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Condo unit plans

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Whenever government simplifies things for the real estate community, we should be happy.

On January 25th, legislation eliminated the requirement of Chapter 183A, Section 9, of a unit plan being recorded with the first unit deed for each condo unit of a condo.

In my opinion this is good. The Mass. Condo Statute, Chapter 183A, requires that a full set of building plans be recorded with the master deed. There never has been a good reason to record unit plans in addition to building plans.

This change applies to all condo unit deeds whether recorded prior to or after the effective date of this act.

Of course, a unit plan can still be attached to the unit purchase and sale agreement in order to make clear what is being purchased.

The requirement of having to record unit plans (in addition to building plans) was always a redundant requirement.

It is interesting that Chapter 183A does not cover whether or not a site plan must be recorded. It would be helpful if the legislature amended Chapter 183A to state that a site plan is required and to specify what should be shown on the site plan. Deeded parking spaces and exclusive garden areas are things that clearly should be shown on a site plan. In a small condo a plot plan rather than an instrument survey should be sufficient.

It would also be helpful to amend Chapter 183A to specify the extent that Land Court approval of a registered land condo is required. Chapter 183A is silent on this, although the Land Court requires that it approve all registered land condos. I have never understood why the Land Court has this authority given the silence of our condos statute on Land Court authority over registered land condos.

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