2 Purpose of title abstract
- § 7:3 Report of title abstractor—Form 
- § 7:4 Schedules contained in abstract—Form
- § 7:5 Transfer certificate of land court title—Form 
- § 7:6 Abstract of deed—Form 
- § 7:7 Abstract of grant of easement to a municipality—Form 
- § 7:8 Abstract of grant of easement to a public utility—Form 
- § 7:9 Abstract of instrument of mortgage discharge—Form 
- § 7:10 Abstract of record of corporate vote—Form 
- § 7:11 Abstract of notice of tax lien—Form 
- § 7:12 Attachment as lien
- § 7:13 Abstract of attachment of land—Form
- § 7:14 Abstract of discharge of attachment—Form 
- § 7:15 Abstract of deed containing restrictions and reservations—
Form 
- § 7:16 Organization of title abstract
- § 7:17 Certification of title—Form 
- § 7:18 Recording statutes—In general
- § 7:19 The registry of deeds
- § 7:20 Daily list in registry of deeds
- § 7:21 Daily list—Form

TABLE OF CONTENTS

§ 7:22	Indices in registry of deeds
§ 7:23	Indices
§ 7:24	Sample page from grantor's index
§ 7:25	Sample page from grantee's index
§ 7:26	Registry record books
§ 7:27	Sample page from record book
§ 7:28	Title reference
§ 7:29	Defect in title
§ 7:30	Matters the record may contain
§ 7:31	Certificate of entry after foreclosure—Form
§ 7:32	Lis pendens
§ 7:33	Sample attachment page
§ 7:34	Bankruptcy records
§ 7:35	Sample page from bankruptcy index
§ 7:36	Easements by implication or necessity
§ 7:37	Construction of instruments passing title
§ 7:38	Joint tenancies
§ 7:39	Municipal planning boards
§ 7:40	Matters affecting title not on record
§ 7:41	Municipal lien certificates
§ 7:42	Municipal lien certificate

CHAPTER 8. SETTLEMENT OF TITLE TO LAND

§ 8:1	In general
§ 8:2	Action to remove cloud on title—Form 
§ 8:3	Soldiers' and Sailors' Civil Relief Act
§ 8:4	Nature of the action
§ 8:5	Parties to the action
§ 8:6	Description of heir—Form 
§ 8:7	Description of party—Address unknown—Form 
§ 8:8	Determination of validity of encumbrances
§ 8:9	Determination of restrictions
§ 8:10	Description of the premises
§ 8:11	Validity of actions to quiet title
§ 8:12	Adverse claim as cloud on title
§ 8:13	Service of process
§ 8:14	Cases cognizable for relief from cloud on title
§ 8:15	Affidavit of notice by publication—Form 
§ 8:16	Guardian ad litem
§ 8:17	Appointment and report of guardian ad litem—Form 
§ 8:18	Title interest and possession required
§ 8:19	Lis pendens
§ 8:20	Lis pendens—Form 
§ 8:21	Complaint to set aside a deed—Form 
§ 8:22	Removal of rescinded agreement from records
§ 8:23	Complaint to remove agreement for purchase and sale from records—Form 
§ 8:24	Complaint to strike notice of conditional sale from record—Form 

TABLE OF CONTENTS

§ 8:25	Demands for judgment in complaint relating to recorded notice of contract—Form 
§ 8:26	Complaint to remove a restriction—Form 
§ 8:27	Complaint on claim for debt and to set aside fraudulent conveyance under Rule 18(b)—Form
§ 8:28	Complaint to rescind conveyances for fraud—Form 
§ 8:29	Civil action to recover real estate
§ 8:30	Measure of damages
§ 8:31	Description of premises
§ 8:32	Entry for condition broken
§ 8:33	Questions for jury
§ 8:34	Motion for jury issues—Form 
§ 8:35	Cost of improvements as counterclaim
§ 8:36	Recording of execution
§ 8:37	Limitation of actions—Title by adverse possession
§ 8:38	Tacking of possession

CHAPTER 9. DISCHARGE OF OLD MORTGAGES

§ 9:1	In general
§ 9:2	Parties to the petition
§ 9:3	Land court instructions for procedure to discharge old mortgage
§ 9:4	Proof required
§ 9:5	Notice required
§ 9:6	Recognition of the mortgage
§ 9:7	Petition to discharge old mortgage—Form 
§ 9:8	Military affidavit—Form 

CHAPTER 10. SPECIFIC PERFORMANCE OF REAL ESTATE AGREEMENTS

§ 10:1	In general
§ 10:2	Elements necessary for relief
§ 10:3	Specific performance or damages
§ 10:4	Identification of tract
§ 10:5	Requirement of mutuality of obligation
§ 10:6	Essential elements of the contract
§ 10:7	Interpretation of the agreement
§ 10:8	Return of deposit
§ 10:9	Provision for liquidated damages
§ 10:10	Specific performance of options
§ 10:11	Adequacy of consideration
§ 10:12	Enforcement of partial performance
§ 10:13	Time for performance
§ 10:14	Requirement for tender of performance
§ 10:15	Complaint for specific performance of contract to convey land—Form 
§ 10:16	Complaint for specific performance—Form 
§ 10:17	— Another form 
§ 10:18	— Another form 

TABLE OF CONTENTS

§ 10:19	____ Another form 
§ 10:20	Question of good faith
§ 10:21	Inability to complete performance
§ 10:22	Effect of defect in title
§ 10:23	Excuse from performance—Defect in title
§ 10:24	Laches as defense
§ 10:25	Laches—Answer to complaint—Form 
§ 10:26	____ ____ Another form 
§ 10:27	Defense of mistake
§ 10:28	Parol variations as defense
§ 10:29	Effect of part performance on statute of frauds

CHAPTER 11. CANCELLATION AND REFORMATION OF DEEDS

§ 11:1	In general
§ 11:2	Grounds for reformation
§ 11:3	Omissions in deeds
§ 11:4	Persons entitled to reformation
§ 11:5	Misunderstanding and mistake of fact as a ground for relief
§ 11:6	Remedy for mutual mistake
§ 11:7	Doctrine of caveat emptor
§ 11:8	Knowledge of buyer
§ 11:9	Notice to defendant of rescission
§ 11:10	Fraud and rescission
§ 11:11	Relief for misrepresentations
§ 11:12	Parties in pari delicto
§ 11:13	Cancellation of invalid instruments
§ 11:14	Cancellation, surrender or reconveyance
§ 11:15	Effect of cancellation of deed
§ 11:16	Defect in title as excuse for performance
§ 11:17	Modification or rescission of contract
§ 11:18	Damages upon rescission
§ 11:19	Delay and laches
§ 11:20	Rectification of instruments and the statute of frauds
§ 11:21	Complaint for reformation of deed—Form 
§ 11:22	____ Another form 
§ 11:23	____ Another form 
§ 11:24	Complaint to rectify deed—Form 

CHAPTER 12. MORTGAGES OF REAL ESTATE

§ 12:1	In general
§ 12:2	Unlawful discrimination by mortgagees
§ 12:3	Validity of mortgages
§ 12:4	Truth-in-Lending Act
§ 12:5	Mental capacity of parties
§ 12:6	Consideration to support mortgage
§ 12:7	Consideration in the mortgage—Without interest— Form 
§ 12:8	____ With interest—Form 

TABLE OF CONTENTS

§ 12:9	Application for mortgage loan
§ 12:10	Application for mortgage loan
§ 12:11	Residential loan application
§ 12:12	Designation of mortgagee—Form 
§ 12:13	Mortgagee acting in a representative capacity—Form 
§ 12:14	Mortgagee corporation—Form 
§ 12:15	Mortgagee partnership—Form 
§ 12:16	Designation of mortgagor—Form 
§ 12:17	Designation of mortgagor married woman—Form 
§ 12:18	— Another form 
§ 12:19	Mortgagors holding title as joint tenants or tenants in common—Form 
§ 12:20	Mortgagor as guardian—Form 
§ 12:21	Mortgagor corporation—Form 
§ 12:22	— Another form 
§ 12:23	Mortgagor as partnership
§ 12:24	Partners as mortgagors—Form 
§ 12:25	Mortgagor known by other names—Form 
§ 12:26	Mortgagor who legally changed his name since acquiring title—Form 
§ 12:27	The mortgage note—In general
§ 12:28	Mortgage note—Form 
§ 12:29	— Another form 
§ 12:30	— Terms of payment
§ 12:31	Terms of payment—Form 
§ 12:32	— Another form 
§ 12:33	— Direct reduction—Form 
§ 12:34	— — Another form 
§ 12:35	— G.I. loan—Form 
§ 12:36	— Savings bank mortgage—Form 
§ 12:37	— F.H.A. loan—Form 
§ 12:38	Provision for attorney's fees—Form 
§ 12:39	— Another form 
§ 12:40	Sealed or witnessed mortgage note
§ 12:41	Sealed mortgage note—Witnessed—Form 
§ 12:42	Endorsement of payments
§ 12:43	Endorsements on note—Form 
§ 12:44	Acceleration and penalty clause
§ 12:45	Acceleration clause—Form 
§ 12:46	Acceleration and penalty clause—Form 
§ 12:47	Mortgage Note Under Servicemen's Readjustment Act—Form 
§ 12:48	Absolute deed as mortgage
§ 12:49	Mortgage deed—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 12:50	Mortgage instrument—Form 
§ 12:51	— Another form 
§ 12:52	Co-operative bank mortgage—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 12:53	Construction loan agreement—Form 
§ 12:54	Miscellaneous covenants in mortgages—Forms 

