



Dear Stewart Partners,

We hope you are enjoying the first few weeks of fall as the football season gets underway and we are starting to see the first signs of the leaves changing. There is nothing quite like New England in the fall.

In this Mid-Week Update, we have some late-breaking news to pass along – the FinCEN Real Estate Reporting Rule, which was scheduled to go into effect on December 1, 2025, has been postponed to March 1, 2026. More information and a link to the announcement is below.

We are also providing a focused overview of Connecticut joint tenancy law in relation to changing ownership interests among joint tenants and the applicability of C.G.S. 47-14 et. seq. In addition, we are highlighting an overview of requirements in New Hampshire when dealing with real property transfers out of entities.

On the education front, Tracie Kester, Stewart's Associate Senior Underwriting Counsel for Massachusetts, will be part of an expert panel presenting at a webinar hosted by MCLE on the topic of real estate transactions involving trusts in Massachusetts. Also, next week Mark Jones, Associate Senior Underwriting Counsel for Massachusetts and Rhode Island, will be hosting the Massachusetts Underwriters Talk Title October webinar, focusing on easements. Registration details can be found below.

Lastly, we are providing information on a delay in the federal requirement to make FIRPTA payments electronically, as well as a correction to email contact information relating to last week's announcement on our growing Stewart team in New England.

We hope this information proves useful and, as always, we are happy to answer any questions you may have on these topics.



FinCEN Real Estate Reporting Rule delayed to March 1, 2026

On September 30, 2025, FinCEN announced the postponement of the Residential Real Estate Reporting Rule until March 1, 2026. The Rule had been slated to go into effect on December 1, 2025. According to the announcement on FinCEN's website, the purpose of the postponement is to provide the industry with more time to comply with the rule. You can read the announcement on FinCEN's website here: [FinCEN Announces Postponement of Residential Real Estate Reporting Until March 1, 2026](https://www.fincen.gov/announcements/fin-cen-announces-postponement-of-residential-real-estate-reporting-rule-until-march-1-2026) | [FinCEN.gov](https://www.fincen.gov)

As a reminder to agents who issue policies on properties in Massachusetts and Connecticut, the FinCEN Geographical Targeting Order (GTO) remains in effect, meaning reporting is still required for transactions in those covered counties where residential property is being purchased by an entity for consideration of \$300,000 or more and there is no bank financing involved. The current GTO expires on October 9, 2025, but we expect that it will be renewed. You can read the Bulletin issued on April 15, 2025 regarding the current GTO on Stewart's Virtual Underwriter website here:

<https://www.virtualunderwriter.com/bulletins/2025/4/sls2025004>



Understanding Joint Tenancy in Connecticut: An Overview of Connecticut General Statutes Section 47-14j and 14k By: David M. Piechota, Esq., Connecticut Underwriting Counsel

This is the final installment in our ongoing series examining Connecticut General Statutes 47-14 through 47-14k. This week's update provides a focused overview of joint tenancy in **Connecticut, specifically as outlined in Connecticut General Statutes §§ 47-14j and 47-14k.**

Connecticut law provides detailed statutory guidance regarding the creation, modification, and severance of joint tenancies. The statutes discussed below are essential to understanding how joint ownership can be affected by divorce, marriage, encumbrances, the effect of death on contract by tenant to convey an interest involving one or more joint tenants and conveyance to effect change in interests among tenants.

Sec. 47-14j. Conveyance to effect change in interests among tenants, states as follows: Any change in the nature of the interests held by joint tenants which could be effected by a conveyance or conveyances to a stranger may be effected by an instrument executed with the formalities required for deeds by the joint tenant or tenants whose interests are involved. That instrument shall not be effective until it has been recorded on the land records of the town in which the real estate is located.

In the past, due to the common law principle of the four unities, severing or creating a joint tenancy required a conveyance to a straw person. As a result of Connecticut's enactment the above statute, the use of an intermediary is no longer necessary. For example:

- To create a joint tenancy one person can convey to herself and another as joint tenants.
- To sever a joint tenancy comprised of two people, the two owners can convey to themselves as tenants in common.
- The statute also seems to allow one of the joint tenants to sever a co-tenancy by conveying the property to himself or herself.

