

Sample Affidavit and Sample Lawyer's Certificate for Recording Conservation Land Transfer

Note: G.L. c.183, §5B, allows the Registry of Deeds to record a lawyer's certificate relating to the title of land. That procedure may be used following a Town Meeting or City Council vote transferring municipal land to the conservation commission for dedicated conservation purposes. For more details, see page 6.6 of Protecting Wetlands and Open Space: MACC's Environmental Handbook for Massachusetts Conservation Commissioners. The sample affidavit and sample lawyer's certificate set forth below are for informational purposes only.

AFFIDAVIT

[Property Address] [Book] [Page]

I, [Town/City Clerk] of [town/city], [county], Massachusetts, having personal knowledge of the facts herein stated, under oath depose and say as follows:

On [date of town meeting or city council vote], the [Town/City of ____ Town Meeting or City Council] voted by [two-thirds or unanimous] vote to transfer the custody of the above-referenced property to the [City/Town] Conservation Commission for conservation [or other - if any] purposes pursuant to G.L. c.40, §8C [or other statute].

Attached hereto and made part hereof is a certified copy of the [town meeting / city council] vote evidencing the transfer.

Signed under the penalties of perjury, this ____ day of _____, 20__.

[Signature]

LAWYER'S CERTIFICATE

I, [full name, street address, city/town, state, zip code], being an attorney at law duly admitted to practice in the Commonwealth of Massachusetts, do hereby certify that the facts stated in the above affidavit are relevant to the title of the land described, and will be of benefit and assistance in clarifying the chain of title.

[Signature]

[Date]

[Acknowledgement before a Notary Public]