TABLE OF CONTENTS

§ 12:55	Condition in mortgage
§ 12:56	Insurance clause to protect mortgagee—Form 
§ 12:57	Insurance provision—Form 
§ 12:58	Covenant to insure
§ 12:59	Assignment of insurance policy—Form 
§ 12:60	____ Another form 
§ 12:61	Loss Payable clause—Form 
§ 12:62	____ Another form 
§ 12:63	Release of insurance interest by mortgagee—Form 
§ 12:64	Description of real estate
§ 12:65	Liens and priority
§ 12:66	Obligation to pay taxes
§ 12:67	Execution of mortgage
§ 12:68	Execution by corporation—Form 
§ 12:69	Execution by guardian—Form 
§ 12:70	Possession of mortgaged premises
§ 12:71	Future advances by mortgagee
§ 12:72	Priority of a lease
§ 12:73	Statutory incorporation by reference of conditions and powers—Form 
§ 12:74	Statutory condition in mortgage—Form 
§ 12:75	Statutory power of sale in mortgage—Form 
§ 12:76	Partial release of mortgage—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 12:77	Encumbrances on premises
§ 12:78	Repairs to premises
§ 12:79	Repair clause—Form 
§ 12:80	____ Another form 
§ 12:81	Mortgagor as surety
§ 12:82	Waste of the security
§ 12:83	Remedy for impairment of security
§ 12:84	Reinstatement of mortgage
§ 12:85	Recording of mortgage
§ 12:86	Extension of mortgage—Form 
§ 12:87	____ Another form 
§ 12:88	Assignment of mortgage—Form 
§ 12:89	____ Another form 
§ 12:90	____ Another form 
§ 12:91	____ Another form 
§ 12:92	Extension of mortgage—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 12:93	Assignment of mortgage—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 12:94	Subordination agreement—Form 
§ 12:95	Partial release of mortgage—Form 
§ 12:96	Authority of corporate fiduciary to discharge mortgage—Form 
§ 12:97	Mortgage discharge—Form 
§ 12:98	Release deed
§ 12:99	Discharge of mortgage—Statutory form in appendix to M.G.L.A. Chapter 183 

TABLE OF CONTENTS

§ 12:100	Discharge of bond and mortgage—Form 
§ 12:101	Payment or performance of condition
§ 12:102	Payment after default
§ 12:103	Change in nature of indebtedness

CHAPTER 13. FORECLOSURE OF REAL ESTATE MORTGAGES

§ 13:1	In general
§ 13:2	Right to foreclose
§ 13:3	Junior encumbrances
§ 13:4	Restraining power of sale
§ 13:5	Acceleration clause in note and mortgage
§ 13:6	Determining the amount of indebtedness
§ 13:7	Insurance coverage during foreclosure
§ 13:8	Occupancy of mortgaged premises
§ 13:9	Compensation to mortgagee in possession
§ 13:10	Conveyance subject to mortgage
§ 13:11	Methods of foreclosure
§ 13:12	Liability of mortgagor for deficiency
§ 13:13	Wrongful conduct of foreclosure
§ 13:14	Notice of intention to foreclose—Form 
§ 13:15	Mode of making the sale
§ 13:16	Place of the sale
§ 13:17	Entry to foreclose mortgage—Form 
§ 13:18	Adjournment of sale
§ 13:19	Terms and conditions of sale
§ 13:20	Notice of sale
§ 13:21	Notice of mortgagee's sale—Form 
§ 13:22	— Another form 
§ 13:23	Conduct of the sale
§ 13:24	Power of attorney to foreclose—Form 
§ 13:25	Purpose of Soldiers' and Sailors' Relief Act
§ 13:26	Notice of complaint for authority to foreclose mortgage— Form 
§ 13:27	Notice for publication under power of sale—Form 
§ 13:28	Order for service—Form 
§ 13:29	Certificate of entry to foreclose—Form 
§ 13:30	Land court check list for procedure to foreclose mortgage
§ 13:31	Complaint to foreclose mortgage—Form 
§ 13:32	Complaint to foreclose mortgage in Land Court—Form 
§ 13:33	Order of notice—Form 
§ 13:34	Judgment of dismissal—Form 
§ 13:35	Return of service—Form 
§ 13:36	Return on order of notice—Form 
§ 13:37	Motion to take complaint for confessed—Form 
§ 13:38	Interlocutory order taking complaint for confessed— Form 
§ 13:39	Military affidavit in Land Court—Form 
§ 13:40	Final judgment for authority to foreclose mortgage— Form 
§ 13:41	Return after sale—Form 

TABLE OF CONTENTS

§ 13:42	Judgment and approval after entry—Form 
§ 13:43	Foreclosure deed under power of sale in mortgage—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 13:44	— Form 
§ 13:45	Affidavit affixed to deed—Form 
§ 13:46	Effect of foreclosure
§ 13:47	Redemption
§ 13:48	Waiver of entry—Form 
§ 13:49	Affidavit of sale under power of sale in mortgage—Statutory form in appendix to M.G.L.A. Chapter 183 
§ 13:50	Fees and costs of foreclosure
§ 13:51	Provision for payment of fees and costs—Form 
§ 13:52	Limitation of time for foreclosures

CHAPTER 14. PETITION FOR REGISTRATION OF TITLE TO LAND

§ 14:1	In general
§ 14:2	Appointment of resident agent in land court—Form 
§ 14:3	Petition to register title
§ 14:4	Petition to register land—Form 
§ 14:5	Notice to mayor, selectmen or county commissioner—Form 
§ 14:6	Notice to attorney general—Form 
§ 14:7	Memorandum of petition in registry of deeds
§ 14:8	Notice of filing of petition—Form 
§ 14:9	Order for special notice—Form 
§ 14:10	Special notice—Form 
§ 14:11	Documents filed with petition
§ 14:12	Reference to examiner of title
§ 14:13	Reference to examiner—Form 
§ 14:14	Instructions of recorder to land court title examiners
§ 14:15	Assessor's certificate of adjoining owners—Form
§ 14:16	Notice of election to proceed after examiner's report—Form 
§ 14:17	Citation, order and return of service—Form 
§ 14:18	Military affidavit—Form 
§ 14:19	Final decree—Form 
§ 14:20	Notice of disposal of petition—Form 
§ 14:21	Conveying registered land
§ 14:22	Publication of notice of filing of petition—Form 
§ 14:23	Service of notice of petition
§ 14:24	Answers of persons in interest
§ 14:25	Order of general default
§ 14:26	Motion for general default—Form 
§ 14:27	Decree of confirmation and registration
§ 14:28	Certificate of title—Form 
§ 14:29	Easements to public utility companies

CHAPTER 15. BETTERMENTS TO PROPERTY

§ 15:1	In general
--------	------------

TABLE OF CONTENTS

§ 15:2	Required description of betterments
§ 15:3	Assessments for public improvements
§ 15:4	Apportionment of costs
§ 15:5	Remedies for recovery of paid assessments
§ 15:6	Liability for assessment
§ 15:7	Ascertaining the benefit
§ 15:8	Collection of assessments
§ 15:9	Filing of petition
§ 15:10	Death of person entitled to petition
§ 15:11	Petition to the Superior Court under M.G.L.A. Chapter 80— Form 
§ 15:12	Trial procedure
§ 15:13	Appeal to Superior Court

CHAPTER 16. PETITION FOR PARTITION OF REAL ESTATE

§ 16:1	In general
§ 16:2	Status of commissioner to make partition
§ 16:3	Rights of the parties
§ 16:4	Persons not entitled to partition
§ 16:5	Partition between joint tenants and tenants in common
§ 16:6	Effect of divorce on tenancy by entirety
§ 16:7	Description of the premises
§ 16:8	Allowances for improvements
§ 16:9	Jury issues
§ 16:10	Petition for partition—Form 
§ 16:11	Notice required
§ 16:12	Notice recorded in registry of deeds
§ 16:13	Notice of recording in registry of deeds—Form 
§ 16:14	Order for service—Form 
§ 16:15	Citation—Form 
§ 16:16	Notice of lis pendens—Form 
§ 16:17	Effect of interlocutory decree
§ 16:18	Appointment and duties of commissioners
§ 16:19	Warrant and appointment of commissioner—Form 
§ 16:20	Report of commissioner—Form 
§ 16:21	Partition by sale
§ 16:22	Commissioner's bond—Form 
§ 16:23	Appointment to represent parties—Form 
§ 16:24	Commissioner's affidavit of notice to creditors—Form 
§ 16:25	Notice by commissioner—Form 
§ 16:26	Affidavit of commissioner—Form 
§ 16:27	Court decree on report—Form 
§ 16:28	Final decree—Form 

Volume 5A

PART II. LANDLORD AND TENANT

CHAPTER 17. REAL ESTATE LEASES

§ 17:1	In general
--------	------------

TABLE OF CONTENTS

§ 17:2	Licenses and tenancies
§ 17:3	Application for lease—Form 
§ 17:4	Agreement to lease
§ 17:5	Check list when drafting leases
§ 17:6	Rules and regulations
§ 17:7	Provision for regulations—Form 
§ 17:8	Rules of lessor incorporated in lease—Form 
§ 17:9	Unlawful discrimination in housing
§ 17:10	Residential lease—Form 
§ 17:11	Single family dwelling lease
§ 17:12	Commercial Lease
§ 17:13	Delivery of copy of lease to lessee
§ 17:14	Provision defining parties—Form 
§ 17:15	Provision defining meanings—Form 
§ 17:16	Description of demised premises
§ 17:17	Description of demised premises—Form 
§ 17:18	— Another form 
§ 17:19	Provision relating to children
§ 17:20	Term of the lease—Form 
§ 17:21	— Another form 
§ 17:22	Provisions relating to rent
§ 17:23	Provision to establish rent—Form 
§ 17:24	Residential rent clause—Form 
§ 17:25	Rent clause—Another form 
§ 17:26	Provision for rent—Form 
§ 17:27	Rent clause providing for arbitration—Form 
§ 17:28	Provisions relating to security deposits on residential property
§ 17:29	Statement of condition in residential lease—Form 
§ 17:30	Security deposit statement in residential lease—Form 
§ 17:31	Rent and security deposit receipt—Form 
§ 17:32	Definition of proportionate share—Form 
§ 17:33	Agreement to pay taxes
§ 17:34	Tax escalation clause—Form 
§ 17:35	Taking of premises for public use
§ 17:36	Covenant relating to eminent domain—Form 
§ 17:37	— Another form 
§ 17:38	Conditions or limitations
§ 17:39	Covenant relating to destruction of demised premises by fire—Form 
§ 17:40	Termination of lease if fire—Form 
§ 17:41	Use provision in residential lease
§ 17:42	Occupation provision in apartment lease—Form 
§ 17:43	Maintenance by lessee—Form 
§ 17:44	Covenants relating to damage to property of lessee—Form 
§ 17:45	— Another form 
§ 17:46	— Another form 
§ 17:47	Covenant of lessee relating to damage to premises—Form 

