

It's Just A Bundle of Sticks...

A Cornucopia of Information
To Help You Read
& Understand Deeds



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The easiest way to understand what is happening in a deed or other document conveying title is to think of property rights as a “Bundle of Sticks”.



It's Just A Bundle of Sticks...

“Livery of Seisen”

- The act of the seller actually handing a bundle of sticks tied in a bow to the buyer of real estate.
- Was a valid way to convey property in England until 1925.



It's Just A Bundle of Sticks...

Each stick in the bundle represents a
distinct property right.



It's Just A Bundle of Sticks...

There Are Three Basic Ways That Two Or More People Can Jointly Own Real Estate

Tenants By
The Entirety

100%/100%

Joint Tenants
with Right of
Survivorship

50%/50%

Tenants In
Common

50%/50%



It's Just A Bundle of Sticks...

Life Estate Deeds

- Life Tenant has the right to occupy now;
- Remainderman has the right to the property in the future;
- Life Tenant can have additional powers.



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Trusts

- Trusts can be revocable or irrevocable;
- The Settlor creates the trust;
- The Trustee manages the trust;
- The Beneficiary derives the benefit from the trust;



It's Just A Bundle of Sticks...

Trusts

Trusts are like a cup of coffee

Res

Trustee

Trust



It's Just A Bundle of Sticks...



Nominee Trusts

- Nominee Trusts are not “true trusts”;
- The Trustee can be a Beneficiary;
- The Trustee lacks power to act except as directed by the Beneficiaries.



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Nominee Trusts

- A nominee trust is “an entity created for the purpose of holding legal title to property with the trustees having only perfunctory duties”.

Guilfoil v. Exec. Office of Health & Human Services,
486 Mass.788, 793 (2021)

- A true trust is “a fiduciary relationship with respect to property, subjecting the person by whom the title to the property is held to equitable duties to deal with the property for the benefit of another person.”



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What is “Registered Land”?

- In 1898 the General Court created the “Court of Land Registration;
- Totally separate land recording system;
 - Once land is “registered” the Commonwealth of Massachusetts guarantees the title.



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What is “Registered Land”?

- Once land is registered no one can claim adverse possession against it;
- All documents subsequently affecting title must be reviewed by the Land Court;
 - There is a Land Court Office in each Registry of Deeds.



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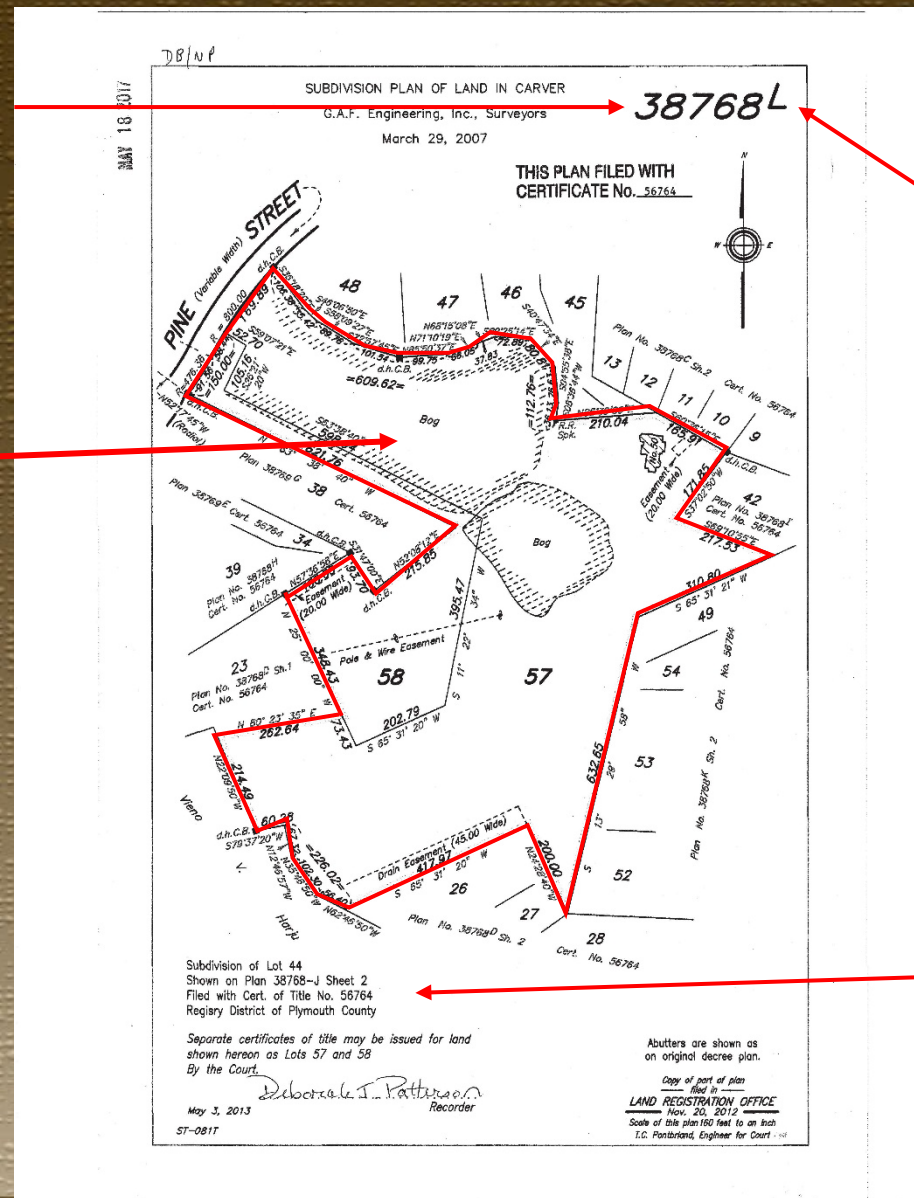
Original Land Court Case #

Former Lot 44 on
Plan 38768J

This is the 11th subdivision
of the property that was
originally registered in
1975.

Lot 44 now retired

Plans are always filed with
Certificate of Title



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Let's look at some examples
of deeds & other
title documents.



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Thank You!.

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