



Kathryn Toomey  
Register of Deeds

Generally I give a snapshot of what is happening in our world at the Worcester Registry of Deeds, but this month we will be discussing Black History Month.

In 2021, we have our first Black Vice President Kamala Harris, and Jeanette Epps, NASA astronaut, set to make history as the first Black woman to fly to the International Space Station.

February marks the start of Black History Month, a federally recognized celebration of the contributions of African Americans have made to this country and a time to reflect on the continued struggle for racial justice.

Black History Month has become one of the most celebrated cultural heritage months on the calendar.

Carter G. Woodson, known as the "Father of Black History," developed Black History Month. Woodson, whose parents were enslaved, was an author, historian and the second African American to earn a Ph.D. from Harvard University.

# Worcester Registry of Deeds

## NEWSLETTER

February 2021 ~ Issue #5 ~ Town of Southborough

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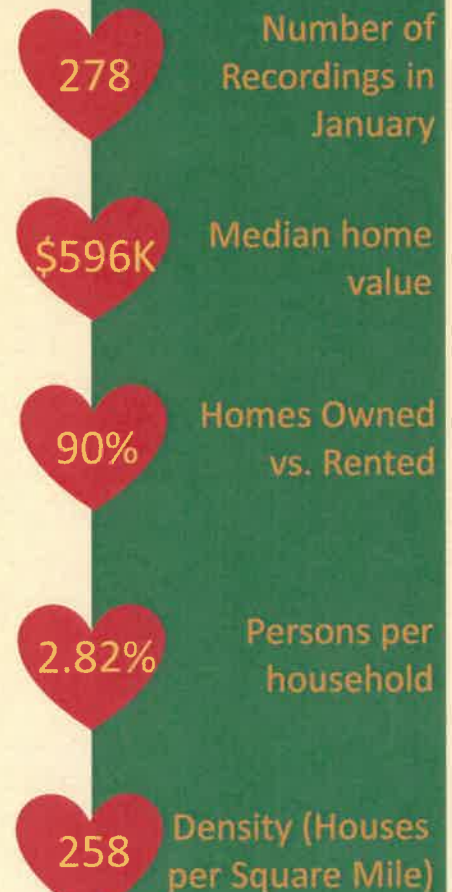
Woodson chose the second week of February to coincide with the birthdays of Frederick Douglass, a famed abolitionist who escaped from slavery, and President Abraham Lincoln, who formally abolished slavery.

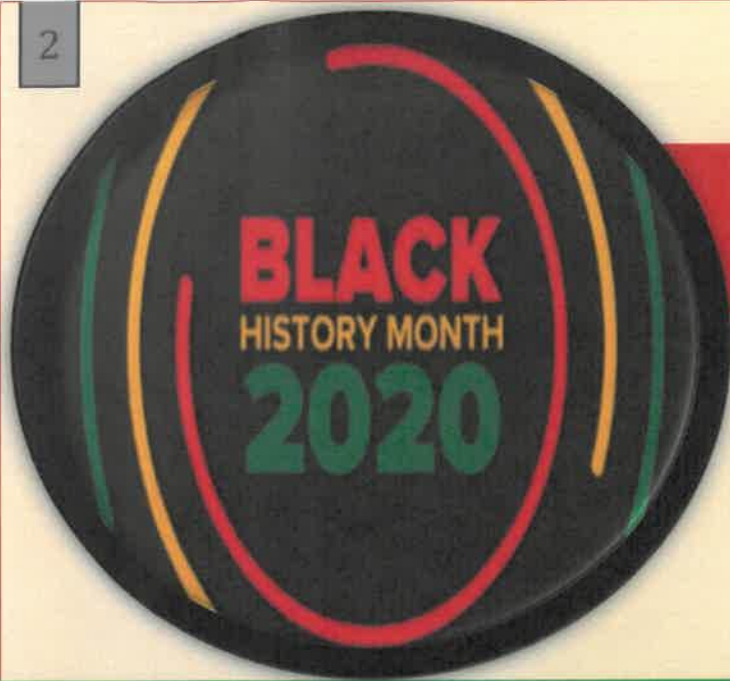
February 1 is National Freedom Day, the anniversary of the approval of the 13th Amendment, which abolished slavery in 1865. Richard Wright, who was enslaved and became a civil rights advocate and author, lobbied for the celebration of the day.

Though the practice of celebrating Black History Month originated in America, other countries have since started celebrating. In Canada, they celebrate in the month of February as well, while in countries like the United Kingdom, the Netherlands and Ireland, they celebrate in October.

