

Bond Case Briefs

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PROPERTY - MASSACHUSETTS

Brown v. Kalicki

Appeals Court of Massachusetts, Suffolk - October 20, 2016 - N.E.3d - 2016 WL 6105684

Three parcel owners filed petitions seeking to amend their certificates of title to include portions of formerly submerged land on shoreline.

Intervenors sought to intervene and claimed they had acquired prescriptive rights over the accreted land.

The Land Court Department granted parcel owners summary judgment.

The Appeals Court held that as a matter of first impression, accretions to parcel owners registered beachfront littoral land automatically acquired registered status at the time of their creation, and thus did not require amendments to owners' certificates of title to include previously submerged land. If accreted land was not deemed registered upon its creation, owners of littoral property would need to amend their certificates of title on a regular basis to prevent any loss in their property rights due to adverse use by another, which would be inconsistent with the principle purpose of the registration system, which was to make titles certain and indefeasible.