TABLE OF CONTENTS

§ 17:48	Covenant relating to breach of condition by lessee— Form 
§ 17:49	Covenant of tenant to comply with law—Form 
§ 17:50	— Another form 
§ 17:51	Covenant of tenant—Illegal use of premises—Form 
§ 17:52	Implied warranty of habitability
§ 17:53	Covenant for quiet enjoyment
§ 17:54	Covenant of quiet enjoyment—Form 
§ 17:55	Insurance provision—Form 
§ 17:56	Covenants as to repairs
§ 17:57	Covenant by lessee relating to repairs—Form 
§ 17:58	— Another form 
§ 17:59	— Another form 
§ 17:60	— Another form 
§ 17:61	Covenant by lessee relating to repairs and alterations— Form 
§ 17:62	Covenant by landlord relating to repairs—Form 
§ 17:63	Services to be provided by lessor—Form 
§ 17:64	Prohibition of parking—Form 
§ 17:65	Prohibition of animals—Form 
§ 17:66	Effect of presence of pests—Form 
§ 17:67	Covenant to hold lessor harmless for damages and injury
§ 17:68	Covenant for waiver of jury trial
§ 17:69	Covenant to hold lessor harmless—Form 
§ 17:70	Riders relating to utilities and holding harmless—Form 
§ 17:71	Reprisals against tenants
§ 17:72	Clause prohibiting reprisals—Form 
§ 17:73	Covenant relating to landlord's right to enter premises— Form 
§ 17:74	— Another form 
§ 17:75	Covenant relating to landlord's right to enter commercial premises—Form 
§ 17:76	Right of tenant to remove fixtures
§ 17:77	Covenant to surrender possession at end of term—Form 
§ 17:78	— Another form 
§ 17:79	Requirements of notice—Form 
§ 17:80	Requirements of notice to lessee—Form 
§ 17:81	Signatures to lease—Form 
§ 17:82	Statutory regulations relating to agents
§ 17:83	Delivery of possession to lessee—Form 
§ 17:84	Delivery of keys as surrender—Form 
§ 17:85	Covenant for fees and expenses—Form 
§ 17:86	— Another form 
§ 17:87	Liability of landlord in tort
§ 17:88	Option for renewal of lease
§ 17:89	Option to renew lease—Form 
§ 17:90	— Another form 
§ 17:91	Assignment or subletting
§ 17:92	Covenant relating to assignment of lease—Form 
§ 17:93	— Another form 
§ 17:94	— Another form 

TABLE OF CONTENTS

§ 17:95	____ Another form 
§ 17:96	Assignment of lease—Form 
§ 17:97	Assignment of Lessee's Interest—Form 
§ 17:98	Covenant relating to sale of demised premises by lessor— Form 
§ 17:99	Recording and notice of leases
§ 17:100	Effect of death of lessee
§ 17:101	Option to purchase contained in lease
§ 17:102	Option provision in lease relating to title—Form 
§ 17:103	Option in lease to purchase—Form 
§ 17:104	In order to purchase—Form 
§ 17:105	Option to purchase—Another form 
§ 17:106	Covenant of subordination—Form 
§ 17:107	Mortgages and pledges of leaseholds
§ 17:108	Intended commercial use of premises
§ 17:109	Use provision in commercial lease—Form 
§ 17:110	Use by lessee of commercial property—Form 
§ 17:111	Rental by commonwealth
§ 17:112	Use with right to sublet—Form 
§ 17:113	Percentage rent of commercial property
§ 17:114	Percentage commercial rent increase—Form 
§ 17:115	Clause relating to escalation of operating expenses— Form 
§ 17:116	Commercial property security deposit agreement—Form 
§ 17:117	Assignment of commercial property security deposit— Form 
§ 17:118	Guarantee of rent—Form 
§ 17:119	Guarantee of lease—Form 
§ 17:120	Increase of insurance rates—Form 
§ 17:121	Provision entitling tenant to parking—Form 
§ 17:122	Provision against sub-letting commercial property— Form 
§ 17:123	Agreement to furnish heat—Form 
§ 17:124	Repairs and maintenance covenant—Form 
§ 17:125	Provision for services to be provided by lessor—Form 
§ 17:126	Default clause in commercial lease—Form 
§ 17:127	Covenant against competition
§ 17:128	____ Form 
§ 17:129	____ Another form 
§ 17:130	Service station lease with option to cancel—Form 
§ 17:131	Lease of space to physician—Form 
§ 17:132	Sublease of commercial property—Form 
§ 17:133	Assignment and consents—Form 
§ 17:134	Lessor's consent to assignment—Form 
§ 17:135	Acceptance by assignee of assignment—Form 
§ 17:136	Notice of lease—Form 
§ 17:137	Automobile parking space lease—Form 

CHAPTER 18. SUMMARY PROCESS

§ 18:1	In general
--------	------------

TABLE OF CONTENTS

§ 18:2	Scope of summary process
§ 18:3	History of summary process
§ 18:4	Jurisdiction of housing court
§ 18:5	Notice of transfer to housing court—Form 
§ 18:6	Types of tenancies
§ 18:7	Lien of landlord for rent
§ 18:8	Revival of tenancy by paying rent
§ 18:9	Liability of tenant at sufferance for use and occupation
§ 18:10	Termination of leases
§ 18:11	Termination of tenancy for years
§ 18:12	Termination of lease—Breach of condition
§ 18:13	___ Destruction by fire
§ 18:14	___ Death of lessee
§ 18:15	___ Eminent domain
§ 18:16	___ Fraud of lessee
§ 18:17	The term and covenant to repair
§ 18:18	The term and waste
§ 18:19	Forfeiture for unlawful use of premises
§ 18:20	Provision for forfeiture for unlawful use—Form 
§ 18:21	Right of entry for default
§ 18:22	Effect of assignment of lease
§ 18:23	Forfeiture of lease—Non-payment of rent
§ 18:24	Forfeiture—Bankruptcy of lessee
§ 18:25	Provision for forfeiture—Bankruptcy of lessee—Form 
§ 18:26	Forfeiture for non-payment of taxes
§ 18:27	Payment of rent and constructive eviction
§ 18:28	Surrender of possession by operation of law
§ 18:29	Termination of tenancy at will
§ 18:30	Surrender of possession by tenant at will
§ 18:31	Establishment of tenancy at sufferance
§ 18:32	Eviction of tenant at sufferance
§ 18:33	Sufficiency of notice to terminate tenancy at will
§ 18:34	Acceptance of rent as waiver of notice to quit
§ 18:35	Time and operation of notice to quit for non-payment
§ 18:36	Covenants attempting to relieve landlord from liability for injuries
§ 18:37	Covenants relating to children in demised premises
§ 18:38	Obligation of landlord to furnish necessities of life
§ 18:39	Grounds for withholding rent
§ 18:40	Jurisdiction and venue
§ 18:41	Summary process summons and complaint—Form 
§ 18:42	Service of process
§ 18:43	Entry of action
§ 18:44	Method and time for filing
§ 18:45	Return of service
§ 18:46	Answer to complaint and counterclaim—Form 
§ 18:47	Amendments to correct defects
§ 18:48	Military affidavit—Form 
§ 18:49	Notice to produce notice to quit at trial—Form 
§ 18:50	Motion for stay of judgment 
§ 18:51	Agreement for judgment for possession—Form 

TABLE OF CONTENTS

§ 18:52	Stay of judgment for possession
§ 18:53	Appeals—In general
§ 18:54	Effect of death of tenant or landlord
§ 18:55	Execution for possession—Form 
§ 18:56	Possession by purchaser at foreclosure sale
§ 18:57	Right of grantee of purchaser at foreclosure sale
§ 18:58	Notice to occupant from purchaser at foreclosure sale— Form 
§ 18:59	Notice to quit—Form 
§ 18:60	Proof of sufficient notice
§ 18:61	Notice to quit for non-payment of rent—Form 

