

**SENATE . . . . . No. 2355**

Message from His Excellency the Governor (pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts) returning with recommendation of amendment the engrossed Bill clearing titles to foreclosed properties (Senate, No. 1987, amended).

**The Commonwealth of Massachusetts**



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DEVAL L. PATRICK  
GOVERNOR

August 11, 2014

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Senate Bill 1987, “An Act Clearing Titles to Foreclosed Properties.”

Massachusetts is emerging from a period of far too many foreclosures, on far too many families, and in far too many communities facing significant economic challenges.

It is no secret that, too often, the foreclosure was not properly effectuated. The entity purporting to foreclose did not have the legal authority to do so. The effect of these impermissible foreclosures has been lasting. Families were improperly removed from their homes. Buyers who later purchased the property — or, at least, believed they had done so — are now faced with title questions. Many of these buyers were investors, but many are now homeowners themselves.

I commend the Legislature’s effort to address these problems. But I believe the proposed three year period is insufficient. A family improperly removed from its home deserves greater protection, and a meaningful opportunity to claim the right to the land that it still holds. The right need not be indefinite, but it should extend for longer than three years. Certainty of title is

a good thing — it helps the real estate market function more smoothly, which ultimately can help us all. But this certainty should not come at the expense of wrongly displaced homeowners or, at least, not until we have put this period further behind us.

For this reason, I recommend that Senate Bill 1987, be amended as follows:

In SECTION 1, by striking out the number 3 and inserting in place thereof:– 10.

In SECTION 3, by striking out the number 3 and inserting in place thereof:– 10.

In SECTION 4, by striking out the number 3 and inserting in place thereof:– 10.

Respectfully submitted,

Deval L. Patrick,  
*Governor*