



# Commonwealth of Massachusetts

## SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS

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A division of the Secretary of the Commonwealth  
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November 18, 2010

Attorney General Martha Coakley  
One Ashburton Place  
Boston, Massachusetts 02108-1518

Dear Attorney General Coakley,

I am writing to ask that you investigate and provide me with an official opinion as to whether or not the Mortgage Electronic Registration Systems, Inc. (MERS) has failed to pay the proper recording fees required under Massachusetts statute when a lender assigns a mortgage to another entity.

It has been brought to my attention that a number of states have alleged in court filings that MERS intentionally failed to pay recording fees and failed to disclose the transfer and assignments of interest in property, solely to avoid and decrease the recordation fees owed to the counties and the state.

In addition, MERS may have wrongfully bypassed Massachusetts recording requirements, thereby frustrating the borrower's right to know the true identity of the holder of their mortgage. As this practice has been going on for over ten years, this could amount to hundreds of thousands of dollars in loss revenue to the Commonwealth. If these allegations are proven true, then I would request that a lawsuit immediately be filed against MERS to recoup any and all fees, penalties and interest.

I will make myself and my staff available to you to discuss this matter in greater detail. I look forward to hearing from you.

With warm personal regards,

John O'Brien  
Register of Deeds  
Southern Essex District

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