

# Management/Protection of Real Estate

## Attorneys

Renee A. Dangoia

Alexander L. Friedman

Erynn A. Hamel

Michael Kozlov

Bryan J. Texiera

## Related Services

Real Estate Law

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Real Estate Disputes and Litigation

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## Overview

A recorded lien you never knew existed. An encroachment that went unnoticed for years. An easement that limits what you can build on land you own. Property ownership does not end at closing. It requires ongoing vigilance, and the legal issues that arise during ownership are often more complex than those involved in the original purchase. Cohen Cleary advises property owners throughout Massachusetts and Rhode Island on the full range of legal challenges that threaten real estate value, from title defects and mechanics' liens to boundary disputes and asset protection planning. The misconception that title insurance resolves all ownership issues leads many property owners to delay legal review until a problem has already escalated. Early assessment and strategic property protection planning consistently produce better outcomes than reactive litigation.

## How We Help: Liens, Easements, Encroachments, and Property Protection

Cohen Cleary represents property owners facing active threats to their title and those seeking to build protective structures before problems arise.

### Title Issues and Clouds on Title

We investigate and resolve liens, encumbrances, and defects that affect ownership rights. When a cloud on title cannot be cleared through negotiation or administrative channels, we pursue quiet title actions in the Massachusetts Land Court or the appropriate Superior Court division, depending on the nature of the claim and the relief required. As a lien attorney experienced in Massachusetts title practice, we help property owners understand which encumbrances pose genuine risk and which can be resolved efficiently.

### Easement Disputes

Easement interpretation involves more than reading a deed. Prescriptive easements, easements by necessity, and ambiguously drafted express easements all require analysis of both the recorded instruments and the practical history of use. Whether you need an easement lawyer to enforce an existing right of way or to challenge an overbroad claim against your property, we represent owners seeking to protect how their land is used.

### Mechanics' Liens

Under M.G.L. c. 254, contractors and subcontractors who are not paid for work on real property can file a mechanics' lien that attaches directly to the property. Property owners who receive notice of a lien filing face strict deadlines. As a mechanics lien lawyer, we advise on lien validity challenges, bond-off procedures, and the dissolution process.

### Encroachments and Boundary Disputes

A fence, structure, or driveway that crosses a property line may seem minor until it affects a

sale, a refinancing, or a future development plan. An encroachment attorney can help resolve these claims before they escalate. We work with survey evidence and recorded plans to address boundary issues through negotiation or, when necessary, through litigation.

### Real Estate Asset Protection

Property owners with significant real estate holdings face exposure to creditor claims, judgment liens, and liability arising from the property itself. We develop asset protection strategies using trusts, entity structures, and title planning techniques designed to reduce vulnerability before a claim arises.

## Why Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

### Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

### Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

### Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

### Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

### Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our real estate work, this approach helps clients protect property rights with clarity, efficiency, and confidence.

## Our Approach to Property Protection Planning

We tell our clients that the cost of resolving a property issue doubles every year it goes unaddressed. A lien that could have been negotiated off title for a fraction of its face value becomes a full-blown quiet title action. An encroachment that could have been resolved with a

boundary line agreement becomes adverse possession litigation. Property owners who defer maintenance to save money often discover that deferred maintenance creates its own legal liability: code violations, habitability claims, and premises liability exposure all trace back to the decision to delay. Our approach prioritizes early identification and strategic resolution, building a clear record and timeline before any dispute reaches a courtroom.

## Representing Property Owners Across New England

Cohen Cleary maintains offices in [Taunton](#) and [Plymouth](#), providing real estate representation to property owners across Massachusetts and Rhode Island. Our attorneys practice regularly in Bristol County, Plymouth County, and Norfolk County registries of deeds and in Massachusetts Land Court, where many title and boundary disputes are adjudicated. Whether you need a Massachusetts property lawyer for an active title dispute or long-term property protection planning, we have the capacity to serve clients throughout New England.

## Schedule a Consultation with a Massachusetts Property Lawyer

Property issues that seem manageable today can become costly disputes if left unaddressed. Contact Cohen Cleary to discuss your property concern with a Taunton real estate protection attorney who can assess your situation and outline a clear path forward. Call our office or complete our online intake form to get started.

## Frequently Asked Questions About Liens, Easements, and Quiet Title Actions

### What is a quiet title action, and when is one necessary?

A quiet title action is a lawsuit filed to establish clear ownership of real property when the title is disputed or clouded by competing claims, old liens, or defective conveyances. Massachusetts Land Court has specific jurisdiction over many of these cases. A quiet title action may be necessary when a title defect cannot be resolved through negotiation or corrective instruments, and it is often required before a property can be sold or refinanced.

### How long does a contractor have to file a mechanics' lien in Massachusetts?

Under M.G.L. c. 254, a contractor or subcontractor generally must file a notice of contract or a statement of account within specific statutory windows that vary depending on the type of work and the filer's role in the project. Because the deadlines are strict and the filing requirements are technical, both property owners and contractors benefit from consulting a lien attorney in Massachusetts as soon as a lien issue arises.

### Can a neighbor's encroachment actually become their legal right?

Yes. Under Massachusetts adverse possession law, a neighbor who uses a portion of your property openly, continuously, and without permission for twenty years may acquire legal title to that area. This is one reason boundary encroachments should never be treated as minor inconveniences. A written license or boundary line agreement can preserve your rights while avoiding unnecessary conflict.

## What is the difference between real estate asset protection and hiding assets?

Legitimate asset protection uses legal structures (trusts, LLCs, entity planning) established well before any creditor claim arises. Fraudulent transfer, by contrast, involves moving assets after a claim exists or is reasonably anticipated. Massachusetts courts scrutinize the timing and intent of any transfer, and structures created too late can be voided entirely. The distinction is planning versus concealment, and the timing of action is the single most important factor.