The theme of Black History Month 2021 is "The Black Family: Representation, Identity, and Diversity," chosen by the Association for the Study of African American Life and History.

### Community Statistics





# Town Spotlight

## Nathaniel Nelson



By: Kathryn A. Toomey

I am a lover of music. We decided to highlight a vocalist who settled locally and became a homeowner in Southborough, Massachusetts :

Nate Nelson was born Nathaniel Nelson April 10, 1932 in Chicago, Illinois. Nate was a tenor vocalist who sang with

Two (2) legendary R&B groups, the *Flamingos* and later the *Platters*. Prior to his professional

Musical career, Nate served in the US Navy, he was active and served during the Korean conflict.

Nate was the lead singer for the Flamingos between 1954 to 1962, and sang the hit record 'I Only Have Eyes for You.' Between 1964 and 1982 he went on to sing with the Platters, whose hits included 'Only You,' 'The Great Pretender,' and 'Twilite Time.'

**The Flamingos** are a Rock and Roll Hall of Fame-inducted (2001) doo-wop group, most popular in the mid- to late 1950s and best known for their 1959 cover version of "I Only Have Eyes for You". *Billboard* magazine wrote: "Universally hailed as one of the finest and most influential vocal groups in pop music history, the Flamingos defined doo wop at its most elegant and sophisticated."

Nate Nelson settled in Southborough, Massachusetts. He purchased his home located at 25 High Street in 1975 (Worcester District registry of Deeds Book 5809 Page 244). He and his wife purchased the home for \$63,000 and did so with a mortgage secured in the amount of \$50,000 from Westborough Savings Bank (Worcester District Registry of Deeds Book 5809 Page 245). Southborough Massachusetts was split from Marlborough in 1727, this was prior to the opening of the Worcester Registry of Deeds, 1731.

Nate Nelson was married to Herberta Nelson aka Angel Nelson. Nate Nelson died very young, he was 52 years old. He suffered from a heart condition and was on the transplant list. He sang with the *Platters* until 1982, when he suffered his first of many heart attacks. In the days before his passing his wife, Angel Nelson held a press conference: "I'm appealing to people all across the country who love Nate and his music," she said. 'Through your generosity and loving you can give the most precious gift -- life. Please reach deep in your souls.'

Included in points of interest for the Town of Southborough, Massachusetts is the Rural Cemetery. Nate Nelson is buried this cemetery and his headstone is prominently marked.



# Mechanic's Liens

Mechanic's liens are not in any way related to actual mechanics or cars

Mechanic's liens are the conduit used by contractors and subcontractors to recoup monies from landowners under Massachusetts Law. (MGL c. 254) Contrary to their title, Mechanic's liens are not in any way related to actual mechanics or cars. Some more appropriate that better describe their function: "construction lien," "laborer's lien," "contractor's lien," "materialman's lien," "supplier's lien," or "artisan's lien."

The intent of the mechanic's lien is to help contractors and subcontractors secure payment for labor and materials that they furnish as part of a construction project. A mechanic's lien provides a legal claim against the property to enforce this right to payment. A mechanic's lien is a powerful tool because it does not require the express consent of the property owner or court approval. It is also often the only remedy available to contractors and subcontractors that economically ensures prompt payment for labor and materials.

Contractors and subcontractors must carefully follow specific procedures in order to perfect a lien.

1. A contractor, **must** have a written contract to furnish labor or materials in relation to an "improvement to real property." If there is no written contract, there can be no lien. Note: a group of writings which together contain all of the material terms of the contract may be sufficient to satisfy this written contract requirement.
2. The contractor then has the right to record a "Notice of Contract" (or Mechanic's Lien) at the appropriate registry of deeds *no later than the earliest of*:
  - a. 60 days after recording a notice of substantial completion, or
  - b. 90 days after recording a notice of termination, or
  - c. 90 days after last performing work at the project.



# Mechanics Liens

3. Following or simultaneous with the Notice of Contract/Mechanic's Lien, the contractor must record a "Statement of Account" detailing the amount owed by the earliest of:
  - a. 90 days after filing the notice of substantial completion, or
  - b. 120 days after recording a notice of termination, or
  - c. 120 days after last performing work at the project.
4. The Notice of Contract and Statement of Account both have particular statutory requirements and small deviations or errors in these documents can jeopardize the enforceability of the lien.
5. The lien will not be enforceable unless the contractor files a lawsuit within 90 days of recording the "Statement of Account" and records a certified copy of the complaint at the registry within 30 days of the start of the lawsuit.