PART III. BUSINESS ORGANIZATIONS

CHAPTER 19. PARTNERSHIPS

§ 19:1	In general
§ 19:2	Joint ventures
§ 19:3	Nature of partnership
§ 19:4	Corporation as partner
§ 19:5	Husband and wife as partners
§ 19:6	Rules determining existence of partnership
§ 19:7	Acquisition and conveyance of partnership property
§ 19:8	Relation of partners to persons dealing with the partnership
§ 19:9	Conveying title to real estate
§ 19:10	Admissions and representations by partner
§ 19:11	Liability of partnership for wrongful act of partner
§ 19:12	Joint and several liabilities of partners
§ 19:13	Liability of apparent partner
§ 19:14	Liability of new partner for partnership obligations
§ 19:15	Rights and duties of partners
§ 19:16	Accountings by partners
§ 19:17	Ownership of specific partnership property
§ 19:18	Business certificates
§ 19:19	Business certificate for fictitious name—Form 
§ 19:20	Partnership agreement—General form 
§ 19:21	— Another general form 
§ 19:22	Arbitration clause in partnership agreement—Form 
§ 19:23	Partnership agreement—Manufacturing business— Form 
§ 19:24	— Clothing business—Form 
§ 19:25	— Accountants—Form 
§ 19:26	— With insurance provisions—Form 
§ 19:27	Conveyance of goodwill
§ 19:28	Dissolution agreement—Form 

CHAPTER 20. LIMITED PARTNERSHIPS

§ 20:1	In general
§ 20:2	Formation requirements
§ 20:3	Contribution of limited partner

TABLE OF CONTENTS

§ 20:4	Withdrawal of contribution of limited partner
§ 20:5	Use of limited partner's name
§ 20:6	Rights, power and liabilities of general partners
§ 20:7	Loans and fraudulent conveyances
§ 20:8	Rights of creditor in fraudulent conveyance
§ 20:9	Priorities and share of profits
§ 20:10	Effect of death, insanity or retirement of a partner
§ 20:11	Remedy of creditor to reach interest of limited partner
§ 20:12	Certificate of limited partnership—Form 
§ 20:13	____ Another form 
§ 20:14	Limited partnership agreement—Form 
§ 20:15	____ Another form 
§ 20:16	____ Another form 

CHAPTER 21. CORPORATIONS

§ 21:1	In general
§ 21:2	Nature of a corporation
§ 21:3	Information required to form corporation
§ 21:4	Corporate name
§ 21:5	Principal place of business and domicile
§ 21:6	Principal place of business—Bylaws—Form 
§ 21:7	Certificate of change of principal office—Form 
§ 21:8	Objects and purposes
§ 21:9	Purpose clause—General—Business—Form 
§ 21:10	____ Form 
§ 21:11	____ Clothing store—Form 
§ 21:12	____ Factor—Form 
§ 21:13	____ Employment agency—Form 
§ 21:14	____ Vocational planning business—Form 
§ 21:15	____ Insurance agent—Form 
§ 21:16	____ Manufacturing business—Form 
§ 21:17	____ Knapsack manufacturer—Form 
§ 21:18	____ Food store—Form 
§ 21:19	____ Kitchen equipment sales—Form 
§ 21:20	____ Inventions—Form 
§ 21:21	____ Borrow money—Form 
§ 21:22	____ Borrow and mortgage—Form 
§ 21:23	____ Guarantees—Form 
§ 21:24	____ Real estate—Form 
§ 21:25	____ Fishery—Form 
§ 21:26	____ Stocks and bonds—Form 
§ 21:27	____ Merge business—Form 
§ 21:28	Power to convey land
§ 21:29	Close corporations
§ 21:30	Election of officers and adoption of bylaws at first meeting
§ 21:31	Approval of articles of organization
§ 21:32	Creation and issuance of stock
§ 21:33	Priorities between stockholders
§ 21:34	Right of corporation to purchase own stock
§ 21:35	Call provisions on stock issue

TABLE OF CONTENTS

§ 21:36	Restrictions on transfer of shares—Form 
§ 21:37	— Another form 
§ 21:38	— Another form 
§ 21:39	— Another form 
§ 21:40	— Another form 
§ 21:41	— Another form 
§ 21:42	— Another form 
§ 21:43	Stock pledge agreement—Form 
§ 21:44	Management of corporation
§ 21:45	Scope of bylaws
§ 21:46	Provision in bylaws relating to issuance of § 1244 stock— Form 
§ 21:47	Bylaws and minutes of first meeting of directors—Form
§ 21:48	Bylaws—Another form 
§ 21:49	Provision in bylaws for amendments—Form 
§ 21:50	Duration of real estate corporation
§ 21:51	Articles of organization and first meeting
§ 21:52	Articles of organization
§ 21:53	Articles of amendment
§ 21:54	Authority and liability of directors
§ 21:55	Article of organization limiting liability of directors— Form 
§ 21:56	Article of organization indemnifying directors—Form 
§ 21:57	Dividends to stockholders
§ 21:58	Minutes of first meeting of incorporation—Form 
§ 21:59	Waiver of notice of meeting of board of directors—Form 
§ 21:60	Minutes of meeting of board of directors—Form 
§ 21:61	First meeting of directors—Plan to issue § 1244 stock— Form 
§ 21:62	Meetings of directors and executive committee
§ 21:63	Bylaw appointing executive committee—Form 
§ 21:64	Certificate of change of directors or officers
§ 21:65	Waiver of notice of annual meeting of board of directors— Form 
§ 21:66	Issue of authorized capital stock
§ 21:67	Annual meeting of stockholders
§ 21:68	Provision in bylaws for meeting—Form 
§ 21:69	Certificate of change of principal office
§ 21:70	Notice to stockholder of annual meeting—Form 
§ 21:71	Provision in bylaws for notice of annual meeting—Form 
§ 21:72	Provisions in bylaws for special meetings of stockholders— Form 
§ 21:73	Waiver of notice of annual meeting—Form 
§ 21:74	Minutes of annual meeting of stockholders—Form 
§ 21:75	Voting rights and proxies
§ 21:76	Proxy for absentee voting—Form 
§ 21:77	Annual report of condition
§ 21:78	Certificate of change of fiscal year end
§ 21:79	Judicial review of corporate management
§ 21:80	Board minutes authorizing bank account—Form 
§ 21:81	Resolution authorizing bank account—Form 

TABLE OF CONTENTS

§ 21:82	Resolution authorizing deposits and borrowing—Form 
§ 21:83	Certificate of vote authorizing bank account—Form 
§ 21:84	Certificate of corporate vote to open bank account— Form 
§ 21:85	Articles of consolidation or merger—Domestic corporations
§ 21:86	— Domestic and foreign corporations
§ 21:87	Petition to court for dissolution
§ 21:88	Voluntary dissolution
§ 21:89	Articles of dissolution
§ 21:90	Stockholders' vote authorizing dissolution—Form 
§ 21:91	Certification of vote for dissolution—Form 
§ 21:92	Agreement to pay taxes due commonwealth—Form 
§ 21:93	Effect of dissolution
§ 21:94	In general
§ 21:95	Who may organize a professional corporation
§ 21:96	Attorneys at law
§ 21:97	Articles of organization
§ 21:98	Articles of organization
§ 21:99	Nature of professional services rendered
§ 21:100	Purposes of corporation—Practice of medicine—Form 
§ 21:101	Name and address
§ 21:102	Annual certificate
§ 21:103	Annual report of professional corporation
§ 21:104	Certificate by regulatory board
§ 21:105	Bylaws—Physician—Form 
§ 21:106	Officers, directors, and shareholders
§ 21:107	Issuance and transfer of capital stock
§ 21:108	Restrictions in articles on transfer of stock—Form 
§ 21:109	Purchase or redemption of shares upon death or disqualifica- tion of shareholders
§ 21:110	List of shareholders—Form 
§ 21:111	Waiver of notice of first meeting of incorporator—Form 
§ 21:112	Minutes of first meeting of incorporator—Form 
§ 21:113	Waiver of notice of first meeting of directors—Form 
§ 21:114	Minutes of first meeting of directors—With plan to issue § 1244 stock—Form 
§ 21:115	Charitable corporations—In general
§ 21:116	Articles of organization
§ 21:117	Purposes of corporation—Form 
§ 21:118	— If tax exemption sought—Form 
§ 21:119	Notice of first meeting of church—Form 
§ 12:120	Annual report of charitable corporation
§ 21:121	Petition for dissolution of charitable corporation—Form 
§ 21:122	Derivative action

CHAPTER 22. LIMITED LIABILITY PARTNERSHIPS AND LIMITED LIABILITY COMPANIES

A. LIMITED LIABILITY PARTNERSHIPS

§ 22:1	Limited liability partnership—In general
--------	--

TABLE OF CONTENTS

§ 22:2	Limited liability partnerships—Registrations
§ 22:3	Partnership names
§ 22:4	Annual reports
§ 22:5	Registration amendments
§ 22:6	Miscellaneous filings
§ 22:7	Withdrawals
§ 22:8	Certificates of registration and good standing
§ 22:9	Limited liability partnership registration—Form 
§ 22:10	Limited liability election by law firms, Supreme Judicial Court Rule 3:06

B. LIMITED LIABILITY COMPANIES

§ 22:11	Limited liability—In general
§ 22:12	Certificate of organization
§ 22:13	Limited liability company certificate of organization—Form 
§ 22:14	Amendments
§ 22:15	Restated certificates
§ 22:16	Mergers and consolidations
§ 22:17	Cancellations
§ 22:18	Annual reports
§ 22:19	Guidelines for filing LLC annual report

CHAPTER 23. BUSINESS PURCHASE AND SALE AGREEMENTS

§ 23:1	Business purchase and sale agreements—In general
§ 23:2	Purchase and sale agreement—Form 
§ 23:3	— Another form 
§ 23:4	— Another form 
§ 23:5	— Another form 
§ 23:6	— Laundromat—Form 
§ 23:7	— Food market—Form 
§ 23:8	Purchase and sale agreement between owner and employee—Form 
§ 23:9	Agreement to sell and license product—Form 
§ 23:10	Purchase and sale agreement between corporation and employee—Form 
§ 23:11	Uniform commercial code—Bulk transfers 