It is recommended that the purpose of the transfer, whether it be to create the joint tenancy or to sever the joint tenancy, be clearly stated within the deed to avoid any misinterpretation and/or confusion.

Sec. 47-14k. Applicability of statute: The provisions of sections 47-14a to 47-14j, inclusive, apply to any conveyance or devise creating a joint tenancy in the manner provided in section 47-14a made prior to and existing on June 29, 1959, except to the extent that the effect of the conveyance or devise after that date is determined by a court of competent jurisdiction in an action requiring that determination and a lis pendens notice of the action and the purpose of it has been recorded within one year after that date in the land records of the town where the real estate concerned is located or, in the absence of such lis pendens, a certified copy of the judgment has been so recorded within said period of one year; unless a person claims those sections do not apply to the conveyance or devise and, within one year after June 29, 1959, records a notice defining his contrary claim in the land records of the town where the land affected by those sections is located.

The original effective date of 47-14a through 47-14j is June 29, 1959. The provisions of this group of statutes apply to any conveyance or devise creating a joint tenancy after that effective date, but this section also provides that the joint tenancy statutes apply to such transfers made prior to or existing on June 29, 1959. There are exceptions to the applicability of these rules. A court of competent jurisdiction's determination would apply rather than the statute if the court determined that the effect of a transfer made after June 24, 1959 was contrary to what the statutes provided, and a lis pendens regarding that action or a certified copy of the judgment in the case had been recorded in the appropriate land records within one year of the law's effective date. In addition, someone claiming that the joint tenancy statutes should not apply to a particular conveyance or devise also had the ability to record a notice of this contrary claim within a year after the law's June 29, 1959 effective date.

Finally, to the extent that the statutes have been subsequently amended, the effect of the amendment is prospective. See Connecticut Standard of Title Chapter XIV. Co-Tenancies for more information on this topic.

These statutes provide a valuable framework for conveyancing attorneys interested in creating, altering, or terminating joint tenancies. Although questions often arise regarding the creation or status of co-tenancies, these statutes, along with the Standards of Title, are resources that provide definitive answers when certainty is important.

Understanding the operation of §§ 47-14 through 47-14k is critical when reviewing title, preparing conveyance documents, or advising clients on the legal implications of divorce, marriage and the effect of death on a contract by a tenant to convey an interest involving one or more joint tenants, as well as transfers, mortgages, leases, and liens involving jointly held property. These provisions clarify how voluntary and involuntary encumbrances interact with the survivorship feature of joint tenancy and when such actions may (or may not) sever the tenancy.

As always, feel free to reach out to any of our members of our Connecticut underwriting team with questions regarding these statutes or any other real estate matters.



Real Property Transfers from New Hampshire Entities-Prudent Practices By: Michelle Radie-Coffin, Esq., New Hampshire State Counsel

When real estate is conveyed out of a corporation or limited liability company in New Hampshire, the central issue is verifying the authority of the individual who signs the deed on behalf of the entity. Because corporations and LLCs are artificial persons that can only act through designated representatives, the validity of the conveyance depends on whether the signer has been properly authorized under the governing documents and state law.

For corporations, deeds are commonly signed by the president, vice president, or another corporate officer. However, it is not enough to assume that title automatically rests with whoever holds an officer's title. Supporting evidence of authority, such as a board resolution expressly approving the sale of the property and authorizing a specific officer to sign the deed, is required. The acknowledgment must clearly reflect that the officer is acting in a representative capacity, for example, "John Smith, President of XYZ Corporation." In addition, most transactions require a Certificate of Good Standing from the Secretary of State to confirm the corporation's active legal status.

For limited liability companies, the analysis depends on whether the LLC is managed by its members or by appointed managers. In a member-managed LLC, any managing member may sign on behalf of the company, while in a manager-managed LLC, only the designated manager or managers have that authority. Because operating structures vary widely, it is good practice to review the operating agreement or to obtain an affidavit of authority confirming the signer's power to convey. As with corporations, a Certificate of Good Standing from the Secretary of State is generally required to demonstrate that the LLC is properly formed and in good standing at the time of the conveyance. The acknowledgment must include the signer's role, such as "Jane Doe, Member of ABC, LLC" or "Jane Doe, Manager of ABC, LLC."