Subcontractors largely follow the same procedure as contractors, except that they are required to mail the Notice of Contract by certified mail return receipt requested to the owners of the property. Additionally, a sub-subcontractor, who has no contractual relationship with the original contractor, must send a *Notice of Identification* to the general contractor by certified mail return receipt requested within 30 days of commencing work on the project. This early deadline is easy to miss.

Contractors and subcontractors who have had bad experiences seeking payment in the past may initiate the mechanic's lien procedures as a matter of course on every job by immediately recording a Notice of Contract and/or mailing a Notice of Identification.

## IMPACT ON PROPERTY OWNER

The immediate and most obvious impact on the owner is that their property now has an outstanding lien. The holder of the lien has all the rights associated with a property lien, including the ability to force a foreclosure. (Note: although in practice that almost never happens.) **The existence of a lien can also complicate or prevent a refinancing or the sale of the property.** These impacts and legal rights are intentionally calculated to provide contractors and subcontractors leverage and an incentive for prompt payments.

## CLEARING TITLE

A mechanic's lien may be dissolved by a simple written statement of the contractor or subcontractor recorded at the registry of deeds. Even though a lien is not *perfected* unless all of the above procedures are followed, including the commencement of a lawsuit, it is still best practice to obtain a formal dissolution by written notice so that a property's record title is clear.

Mechanic's liens are powerful but complicated tools. They provide contractors and subcontractors leverage where otherwise they have little ability to force prompt and just payment. The procedural requirements for obtaining and perfecting a mechanics lien are complex.

# Did you know?

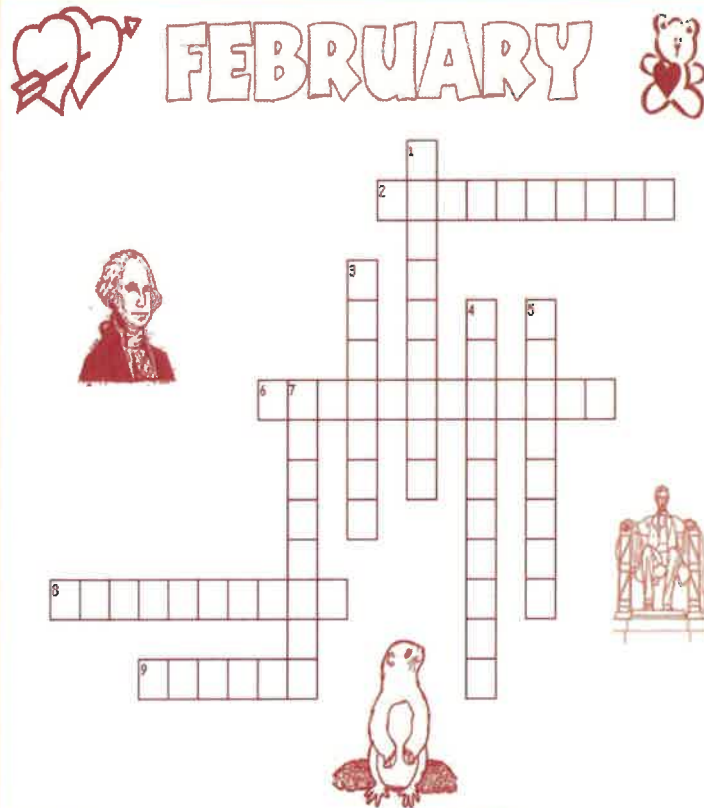
48.2 million –The Black population, either alone or on combination with one or more races in the United States in 2019. (source: 2019 Population Estimates)

87.9% - The percentage of African Americans age 25 and older with a high school diploma or higher in 2019. (source: Current Population Survey)

30.7% - The percentage of the employed Black Population age 16 and older working in management, business, science and arts occupations in 2019. (source:2019 American Community Survey)

124,004 – The number of Black-owned employer businesses in the United States in 2017 (source: 2018 Annual Business Survey, data year 2017)

2.1 million – The number of Black military veterans in the United States nationwide in 2019 (source: 2019 American Community Survey)



## Across

2. \_\_\_\_\_ Day - A Holiday Celebrating Our Leaders  
 6. February is \_\_\_\_\_ Month (2 words)  
 8. The Sweetest Day  
 9. February's Season

## Down

1. February 2 is \_\_\_\_\_ Day  
 3. President Abraham \_\_\_\_\_  
 4. Our first President (last name)  
 5. February is the \_\_\_\_\_ month  
 7. Happens every 4 years (2 words)

1) Groundhog, 2) Presidents, 3) Lincoln, 4) Washington, 5) Shortest, 6) Black History, 7) Leap Year, 8) Valentine's, 9) Winter