

(<http://www.dtully.net/>) DENNIS E. TULLY
ATTORNEY AT LAW

(<http://www.dtully.net/>)

Call for a Free Initial Consultation

413-525-8161 (tel:+14135258161) 413-525-8161

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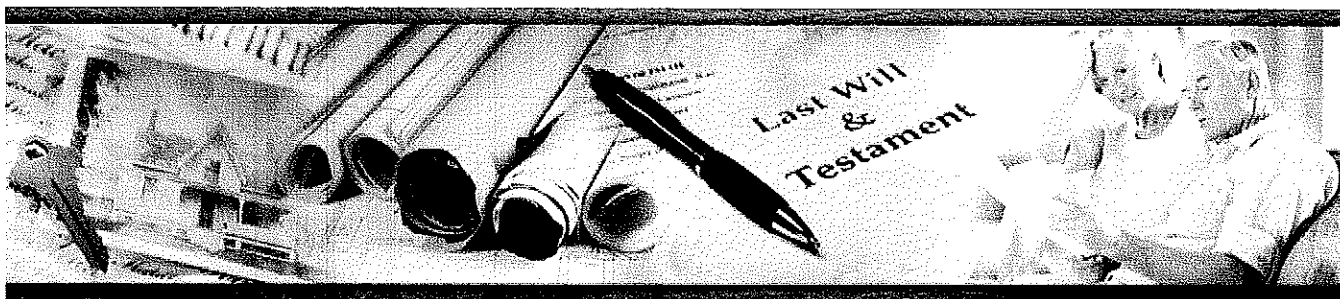
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Seasoned MA Real Estate Attorney

Providing meticulous services throughout Western Massachusetts since 1977

At Dennis E. Tully, Attorney at Law, [attorney Dennis Tully \(/attorney-profile/\)](#) is well known throughout Western Massachusetts for clearing up complex real estate title problems and issues, including those involving very old/historical documentation and filings. He is devoted to the exclusive practice of real estate and estate planning law.

When you are facing the Massachusetts legal system, your interests are best protected by a competent and responsive attorney. Dennis has the skill to apply his refined knowledge and 35 years of experience to generate solid results.

Real estate in Massachusetts

Attorney Tully specializes in real estate closings representing both sellers and buyers, refinancing of existing mortgages, tax title properties, Quiet Title Actions in the Land Court and landlord/tenant issues. His extensive knowledge of property rights and business law puts him in a proactive position to resolve your real estate dispute, no matter how simple or complex.

From start to finish, he and his capable staff clearly and precisely discuss their legal strategies with you and remain accessible throughout your case to answer any questions you may have. Our law firm is also experienced in all forms of alternative dispute resolution, such as arbitration, mediation and structured negotiations.

Reliable support in estate planning

Our estate planning services include the preparation of wills, health care proxies and durable powers of attorney, as well as the probating and administration of estates and related probate matters. Dennis has more than three decades of experience drafting and litigating estate plans and is often able to anticipate potential problems during the drafting stage. He can then devise plans to avoid those problems.

Contact an East Longmeadow, MA lawyer you can rely on

Call Dennis E. Tully, Attorney at Law at 413-525-8161 or [contact us online \(/contact-us/\)](#) to schedule your free initial consultation.

Dennis E. Tully, Attorney at Law serves clients throughout Western Massachusetts and the greater Springfield areas.

Practice Areas

- [Real Estate \(/real-estate/\)](#)
- [Probate \(/probate/\)](#)
- [Estate Planning \(/estate-planning/\)](#)

[...more \(/practice-areas/\)](#)

Office Location

Dennis E. Tully
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200 North Main Street
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Quick Contact Form

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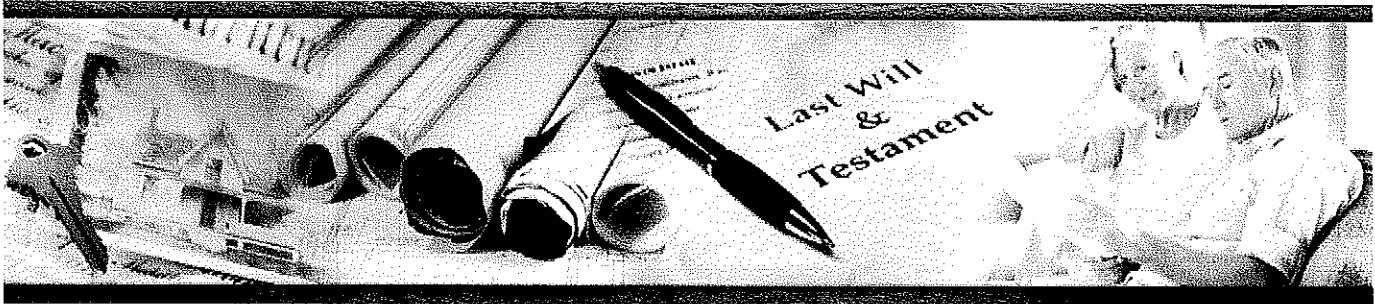
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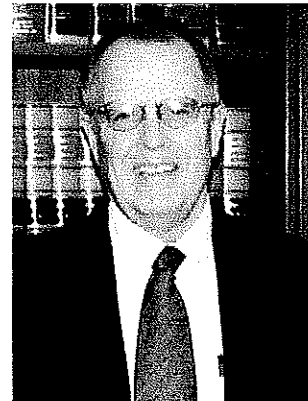
Attorney Profile