An entity no longer in good standing may still convey real estate. If a corporation or LLC has lapsed into administrative dissolution or has been revoked by the NH Secretary of State, the entity still exists for the limited purpose of winding up its affairs. That includes the ability to transfer assets, such as real estate.

Prior to January 1, 1993, title to property held by a dissolved corporation automatically vested in the shareholders by operation of law at the expiration of the three-year winding down period provided by the former RSA 293-A:95. Now, under RSA 293-A:14.21(c), for dissolutions occurring after January 1, 1993, there is an indefinite winding-down period. The corporation remains in existence as long as reasonably necessary to wind up, which includes collecting assets, discharging liabilities, and transferring real estate. RSA 293-A:14.05.

For LLCs, the governing statute is RSA 304-C:139. An LLC that is dissolved continues in existence for the purpose of winding up its business. Like corporations, there is no strict time limit set in the statute for how long an LLC may continue winding up. The LLC remains in existence until its affairs are settled.

The most important focus in these transactions is making sure the signer has proper authority under the governing documents. Collecting and reviewing supporting documentation such as resolutions, operating agreements, affidavits, and certificates of good standing is required. Careful attention to these requirements protects the parties to the transaction and prevents future disputes over whether the entity properly authorized the transfer of its real estate.

Virtual Underwriter devotes a section to corporations, with a general discussion on authority that contains very useful information. To review this section, follow this link: [3.68 Corporations and Company Authority | Virtual Underwriter](#)

In addition to the governing statutes above, please review Article VIII of the NH Title Examination Standard. For any questions or concerns regarding transfers out of entities in New Hampshire, contact your NH underwriter.



Educational Events and Opportunities

Tracie Kester presenting at MCLE

Tracie Kester, Associate Senior Underwriting Counsel at Stewart, will be presenting at a webinar hosted by Massachusetts Continuing Legal Education on Thursday, October 9, 2025, from 12:30 PM to 2:30 PM. The program is entitled “Critical Traps for Unwary Real Estate Practitioners Using Trust Documents,” and is chaired by Kristin Dzialo of Rubin Rudman. Carrie Rainen of Rainen Law Office is a co-presenter. To review the agenda and register for the program, go to MCLE’s website here:

<https://www.mcle.org/product/catalog/code/2260058WBC>

Massachusetts Underwriters Talk Title Webinar – Easements- October 8, 2025

Please join Mark Jones, Associate Senior Underwriting Counsel, on Wednesday, October 8, 2025, at 11 A.M. for the next installment of our talk title series. In this webinar, Attorney Jones will discuss the different types of easements in Massachusetts, including how to insure beneficial easements and how to distinguish an appurtenant easement from an easement in gross. To register, click here: [Register Here](#)



Update on FIRPTA and Electronic Payments

In the July 30, 2025 New England Midweek, there was an article regarding the requirement to switch to the electronic payment of withholding under FIRPTA after September 30, 2025. The IRS has subsequently determined that the systems are not currently in place to accept all payments electronically. As such, the implementation of that requirement has been delayed until further notice. See [Upcoming Changes to Federal Payments pursuant to Executive Order 14247 – Bulletin: SLS2025009](#)



***Email Correction - Stewart Welcomes Jamie Spaulding and Monica Barrera**

Stewart's team in New England is growing. We are pleased to welcome both Jamie and Monica to Stewart.

Jamie joins our Maine team and will be providing sales and underwriting support to our Maine agents. Jamie's background as a practicing attorney in Maine who has handled both title litigation and real estate transactional work, makes him uniquely suited to support our agency base in Maine. Jamie's correct email address is James.spaulding@stewart.com

Monica joins our Connecticut sales team as an Agency Sales Representative. Monica will be supporting our Connecticut agents while strengthening and growing Stewart's valued partnerships with attorney agents across the state. Monica brings a wealth of experience to Stewart, and we are excited about this addition to our team. Monica can be reached at monica.barrera@stewart.com



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