PART IV. FAMILY LAW AND PRACTICE

CHAPTER 24. CHANGE OF NAME

§ 24:1	In general
§ 24:2	Historical note
§ 24:3	What constitutes a name
§ 24:4	Purpose of use of name
§ 24:5	Venue and jurisdiction of probate court
§ 24:6	Check list and initial interview with client

TABLE OF CONTENTS

§ 24:7	Sufficiency of reason for change
§ 24:8	Estoppel to subsequent petition for change of name
§ 24:9	Reason for change of name—Form 
§ 24:10	— Another form 
§ 24:11	— Another form 
§ 24:12	— Another form 
§ 24:13	Petition for change of name—Form 
§ 24:14	Documents filed with petition
§ 24:15	Request for information
§ 24:16	Notice of proceedings
§ 24:17	Citation for change of name—Form 
§ 24:18	Objections to change of name
§ 24:19	Hearing on the petition
§ 24:20	Decree—Form 
§ 24:21	— Another form 
§ 24:22	Certificate of change of name
§ 24:23	Name changes in divorce actions
§ 24:24	Change of name in naturalization proceedings
§ 24:25	Name of child born out of wedlock

CHAPTER 25. ADOPTIONS

§ 25:1	Adoptions—In general
§ 25:2	Petition for adoption and change of name
§ 25:3	Allegation of residence of child—Form 
§ 25:4	Allegations in petition—Form 
§ 25:5	— Another form 
§ 25:6	Request for information
§ 25:7	Consent to adoption
§ 25:8	— Surrender form 
§ 25:9	Conditions precedent to entry of decree
§ 25:10	Dispensing with required consent
§ 25:11	Notice required
§ 25:12	Appeals
§ 25:13	Postadoption visitation

CHAPTER 26. GUARDIANS

§ 26:1	Guardians—In general
§ 26:2	Guardians of minors
§ 26:3	Petition for guardian of minor—Form 
§ 26:4	Custody of minors
§ 26:5	Petition for custody of minor
§ 26:6	Statement of disclosure of prior and pending actions involving care and custody of a child—Form 
§ 26:7	Visitation rights of grandparents
§ 26:8	Complaint for grandparent(s) visitation—Form
§ 26:9	Powers of Guardians
§ 26:10	Appointment of testamentary guardian
§ 26:11	Guardians—Mentally ill persons and spendthrifts—In general

TABLE OF CONTENTS

§ 26:12	Medical certificate form—Guardianship or conservatorship
§ 26:13	Petition for guardianship or conservatorship of mentally ill—Form 
§ 26:14	Notice required
§ 26:15	Guardians of spendthrifts
§ 26:16	Petition for guardianship of spendthrift—Form 
§ 26:17	Temporary guardians
§ 26:18	Temporary guardianships and conservatorships—Rule 29B of Probate Court
§ 26:19	Discharge or removal of guardian of mentally ill person
§ 26:20	Petition for discharge from guardianship or conservatorship—Form 

CHAPTER 27. ANTENUPTIAL AGREEMENTS

§ 27:1	Antenuptial agreements—In general
§ 27:2	Tenancy by dower
§ 27:3	Antenuptial agreement—Form 
§ 27:4	____ Another form 
§ 27:5	____ Another form 
§ 27:6	____ Another form 
§ 27:7	____ Adjudicated form 

CHAPTER 28. SEPARATE SUPPORT

§ 28:1	Separate support—In general
§ 28:2	Venue
§ 28:3	Affidavit on motion for temporary orders—Form 
§ 28:4	Motion for temporary orders—Form 
§ 28:5	Motion for temporary orders including vacating marital home—Form 
§ 28:6	Order to vacate marital home
§ 28:7	Complaint for separate support—Form 
§ 28:8	Order for assignment of earnings
§ 28:9	Judgment of separate support—Form 
§ 28:10	Complaint for contempt—Form 

CHAPTER 29. ANNULMENT AND AFFIRMATION OF MARRIAGE

§ 29:1	Annulment—In general
§ 29:2	Information to be obtained from client
§ 29:3	Marriage of minors
§ 29:4	Marriage of insane person
§ 29:5	Fraud in essence
§ 29:6	Denial of sexual intercourse
§ 29:7	Complaint for annulment—Refusal to have intercourse—Form 
§ 29:8	Consanguinity or bigamy
§ 29:9	Complaint for annulment
§ 29:10	Ground for annulment—Duress—Form 

TABLE OF CONTENTS

§ 29:11	— Another form 
§ 29:12	— Unrevealed disease—Form 
§ 29:13	— Pregnancy—Form 
§ 29:14	— Intoxication—Form 
§ 29:15	Complaint for affirmation of marriage—Form
§ 29:16	Ground for affirmation of marriage—Common law marriage—Form
§ 29:17	— No legal recording—Form 

CHAPTER 30. DIVORCE

§ 30:1	In general
§ 30:2	Check list for first interview with client
§ 30:3	Venue and jurisdiction
§ 30:4	Grounds for divorce—In general
§ 30:5	— Adultery
§ 30:6	Naming of co-defendant in complaint alleging adultery
§ 30:7	Allegation of adultery—Form 
§ 30:8	Affidavit relating to court conviction for adultery—Form 
§ 30:9	Impotency
§ 30:10	Allegation of impotency—Form 
§ 30:11	— Another form 
§ 30:12	Desertion
§ 30:13	Presumption of death if defendant absent
§ 30:14	Allegation for desertion—Form 
§ 30:15	Gross and confirmed habits of intoxication by drugs or liquor
§ 30:16	Allegation of gross and confirmed habits of intoxication—Form 
§ 30:17	— Use of drugs—Form 
§ 30:18	Cruel and abusive treatment
§ 30:19	Elements of cruelty
§ 30:20	Allegation of cruel and abusive treatment—Form 
§ 30:21	Neglect to provide support and maintenance
§ 30:22	Allegation of refusal and neglect to provide maintenance—Form 
§ 30:23	Confinement for crime
§ 30:24	Allegation for confinement to a penal institution—Form 
§ 30:25	— Another Form 
§ 30:26	Irretrievable breakdown of the marriage—In general
§ 30:27	Irretrievable breakdown under Section 1A
§ 30:28	Joint petition under Section 1A—Form 
§ 30:29	Affidavit that irretrievable breakdown exists—Form 
§ 30:30	Affidavit under Section 1A—Another form 
§ 30:31	Separation agreement under Section 1A—Form 
§ 30:32	— Another form
§ 30:33	Findings and order under Section 1A—Form 
§ 30:34	Order for judgment under Section 1A—Form 
§ 30:35	Irretrievable breakdown under Section 1B
§ 30:36	Allegations of irretrievable breakdown under Section 1B—Form 

TABLE OF CONTENTS

§ 30:37	____ Another form 
§ 30:38	Action by indigent to waive court costs
§ 30:39	Documents filed in court by indigent
§ 30:40	Motion for fee waiver and payment of costs by county— Form 
§ 30:41	Affidavit of indigency and request for waiver, substitution or county payment of fees and costs—Form 
§ 30:42	Supplement to the affidavit of indigency—Form 
§ 30:43	Attachments
§ 30:44	Attachment after hearing—Form 
§ 30:45	Attachment ex parte—Form 
§ 30:46	Attachment on trustee process after hearing—Form 
§ 30:47	Attachment on trustee process ex parte—Form 
§ 30:48	Writ of attachment—Form 
§ 30:49	Action involving insane person
§ 30:50	Complaint for divorce
§ 30:51	Instructions on back of complaint
§ 30:52	Service of divorce complaint
§ 30:53	Personal service
§ 30:54	Domestic relations summons—Form 
§ 30:55	Proof of service—Form 
§ 30:56	Order for service by publication—Form 
§ 30:57	Temporary orders for custody, support and restraining order
§ 30:58	Motion for temporary order—Form 
§ 30:59	Motion for temporary order preventing removal of child from commonwealth—Form 
§ 30:60	Motion for temporary order and affidavit of irreparable harm—Form 
§ 30:61	Temporary order—Form 
§ 30:62	Temporary restraining order—Preliminary injunction— Form 
§ 30:63	Order to vacate marital home—In general
§ 30:64	Motion for temporary orders including vacating marital home—Form 
§ 30:65	Motion to vacate marital home—Form 
§ 30:66	Affidavit on motion to vacate—Form 
§ 30:67	Affidavit of notice—Form 
§ 30:68	Order protecting from abuse
§ 30:69	Answer to divorce complaint—Form 
§ 30:70	Connivance
§ 30:71	Condonation
§ 30:72	Condonation—Answer—Form 
§ 30:73	____ ____ Another form 
§ 30:74	Financial statement
§ 30:75	Allowance for fees and expenses
§ 30:76	Application for allowance—Form 
§ 30:77	____ Another form 
§ 30:78	Alimony and division of assets
§ 30:79	Custody and support of minor children
§ 30:80	Child support guidelines worksheet
§ 30:81	Custody of minors after foreign divorce

TABLE OF CONTENTS

§ 30:82	Appointment of investigator	
§ 30:83	Appointment of guardian ad litem	
§ 30:84	Financial statements	
§ 30:85	Property settlement agreements	
§ 30:86	Interests in real estate	
§ 30:87	Motion for conveyance of marital residence—Form	
§ 30:88	Lump sum payment of alimony	
§ 30:89	Property settlement agreement—Form	
§ 30:90	— Another form	
§ 30:91	Trial suggestions and reminders	
§ 30:92	Trial continuances	
§ 30:93	Military affidavit—Form	
§ 30:94	Request for stenographer—Form	
§ 30:95	Findings of fact	
§ 30:96	Recording of court proceedings	
§ 30:97	Contempt	
§ 30:98	Complaint for contempt—Form	
§ 30:99	Stay of entry of judgment	
§ 30:100	Validity of a foreign divorce	
§ 30:101	Voluntary dismissal of action	
§ 30:102	Notice of voluntary dismissal—Form	
§ 30:103	Stipulation of dismissal—Form	
§ 30:104	Effect of absolute judgment	
§ 30:105	Judgment of divorce nisi—Form	
§ 30:106	Certificate of divorce	
§ 30:107	Certificate of divorce absolute—Form	
§ 30:108	Department of public health certificate	
§ 30:109	Modification of custody judgments	
§ 30:110	Modification of alimony and support judgments	
§ 30:111	Complaint for modification—Form	
§ 30:112	Allegation of change of circumstances—Form	
§ 30:113	Pre-trial notice and order—Form	