Dennis E. Tully

More than 30 Years of real estate law expertise

Legal education

- Western New England College School of Law, 1976, J.D., *cum laude*



Legal training and experience

- Sworn into Massachusetts Bar, June 8, 1977
- Sworn into Federal District Court for Massachusetts, July 18, 1977
- Real Estate Title Examiner – May, 1973 to June, 1977
- Firms – Atty. Robert Tasinari, Attys. Park & Dee, Atty. Victor Govoni
- Private Practice of Law – June, 1977 to present; concentration in real estate law and probate law

- Land Court Examiner – appointed February 10, 1981

Awards

- American Jurisprudence Book Awards
- Constitutional Laws and Criminal Procedure

Undergraduate education

- Rutgers University, New Brunswick, New Jersey, 1968, B.A., History

Military experience

- Officer – United States Army – 1st Lt., February, 1969 to February, 1971
- Air Defense Artillery Branch and attached to the Judge Advocate General Corps, Fort Bliss, Texas; Honorable Discharge granted August 31, 1977

Other professional experience

- Certified Social Studies Teacher (Massachusetts) March, 1971 to June 1979, Springfield Public Schools
- Professor – Business Law and Real Estate Division of Continuing Education
- Springfield Technical Community College – Springfield, Massachusetts

Organizations

- Member of the American, Massachusetts, and Hampden County Bar Associations
- Member of the Massachusetts Conveyancers Association
- Member of the Practice Standards Committee of the Massachusetts Conveyancers Association
- Member of the Springfield Lodge #61 of the B.P.O.E.
- Member of the East Longmeadow Lions Club
- Member of Delta Upsilon Fraternity – received Alumnus of the Year Award from the University of Massachusetts Chapter – April 1980
- Member, Greater Springfield Board of Realtors

Approved real estate attorney for the following institutions:

- | | |
|---|---|
| • Connecticut Attorneys Title Insurance Company | • United Cooperative Bank |
| • Lawyers Title Insurance Corporation | • Chicopee Savings Bank |
| • First American Title Insurance Company | • Norwest Mortgage |
| • First Massachusetts Bank, N.A. | • Springfield Teachers Credit Union |
| • Polish National Credit Union | • Hampden Savings Bank |
| • GMAC | • Park West Bank and Trust Company (Westbank) |
| • Westfield Bank | • Eastern Mortgage Services |
| • Household Mortgage Corp. | • PHH Mortgage |
| • Woronoco Savings Bank | • First Union |
| • Country Bank for Savings | • Nexstar Financial |
| • Centerbank Mortgage Corp. | |

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Longmeadow Legal Associates, P.C.
Atty. William G. Scibelli
908 Shaker Road
Longmeadow, MA 01106

#2016-61
March 28, 2015

Re: S/S Wolf Swamp Road Longmeadow, Mass.
Parcel A; Hampden County Registry of Deeds Plans 173 Page 16

Dear William,

With respect to the issue of whether or not the restrictions imposed for recreational purposes upon Parcel A described in the second parcel in a deed from John H. Breck, Jr., Ethel H. Bowers, Jacob Levine, Dorothy Lerner Gluck, surviving partners of Longmeadow Development Company to the Town of Longmeadow dated September 16, 1977 and recorded in Hampden County Registry of Deeds Book 4485 Page 112, are still in force in perpetuity under Massachusetts law, I report to you as follows:

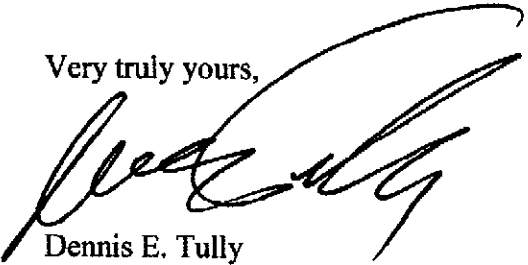
M.G.L. Chapter 184 Section 23 limits restrictions unlimited as to time, to thirty (30) years after the recording of the deed so imposing the restrictions. It further states that "this section shall not apply to restrictions having the benefit of Section 32." Analyzing the language in 184-32 it states that no conservation restriction, agricultural preservation or watershed preservation as defined in Section 31 shall be unenforceable on account of lack of privity of estate. . . . and it goes on further. It does not specifically define a recreational purposes type of restriction therein but in the second sentence of the second to last paragraph it states "Nothing in this section or section 31 and section 33 shall diminish the powers granted by any general or special law to acquire by purchase, gift, . . .to use the land for public purposes". Section 31 further states, "a conservation restriction means a right, either in perpetuity or for a specified number of years, whether or not stated in the form of a restriction. . . .in any deed. . .to permit *public recreational use* (emphasis added). Accordingly, it is my opinion that the recreational use restriction contained in the deed is synonymous with a conservation restriction when read in conjunction with MGL Chapter 184, Section 31. Furthermore, because the restriction does not limit the term to a specified number of years, it is in force in perpetuity. While there is no specific language that states that such restrictions are permanent in nature or in perpetuity, the legislative intent when analyzing and interpreting the above statutes clearly implies such to be the case.

As to the issue that Town Counsel will be arguing that there is no condition or reversion or reverter imposed in the above deed in 1977 is irrelevant. I point you to

M.G.L. Chapter 184 Section 19, Section 27 (a) (2), Section 32 and M.G. L Ch. 260, Sect 31A which allow for enforcement of the restriction in question by 1) benefitted abutters to the restricted parcel and 2) the grantor, their heirs and devisees seeking an order to revest title upon breach of the condition/restriction.

I am ready to assist you further if you need me too.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dennis E. Tully", written in a cursive style. The signature is positioned above the printed name "Dennis E. Tully".

Dennis E. Tully