

Dear Stewart Partners,

We hope everyone had a wonderful holiday season as we start off what we hope to be a wonderful and successful 2026. We help ring in the new year with this week's Mid-Week Update, providing a summary of the changes to the new FIRPTA Form 8288. We are also providing an update on significant changes to Maine's recording fee structure, and information about our new FinCEN reporting service.



IRS releases updated FIRPTA Form 8288 and continues to allow paper checks for FIRPTA withholding By: David S. Veleber, Esq.,
Connecticut Underwriting Counsel

The finalized 2026 revision of [IRS Form 8288](#), "U.S. Withholding Tax Return for Certain Dispositions by Foreign Persons," has been officially released. The form is used to report and remit withholding under the Foreign Investment in Real Property Tax Act (FIRPTA) and is effective for transactions requiring filing in 2026. The 2026 Form 8288 is the most current form needed to comply with the requirements for reporting FIRPTA withholding and submitting the necessary information for certain dispositions by foreign persons.

The key updates in the 2026 form include:

- **Direct Deposit for Refunds:** A new Part V has been added, allowing withholding agents to request a refund via direct deposit for amounts withheld under section 1446(f). Historically, such refunds were only issued by paper check.
- **Integration of Section 1446(f) Reporting:** The form now explicitly cross-references and integrates reporting requirements for withholding on dispositions of non-publicly traded partnership interests under IRC §1446(f). Form 8288 serves as the reporting vehicle for both FIRPTA (Section 1445) and certain partnership transactions.
- **Expanded Information Requirements:** The form requests additional details regarding the transfer, the withholding agent, and the specific type of transaction to help the IRS close compliance gaps.

There are updated instructions for the 2026 form which are available along with the new Form 8288. The instructions provide comprehensive guidance for the use of the form and the new changes. The prior 2025 Form 8288 remains valid for applicable prior-year transactions. All FIRPTA-related forms are available at www.irs.gov.

Please note that only Form 8288 has been updated for 2026. The Form 8288 A, “Statement of Withholding on Certain Dispositions by Foreign Persons,” to be used is still the January 2023 revision and continues to be used alongside Form 8288 for withholding statements.



Update on FIRPTA and Electronic Payments

Since we are talking about FIRPTA, I wanted to provide an update on the status of electronic payments for FIRPTA withholding. 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. Notwithstanding the original deadline of September 30, 2025, the IRS has continued to delay the implementation of that requirement. As of January 8th, 2026, you may continue to make payments by paper check until further notice.



Maine Overhauls Recording Fee Structure By: Zachary Greenfield, Maine State Counsel

Beginning January 1, 2026, Maine implemented significant reforms to how real estate recording fees are charged at county registries of deeds – a move aimed at creating predictability in closing costs, reducing administrative complexity for registry personnel, and aligning Maine with fee structures in other states that use flat or simplified recording fees.

Under the prior system, which was often criticized for its relative complexity, recording fees were determined by the number of pages in a document, with additional charges for extra names indexed and marginal references. Specifically, the fees per document recorded under former 33 MRS §751 were \$22.00 for the first page, \$2.00 for each additional page, \$1.00 for each name in excess of four, \$13.00 per marginal reference in excess of one, and \$2.00 for each additional page if required to fit the recording information. The fee to record a plan was \$21.00 plus a \$3.00 surcharge.

Under the new fee schedule, the pricing model has been streamlined. For all documents other than plans (e.g., deeds, mortgages, assignments of leases, assignments of mortgages, discharges, affidavits, clerk's certificates, partial releases, SNDAs, DEP orders, federal tax lien certificates, notices of layout and taking, etc.), regardless of the number of pages, names, or marginal references, the new fee is simply **\$40 dollars per document** (unless the submitter is a state or municipal governmental entity, in which case the fee is \$25.00 per document). For all plans (mylars are no longer required or accepted), the fee is \$50.00.



FinCEN Reporting Deadline Looming; We Can Help

At Stewart, we're committed to keeping you informed about the new FinCEN Anti-Money Laundering (AML) rule taking effect March 1, 2026. This regulation introduces new reporting requirements for non-financed residential property transfers to legal entities or trusts, and it applies nationwide. The definition of residential property is expansive and includes certain vacant and commercial properties. Similarly, the definition of non-financed includes more than just cash transactions.

In anticipation of the looming deadline, and to assist our agents with the complexities of the rule, Stewart has created a FinCEN reporting service that handles the required reporting from start to finish. If you are interested in learning more about this service, please reach out to your Stewart agency representative, who will introduce you to our FinCEN reporting team. To learn more about FinCEN and this service, please visit <https://www.stewart.com/en/fincen-aml>.

You can learn more about this Stewart company and the Anti-Money Laundering rule at Stewart Academy. To learn about the reporting service and how that will work, follow this link: [Play course - FINCEN Reporting Services \(FRS\) Overview](#)

To learn about the rule and its impact on residential real property transfers, check out this webinar on Stewart Academy: [Play course - Understanding the FinCEN Rule on Anti-Money Laundering Regulations for Residential Real Estate](#)

If you need access to Stewart Academy, please contact your Account Service Representative.



In Case you Missed It:

Several new ALTA endorsement forms are now available for use in Connecticut. If you missed our bulletin, you can review it here:

<https://www.virtualunderwriter.com/bulletins/2025/12/ct2025002>



Helpful Resources

Stewart's Virtual Underwriter: [Virtual Underwriter Title](#) | [Virtual Underwriter](#)

Stewart Underwriting Contacts throughout the United States: [Expert Underwriting Counsel Services for Your Business](#) | [Stewart.com](#)

Stewart's Online Rate Calculator: [Stewart Rate Calculator](#)

The American Land Title Association (ALTA): [ALTA - American Land Title Association](#)



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