

Massachusetts General Laws Annotated

Part II. Real and Personal Property and Domestic Relations (Ch. 183-210)

Title I. Title to Real Property (Ch. 183-189)

Chapter 183. Alienation of Land (Refs & Annos)

### **M.G.L.A. 183 § 58**

#### **Real estate abutting a way, watercourse, wall, fence, or other monument**

Every instrument passing title to real estate abutting a way, whether public or private, watercourse, wall, fence or other similar linear monument, shall be construed to include any fee interest of the grantor in such way, watercourse or monument, unless

- (a) the grantor retains other real estate abutting such way, watercourse or monument, in which case,
  - (i) if the retained real estate is on the same side, the division line between the land granted and the land retained shall be continued into such way, watercourse or monument as far as the grantor owns, or
  - (ii) if the retained real estate is on the other side of such way, watercourse or monument between the division lines extended, the title conveyed shall be to the center line of such way, watercourse or monument as far as the grantor owns, or
- (b) the instrument evidences a different intent by an express exception or reservation and not alone by bounding by a side line.

[Added by St.1971, c. 684, § 1. Amended by St.1973, c. 185, § 1; St.1990, c. 378, § 1.]

[ St.1990, c. 378 , was approved Dec. 21, 1990. Emergency declaration by the Governor was filed Dec. 31, 1990.]

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Section 2 of St. 1990, 378 [not codified as part of Mass. General Laws] provides as follows [Bold face numbers and letters in brackets added by Michael Pill, Esq. as an aid in parsing the statutory language]:

- “[1] The provisions of section one shall take effect on January the first, nineteen hundred and ninety-one and shall apply to instruments executed on and after said effective date
- [2] and to instruments executed prior thereto, except that as to such prior executed instruments this act shall not apply
  - [a] to land registered and confirmed under the provisions of chapter one hundred and eighty-five of the General Laws before said effective date
  - [b] or to the extent that any person or his predecessor in title has changed his position as a result of a decision of a court of competent jurisdiction.”

M.G.L.A. 183 § 58, MA ST 183 § 58

Current through the 2017 1st Annual Session