Volume 5B

PART V. ESTATE PLANNING AND PROBATE ADMINISTRATION

CHAPTER 31. DRAFTING AND EXECUTION OF WILLS

§ 31:1	In general	
§ 31:2	Uniform Statutory Will Act	
§ 31:3	Foreign wills	
§ 31:4	Allowance of foreign will	
§ 31:5	Mutual or reciprocal wills	
§ 31:6	Assets of testator	
§ 31:7	Testamentary capacity	
§ 31:8	Effect of marriage, divorce, or annulment	
§ 31:9	Revocation of wills	
§ 31:10	Conditional revocation	
§ 31:11	Alterations, erasures, and interlineations	
§ 31:12	Statement of identification and revocation—Form	

TABLE OF CONTENTS

§ 31:13	Revocation clause—Form 
§ 31:14	— Another form 
§ 31:15	Direction as to payment of debts and expenses—Form 
§ 31:16	Direction as to payment of taxes—Form 
§ 31:17	— Another form 
§ 31:18	Burial instructions
§ 31:19	Provision for payment of funeral expenses—Form 
§ 31:20	Clause providing for perpetual care—Form 
§ 31:21	Funeral instructions—Form 
§ 31:22	Selection of executors and trustees
§ 31:23	Appointment of executor—Form 
§ 31:24	— Another form 
§ 31:25	Family considerations
§ 31:26	Anti-lapse statute—Effect of death
§ 31:27	Provisions for children
§ 31:28	Provision for disinheritance of child—Form 
§ 31:29	— Another form 
§ 31:30	— Form 
§ 31:31	Designating the legatees
§ 31:32	Bequests to relatives—Form 
§ 31:33	Bequest of personal property—Form 
§ 31:34	— Another form 
§ 31:35	— Another form 
§ 31:36	Bequest of tangible personal property—Form 
§ 31:37	Additional gifts of testator
§ 31:38	Disposition of joint property—Form 
§ 31:39	Incorporation by reference
§ 31:40	Disposition by reference to memorandum—Form 
§ 31:41	— Another form 
§ 31:42	Conditional bequest—Form 
§ 31:43	Devise of real estate to two or more persons
§ 31:44	Disposition of residence—Form 
§ 31:45	Devise of real estate interest—Form 
§ 31:46	Devise of mortgaged property
§ 31:47	Charitable bequest—Form 
§ 31:48	— Another form 
§ 31:49	Religious and charitable bequest—Form 
§ 31:50	Religious and charitable bequest for particular purpose—Use of income—Form 
§ 31:51	Abatement of legacies
§ 31:52	Abatement of legacy—Form 
§ 31:53	— Another form 
§ 31:54	Gifts causa mortis
§ 31:55	Inter vivos trust
§ 31:56	— Form 
§ 31:57	Testamentary trusts
§ 31:58	Will containing trust provisions—Form 
§ 31:59	— Another form 
§ 31:60	Will referring to revocable trust—Form 
§ 31:61	Spendthrift trusts
§ 31:62	Spendthrift trust provision—Form 

TABLE OF CONTENTS

§ 31:63	____ Another form 
§ 31:64	Precatory words
§ 31:65	Power of trustees over investments
§ 31:66	Appointment by will of guardian for minors
§ 31:67	Provision to forgive debt—Form 
§ 31:68	Residuary clause
§ 31:69	____ Form 
§ 31:70	Contest of will clause
§ 31:71	____ Form 
§ 31:72	____ Another form 
§ 31:73	____ Another form 
§ 31:74	____ Another form 
§ 31:75	Simultaneous death and common disaster
§ 31:76	Simultaneous death clause—Form 
§ 31:77	____ Another form 
§ 31:78	____ Another form 
§ 31:79	Execution of the will
§ 31:80	Signing by testator
§ 31:81	Witnesses to will
§ 31:82	Competency of witnesses
§ 31:83	Attestation clause—Form 
§ 31:84	Attestation clause when testator is unable to sign will— Form 
§ 31:85	Construction of wills
§ 31:86	Custody of wills and production in court
§ 31:87	Codicils—In general
§ 31:88	____ Form 
§ 31:89	____ Another form 
§ 31:90	____ Another form 

CHAPTER 32. ADMINISTRATION OF ESTATES

§ 32:1	Administration of estates—In general
§ 32:2	Petition for administration
§ 32:3	Administrator's account
§ 32:4	Administration with the will annexed—In general
§ 32:5	Petition for probate of will—With will annexed
§ 32:6	Administration de bonis non—In general
§ 32:7	Petition for administration de bonis non
§ 32:8	____ With will annexed
§ 32:9	Voluntary informal administration—In general
§ 32:10	Petition for voluntary administration
§ 32:11	Petition by voluntary executor
§ 32:12	Temporary or special administration—In general
§ 32:13	Petition for special administration
§ 32:14	Grounds for appointment of special administrator— Form 
§ 32:15	Petition of special administrator to sell personal property— Form 
§ 32:16	Sale of real estate by administrator or executor
§ 32:17	Sale of real estate to pay debts or legacies

TABLE OF CONTENTS

§ 32:18	Sale of real estate by foreign fiduciary
§ 32:19	Public administration
§ 32:20	Petition for public administration and decree

CHAPTER 33. PROBATE OF WILLS

§ 33:1	In general
§ 33:2	Jurisdiction
§ 33:3	Temporary executors and administrators
§ 33:4	Proof of lost or destroyed wills
§ 33:5	Duties and powers of executors
§ 33:6	Petition for probate of will
§ 33:7	Issuance of citation
§ 33:8	Allowance to surviving spouse and children
§ 33:9	Petition for surviving spouse's allowance—Form 
§ 33:10	Judgment on petition for surviving spouse's allowance— Form 
§ 33:11	Proof of execution
§ 33:12	Proof of will by attesting witnesses
§ 33:13	Self-proving affidavit—Form 
§ 33:14	Affidavit of attesting witness—Form 
§ 33:15	Notice to interested parties
§ 33:16	Affidavit of notice to devisees and legatees—Form 
§ 33:17	Notice to state agencies
§ 33:18	Notice to attorney general
§ 33:19	Appointment of guardian or next friend
§ 33:20	Appointment and report of guardian ad litem—Form 
§ 33:21	Bond required from executors
§ 33:22	Executor's bond
§ 33:23	Statutory form of bond without sureties 
§ 33:24	Statutory form of bond with sureties—Form 
§ 33:25	Reduction of bond
§ 33:26	Discharge of surety on bond
§ 33:27	Issuance to executor of letters testamentary
§ 33:28	Executor's letters—Form 
§ 33:29	Executor's inventory and appraisal
§ 33:30	Executor's inventory
§ 33:31	Continuation of business of deceased
§ 33:32	Petition to carry on business—Form 
§ 33:33	Resident agent for non-resident executor
§ 33:34	Appointment of agent for non-resident fiduciary—Form 
§ 33:35	Payment of debts
§ 33:36	Authority to provide burial lot and perpetual care
§ 33:37	Payment of legacies
§ 33:38	Compensation and expenses of executor
§ 33:39	Actions against estate
§ 33:40	Removal of executor
§ 33:41	Petition for removal of executor—Form 
§ 33:42	Ground to remove executor—Form 
§ 33:43	Liability of executor or administrator

TABLE OF CONTENTS

§ 33:44	Petition to deposit money of minor in name of judge— Form 
§ 33:45	Duty of executor to account
§ 33:46	Executor's accounts
§ 33:47	Order of notice—Fiduciary account—Form 
§ 33:48	Return of service—Form 
§ 33:49	Notice of fiduciary's account—Form 
§ 33:50	Assent to allowance of accounts—Form 
§ 33:51	Income from real estate
§ 33:52	Accounting by executor for mortgage
§ 33:53	Unclaimed money as distributive share
§ 33:54	Allowance of account
§ 33:55	Executor's account
§ 33:56	Assent—General form 
§ 33:57	Assent and waiver of notice—Form 
§ 33:58	Release of demands and assent to accounts—Form 
§ 33:59	Petition and order to render inventory/account
§ 33:60	Deduction of debts due estate

CHAPTER 34. ATTORNEYS' FEES IN ESTATE MATTERS

§ 34:1	In general
§ 34:2	Time for filing petition
§ 34:3	Petition for fees and expenses—Form 
§ 34:4	Benefit to estate
§ 34:5	Determination of the fee
§ 34:6	Proof of services rendered
§ 34:7	Champerty and contingent fees
§ 34:8	Contingent fee agreement—Form 
§ 34:9	Right to contest charges

CHAPTER 35. WAIVER OF WILLS

§ 35:1	In general
§ 35:2	Waiver of will
§ 35:3	— Another form 
§ 35:4	Waiver by other persons in interest
§ 35:5	Conveyance of personalty during lifetime
§ 35:6	Nature of the filing
§ 35:7	Effect of taking under will
§ 35:8	Waiver by guardian of incompetent spouse
§ 35:9	Making the election
§ 35:10	Intestate distribution to spouse
§ 35:11	Powers and duties of conservator of surviving spouse

