

REBA Title Standard No. 78
Personal Representative Conveyances Per Power of Sale Under Massachusetts
Uniform Probate Code

Title derived from a conveyance of an interest in real estate from a decedent's estate by a personal representative appointed pursuant to an informal testacy proceeding under G.L. c. 190B, Section 3-301 et seq. is not on that account defective if such conveyance was made either:

- I. Pursuant to an informally probated will with a provision granting the personal representative the power to sell real estate of the decedent's estate, provided that within the later of (i) 12 months from the date of commencement of the informal probate and (ii) 3 years from the decedent's date of death, either:
 - (a) No proceeding described in G.L. c. 190B, § 3-108, clause (3) has been commenced contesting either such informally probated will or such informally appointed personal representative, or
 - (b) A proceeding as described in (a) above has been commenced and said proceeding has been finally adjudicated in favor of such will or such personal representative, as applicable, or otherwise in favor of the validity of such conveyance.

OR

- II. Pursuant to a license to sell real estate granted pursuant to G.L. c. 202.

Caveat

See G.L. c. 190B, § 3-108 for the time within which a formal testacy or appointment proceeding may be commenced.

Adopted May 7, 2012

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