CHAPTER 36. WILL CONTESTS

§ 36:1	In general
§ 36:2	Issues involved
§ 36:3	Fraud and undue influence
§ 36:4	Soundness of mind

TABLE OF CONTENTS

- § 36:5 Execution according to law
- § 36:6 Petition to take deposition of witness to will

CHAPTER 37. COMPROMISE OF WILLS

- § 37:1 Compromise of wills—In general
- § 37:2 Petition for compromise of controversy over will—Form 
- § 37:3 Petition for compromise or arbitration—Form 
- § 37:4 Agreement of compromise—Form 

PART VI. SPECIAL ACTIONS, PROCEEDINGS, AND FORMS

CHAPTER 38. ARBITRATION

A. IN GENERAL

- § 38:1 In general
- § 38:2 Definitions
- § 38:3 The arbitration agreement—In general
- § 38:4 Submission agreement—Form 
- § 38:5 — Another form 
- § 38:6 Arbitration clause in contract—Form 
- § 38:7 General submission—Form 
- § 38:8 Submission of dispute under employment contract—
Form 
- § 38:9 Arbitration clause of the american institute of architects—
Form 
- § 38:10 Arbitration clause naming single arbitrator—Form 
- § 38:11 Arbitration clause for appointment of third arbitrator—
Form 
- § 38:12 Appointment of arbitrators
- § 38:13 Arbitrator's oath—Form 
- § 38:14 General powers of arbitrators—Form 
- § 38:15 Consolidation or severance of proceedings
- § 38:16 Motion to proceed with arbitration—Form 
- § 38:17 Motion for stay of arbitration—Form 
- § 38:18 Continuance of proceedings
- § 38:19 Production of documents and discovery
- § 38:20 Award of arbitrator—In general
- § 38:21 Motion to modify award—Form 
- § 38:22 Motion to confirm arbitration award—In general
- § 38:23 — Form 
- § 38:24 — Another form 
- § 38:25 Motion to vacate arbitration award—In general
- § 38:26 — Form 

B. COMMERCIAL ARBITRATION

- § 38:27 Commercial arbitration—In general
- § 38:28 Commercial arbitration rules of the american arbitration
association

TABLE OF CONTENTS

§ 38:29	Checklist for initiating arbitration	
§ 38:30	Demand for arbitration—Form	
§ 38:31	— Another form	
§ 38:32	Submission to arbitration—Form	
§ 38:33	Notice of hearing—Form	
§ 38:34	Procedure for oral hearings—AAA form	
§ 38:35	Presentation of the case	
§ 38:36	Award of arbitrator—Form	
§ 38:37	Finding in award of arbitrators—Form	

C. CONSTRUCTION INDUSTRY ARBITRATION

§ 38:38	Construction industry arbitration—In general	
§ 38:39	Construction industry arbitration rules of the American Arbitration Association	
§ 38:40	Clause in contract—Form	
§ 38:41	— Another form	
§ 38:42	Submission to arbitration—Form	
§ 38:43	Submission of disputes between owner and contractor under building contract—Form	
§ 38:44	Demand for arbitration	
§ 38:45	Award of arbitrator(s)—Form	

D. AUTOMOBILE INSURANCE CLAIMS REQUIRING ARBITRATION

§ 38:46	Uninsured and underinsured motorist claims—In general	
§ 38:47	Arbitration clause in policy—Form	
§ 38:48	Consumer guide	
§ 38:49	Submission to arbitration—Form	
§ 38:50	Demand for arbitration—Form	
§ 38:51	Application to compel arbitration—Form	
§ 38:52	Motion to dismiss claim for arbitration for failure to comply with policy provisions—Form	
§ 38:53	Award of arbitrator—Form	

CHAPTER 39. STATUTORY ASSIGNMENT OF WAGES

§ 39:1	In general	
§ 39:2	Assignment of money due from employers	
§ 39:3	Conditions for validity of assignment	
§ 39:4	Assignment of wages—Form	
§ 39:5	— Adjudicated form	
§ 39:6	Effect of non-compliance with statutory requirement	
§ 39:7	Assignments and trustee process	
§ 39:8	Deductions from salary	
§ 39:9	Assignment under union contract	
§ 39:10	Effect of assignment	

CHAPTER 40. CLAIMS AGAINST THE COMMONWEALTH

§ 40:1	In general	
--------	------------	--

TABLE OF CONTENTS

§ 40:2	Liability and exclusiveness of remedy
§ 40:3	Venue and jurisdiction
§ 40:4	Instituting claims—Limitation of actions
§ 40:5	Arbitration, compromise or settlement of claims
§ 40:6	Defense of actions—Service of process
§ 40:7	Finality of judgments
§ 40:8	Indemnity of employees and insurance
§ 40:9	Frivolous claims
§ 40:10	Eminent domain actions
§ 40:11	Petition for assessment of damages—Form 
§ 40:12	Complaint in action for breach of contract—Form 

CHAPTER 41. CLAIM FOR COMPENSATION FOR VICTIM OF VIOLENT CRIME

§ 41:1	Compensation of victims of violent crimes—In general
§ 41:2	Claim for compensation
§ 41:3	Appeal of decision to district court
§ 41:4	Offset for compensation from other sources
§ 41:5	Victims' rights

CHAPTER 42. SUPPLEMENTARY PROCEEDINGS AND NE EXEAT

§ 42:1	In general
§ 42:2	Purpose of the proceedings
§ 42:3	Proceedings for examination
§ 42:4	Service of process
§ 42:5	Application for supplementary process—Form 
§ 42:6	Summons to judgment debtor—Form 
§ 42:7	Order of court in supplementary process—Form 
§ 42:8	Corporate and certain trust debtors
§ 42:9	Effect of bankruptcy
§ 42:10	Examination of debtor
§ 42:11	Charge of fraud
§ 42:12	Use of habeas corpus
§ 42:13	Civil arrest of debtor
§ 42:14	Capias
§ 42:15	Authority to arrest after sunset—Form 
§ 42:16	Petition for notice to show cause—Form 
§ 42:17	— Another form 
§ 42:18	Summons on notice to show cause—Form 
§ 42:19	Dismissal of proceedings
§ 42:20	Summons to witness—Form 
§ 42:21	Summons duces tecum—Form 
§ 42:22	Ne exeat—In general
§ 42:23	Motion for writ of ne exeat—Form 
§ 42:24	Writ of ne exeat—Form 

CHAPTER 43. WORKERS' COMPENSATION

§ 43:1	In general
--------	------------

TABLE OF CONTENTS

§ 43:2	Constitutionality of Workers' Compensation Act
§ 43:3	Purpose of the act
§ 43:4	First interview with client
§ 43:5	Insurance coverage and compensation
§ 43:6	Injuries arising out of employment
§ 43:7	Determination as employer
§ 43:8	Determination as employee
§ 43:9	Public employees
§ 43:10	Notice of injury
§ 43:11	First report of injury filed by employer
§ 43:12	Notice of injury filed by employee—Form 
§ 43:13	Notice of injury—Another form 
§ 43:14	Claim for compensation
§ 43:15	Claim for compensation
§ 43:16	Employee's election to retain common law rights
§ 43:17	Notice of claim of common law right—Form 
§ 43:18	Notice of waiver of rights under common law previously claimed—Form 
§ 43:19	Dependents under the act
§ 43:20	Compensation payments
§ 43:21	Agreement as to pay compensation
§ 43:22	Insurer's notification of payment
§ 43:23	Insurer's notification of denial
§ 43:24	Insurer's notification of termination or modification of week- ly compensation
§ 43:25	Insurer's notification of acceptance, resumption, termination or modification of weekly compensation
§ 43:26	Agreement to extend 180 day payment period
§ 43:27	Insurer's complaint for modification, discontinuance, or re- coupment of compensation
§ 43:28	Notice of withdrawal of claim or complaint
§ 43:29	Street risks
§ 43:30	Excitement and shock
§ 43:31	Lump sum settlements
§ 43:32	Request for lump sum conference
§ 43:33	Lump sum agreement
§ 43:34	Lump sum addendum
§ 43:35	Interest on unpaid compensation
§ 43:36	Natural increases considered
§ 43:37	Compensation to war veterans
§ 43:38	Fees to attorney
§ 43:39	Impartial physicians
§ 43:40	Physician's or surgeon's first report—Form 
§ 43:41	Wilful misconduct of employer or employee
§ 43:42	Burial expenses
§ 43:43	Medical reports of disabled or deceased physicians
§ 43:44	The reviewing board
§ 43:45	Appeal to reviewing board
§ 43:46	Certification of record to superior court and appeal of re- viewing board
§ 43:47	Final judgment of superior court

TABLE OF CONTENTS

§ 43:48	Actions against third parties
§ 43:49	Employee's Guide to Massachusetts Workers' Compensation System
§ 43:50	Vocational rehabilitation guide
§ 43:51	Employer's guide to workers' compensations

CHAPTER 44. ACTIONS FOR NUISANCES

§ 44:1	Private nuisance—In general
§ 44:2	Common nuisance
§ 44:3	Elements of nuisance
§ 44:4	Business use of premises
§ 44:5	Pollution of atmosphere
§ 44:6	Improper use of premises after authorization
§ 44:7	Maintenance of nuisance
§ 44:8	Power of public authority to prohibit acts
§ 44:9	Contractor engaged in government work
§ 44:10	Liability for creating nuisance
§ 44:11	Equitable remedy
§ 44:12	Damages resulting from nuisance
§ 44:13	Unlawful use of public way
§ 44:14	Complaint to enjoin nuisance—Form 
§ 44:15	Complaint to enjoin nuisance—Another form 

CHAPTER 45. EMPLOYMENT AGREEMENTS

§ 45:1	Employment agreements—In general
§ 45:2	Non-competition clauses—Form 
§ 45:3	Nondisclosure clause in agreement—Form 
§ 45:4	Restrictive covenant in employment agreement—Form 
§ 45:5	— Another form 
§ 45:6	Deferred compensation agreement—Form 
§ 45:7	Employment and sales agreement—Insurance agency—Form 
§ 45:8	Employment agreement—Form 
§ 45:9	— Salesman—Form 
§ 45:10	— Insurance agency and salesman—Form 
§ 45:11	Actions for unlawful discharge
§ 45:12	Breach of agreement by employer
§ 45:13	Breach of agreement by employee

CHAPTER 46. POWERS OF ATTORNEY

§ 46:1	Powers of attorney—In general
§ 46:2	Uniform durable power of attorney—General form
§ 46:3	Power of attorney—Another form 
§ 46:4	— Another form 
§ 46:5	— Another form 
§ 46:6	Power of attorney to settle claim—Form 
§ 46:7	Power of attorney—Sale of real estate—Form 

TABLE OF CONTENTS

- § 46:8 Revocation of power of attorney and appointment—
Form 
- § 46:9 Health care proxy—In general
- § 46:10 — Form 

PART VII. BANKRUPTCY PRACTICE AND PROCEDURE

CHAPTER 47. BANKRUPTCY PROCEDURE GENERALLY (WITH EMPHASIS ON MASSACHUSETTS PRACTICE)

- § 47:1 History and philosophy of bankruptcy—Generally
- § 47:2 Outline of chapters
- § 47:3 Court structure and jurisdiction—Generally
- § 47:4 Bankruptcy jurisdiction and procedure—Title 28
- § 47:5 Commencement of a case
- § 47:6 The automatic stay
- § 47:7 The trustee and the U.S. trustee
- § 47:8 Property of the estate and some of the trustees' powers to
enhance it
- § 47:9 Unexpired leases
- § 47:10 Sales of real and personal property
- § 47:11 Bankruptcy claims—Proof and allowance
- § 47:12 Contempt—Generally

CHAPTER 48. MASSACHUSETTS PRACTICE—SPECIAL PROCEDURAL RULES

- § 48:1 Massachusetts local bankruptcy rules and official local forms
- § 48:2 Applicability to Chapter 13 cases: Appendix 1
- § 48:3 Summary of selected local rules applicable to all cases,
unless otherwise noted
- § 48:4 Filing instructions and requirements
- § 48:5 Local rule categories
- § 48:6 Table of Appendices
- § 48:7 Table of official local forms
- § 48:8 Filing check list: Commencement of a case
- § 48:9 Schedule of filing fees
- § 48:10 Summary of appellate rules and procedures
- § 48:11 Court divisions and clerk's office—MLBR Appendix 5
- § 48:12 Application for compensation sample summary fee chart—
MLBR Appendix 6
- § 48:13 Application for compensation sample narrative of services
rendered—MLBR Appendix 7
- § 48:14 Official Local Form 1: Matrix list of creditors 
- § 48:15 Official form: Notice of appearance: Adversary proceed-
ing 
- § 48:16 Official form: Notice to appeal to bankruptcy panel 
- § 48:17 Notice of appeal to United States District Court 
- § 48:18 Appellant's election to proceed to district court and certifi-
cate of service 

TABLE OF CONTENTS

§ 48:19	APPENDIX: Local rules for the bankruptcy appellate panel for the First Circuit
---------	--

CHAPTER 49. CHAPTER 7 BANKRUPTCY PROCEEDINGS— DEBTOR (VOLUNTARY) AND CREDITOR (INVOLUNTARY) PETITIONS

§ 49:1	Introduction
§ 49:2	Voluntary petitions—Generally
§ 49:3	Involuntary petitions—Generally
§ 49:4	Commencement of the case
§ 49:5	The § 341(a) meeting
§ 49:6	Claims
§ 49:7	Exemptions—Generally (applicability to individual and joint debtors only)
§ 49:8	Discharge and dischargeability
§ 49:9	Reaffirmation agreement
§ 49:10	Trustee’s administration of the case
§ 49:11	Closing reports, accounts and distributions in asset cases
§ 49:12	Closing the case
§ 49:13	Restriction on non-lawyer bankruptcy petition preparer
§ 49:14	Dismissal under § 707(b)
§ 49:15	Appendix
§ 49:16	Statement of information required by 11 U.S.C.A. § 341: Required to be read and understood by each Chapter 7 debtor

FORMS

§ 49:17	Official form—Trustee’s deed
§ 49:18	___ Bill of sale 
§ 49:19	___ Motion to sell personal property by public auction sale free and clear of all claims, liens and encumbrances asserted by any party
§ 49:20	___ Declaration of homestead
§ 49:21	___ Notice of intended private sale
§ 49:22	___ Notice of intended public sale of estate property
§ 49:23	___ Chapter 7 trustee’s notice of abandonment of legal claim
§ 49:24	___ Motion to extend the time period for objecting to the discharge of the debtor
§ 49:25	___ Complaint to deny discharge
§ 49:26	___ Trustee’s expedited request to extend deadline to object to exemptions
§ 49:27	___ Chapter 7 trustee’s objections to debtor’s exemptions
§ 49:28	___ Application of trustee to employ counsel

CHAPTER 50. REORGANIZATIONS UNDER BANKRUPTCY CODE CHAPTER 11

§ 50:1	Introduction
--------	--------------

TABLE OF CONTENTS

§ 50:2	Applicability of provisions to Chapter 11
§ 50:3	Retention of professionals
§ 50:4	Commencement of the case—Eligibility to file a petition
§ 50:5	The “First Day” pleadings
§ 50:6	Administration of the case
§ 50:7	Operating and reporting requirements
§ 50:8	Use of cash collateral and adequate protection
§ 50:9	Obtaining credit
§ 50:10	Non-residential unexpired lease and executory contracts
§ 50:11	Appointment of trustee or examiner
§ 50:12	Claims
§ 50:13	The plan—The ultimate purpose of a reorganization
§ 50:14	Confirmation
§ 50:15	Effect of confirmation
§ 50:16	Compensation of professionals
§ 50:17	The final decree and closing a Chapter 11 case
§ 50:18	Sales outside the ordinary course of business and liquidating plans
§ 50:19	Single asset real estate cases
§ 50:20	Fast track, small business bankruptcies

CHAPTER 51. INDIVIDUAL WITH REGULAR INCOME UNDER CHAPTER 13 OF TITLE 11

A. PROCEDURAL GUIDE TO CHAPTER 13 PROCEEDINGS

§ 51:1	Introduction
§ 51:2	Clerk’s office publications and local bankruptcy rules and forms
§ 51:3	Commencement of the Chapter 13 proceeding—General requirements
§ 51:4	Debtor engaged in unincorporated business
§ 51:5	The role and responsibilities of the debtor’s attorney
§ 51:6	Who may file a Chapter 13 petition: Eligibility and disclosure requirements
§ 51:7	Filing requirements, disclosure and effect of filing.
§ 51:8	The Chapter 13 plan
§ 51:9	Effect of filing: The automatic stay in Chapter 13
§ 51:10	The Chapter 13 estate
§ 51:11	The Chapter 13 trustee
§ 51:12	Claims and objections to claims
§ 51:13	Meeting of creditors and examination of debtor under 11 U.S.C.A. § 341(a)
§ 51:14	Confirmation and objections
§ 51:15	Effect of confirmation
§ 51:16	Plan modification and amendments after confirmation
§ 51:17	Revocation of an order of confirmation
§ 51:18	Tax claims and benefits
§ 51:19	Sales of property of the estate; refinancing
§ 51:20	Discharge and reaffirmation
§ 51:21	Lien avoidance in a Chapter 13

TABLE OF CONTENTS

§ 51:22	Hardship discharge
§ 51:23	Conversion to Chapter 7 and dismissal
§ 51:24	Conclusion
§ 51:25	A Chapter 13 checklist for filing

B. FORMS

Form 51:1	Notification to debtor from Chapter 13 trustee (western division) 
Form 51:2	Instructions for Chapter 13 debtors § 341(a) meeting of creditors cases (western division) 
Form 51:3	Notification to debtor from Chapter 13 trustee (eastern division cases) 
Form 51:4	Chapter 13 plan cover sheet 
Form 51:5	Chapter 13 plan 
Form 51:6	Summary of disbursements to be made under the plan 
Form 51:7	Modification of plan prior to confirmation 
Form 51:8	Chapter 13 debtor's amended plan (Massachusetts) 
Form 51:9	Order confirming Chapter 13 plan (eastern division) 
Form 51:10	Order confirming Chapter 13 plan 
Form 51:11	Post-confirmation (first, second, etc.) amended Chapter 13 plan 
Form 51:12	Agreed order regarding trustee's motion to dismiss (eastern division) 
Form 51:13	Motion of (mortgagee) for relief from the automatic stay (eastern division) 
Form 51:14	Certificate of service: Mortgagee's motion for relief from the automatic stay 

CHAPTER 52. BANKRUPTCY RULES AND FORMS

§ 52:1	Introduction
§ 52:2	Historical perspective
§ 52:3	Organization of rules
§ 52:4	Massachusetts Local Bankruptcy Rules, appendices and forms (MLBR)
§ 52:5	Summary of selected rules
§ 52:6	Proposed amendments to bankruptcy rules
§ 52:7	Table of bankruptcy rules and official forms
§ 52:8	Table of official forms
§ 52:9	Summary of selected official forms
§ 52:10	Procedural form summary
§ 52:11	Summary of selected bankruptcy rules and reference to official forms and MLBR/local rules

Table of Cases	Page 873
Table of Laws and Rules	965
Index	1011