



Dear Stewart Partners,

I hope everyone made it through another winter storm as we continue through this snowy season. We are one week closer to spring and warmer weather. In this Mid-Week Update, we are continuing our discussion of the Marketable Record Title Act in Connecticut and highlighting the recently approved revisions to the NH Title Standards.

Also, we want to congratulate our New Hampshire State Counsel, Michelle Radie-Coffin on being selected as a mentor in ALTA's 2026 mentorship program. Read more about ALTA and its mentorship program below. In addition, Kate Fletcher, our Connecticut State Counsel will be speaking at an ALTA event on UCC policies. Read more about Kate's expertise and these unique policies below. Lastly, be on the look out for an invitation to a live webinar about Stewart's FinCEN AML reporting solution being offered through FRS. Two live sessions will be available to choose from on either February 5th or February 6th.

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



**The Connecticut Marketable Record Title Act: Connecticut General Statutes Section 47-33b through 47-33l** By: David M. Piechota, Esq., Connecticut Underwriting Counsel

Connecticut enacted the Marketable Record Title Act (MRTA) to improve and simplify the conveyancing of real property by setting a clear standard for title marketability. In this second article on this Act, we focus on C.G.S. Sections 47-33d and 47-33e. Future issues will provide more insights covering Sections 47-33f through 47-33l.

#### **Understanding the Act's Purpose**

The MRTA (the "Act") works by extinguishing defects, claims, and interests that arose prior to a designated forty-year period, except for those specific interests preserved under the terms of the Act.

*A statutory root of title* is defined as a conveyance or other title transaction that constitutes the first or only link in the unbroken chain of record title of a person to an interest in land. This transaction must purport to create, or contain language sufficient to transfer, the interest or title claimed by such person and must have been recorded at least forty-years

prior to the time marketability is being determined. The effective date of the root of title is the date the conveyance document is recorded.

Title transactions that may serve as a statutory root of title include, but are not limited to, warranty deeds, quitclaim deeds, administrator's deeds, executor's deeds, trustee's deeds, conservator's deeds, tax collector's deeds, committee's deeds, foreclosed mortgages, decrees of court, and transfers of title by will or descent.

**Sec. 47-33d. Interests to which title is subject.** Such marketable record title is subject to:

(1) All interests and defects which are created by or arise out of the muniments of which the chain of record title is formed; provided a general reference in the muniments, or any of them, to easements, use restrictions or other interests created prior to the root of title are not sufficient to preserve them, unless specific identification is made therein of a recorded title transaction which creates the easement, use restriction or other interest; (2) all interests preserved by the recording of proper notice or by possession by the same owner continuously for a period of forty years or more, in accordance with section [47-33f](#); (3) the rights of any person arising from a period of adverse possession or use, which was in whole or in part subsequent to the effective date of the root of title; (4) any interest arising out of a title transaction which has been recorded subsequent to the effective date of the root of title from which the unbroken chain of title of record is started; provided such recording shall not revive or give validity to any interest which has been extinguished prior to the time of the recording by the operation of section [47-33e](#); (5) the exceptions stated in section [47-33h](#) as to rights of reversioners in leases, as to apparent easements and interests in the nature of easements, and as to interests of the United States, this state and political subdivisions thereof, public service companies and natural gas companies.

A Marketable Record Title is subject to any interest or defect arising out of any title transaction which has been recorded in the chain of title of the property subsequent to the date of the recording of the root of title.

**Sec. 47-33e. Prior interests void.** Subject to the matters stated in section [47-33d](#), such marketable record title shall be held by its owner and shall be taken by any person dealing with the land free and clear of all interests, claims or charges whatsoever, the existence of which depends upon any act, transaction, event or omission that occurred prior to the effective date of the root of title. All such interests, claims or charges, however denominated, whether legal or equitable, present or future, whether those interests, claims or charges are asserted by a person *sui juris* or under a disability, whether that person is within or without the state, whether that person is natural or corporate, or is private or governmental, are hereby declared to be null and void.

Therefore, the Marketable Record Title shall not be subject to a pre-root of title interest to which contains only a general reference in any of the documents that form the forty-year chain of title. However, a reference to such pre-root of title interest, which also contains a specific identification of the record title transaction which created such interest, shall make the marketable record title subject to the same.

This overview highlights the key foundational aspects of the Marketable Record Title Act in Sections 47-33d through 47-33e. Stay tuned for upcoming articles where we will delve deeper into related statutes of the Act and what they mean for property owners and practitioners alike.



## **The Revised New Hampshire Bar Association Title Examination Standards** By: Michelle Radie-Coffin, Esq., NH State Counsel

On November 20, 2025, the New Hampshire Bar Association Board of Governors approved and adopted the latest version, effective January 1, 2026, of the NH Title Examination Standards. Unlike the standards approved last year, this revision does not contain any new standards, however, several existing standards were clarified in order to provide better guidance for conveyancing practitioners. Most notably is the clarification of NH Title Standards 5-14 and 7-19. The remainder of the changes either removed repealed statutory references, replacing each with accurate statutory references, or inserted or removed language in order to provide clarity to the intended meaning of the standards.

Last year's revision to Title Standard 5-14 created some confusion as to the proof of death required when a surviving joint tenant conveyed property. A new section (d) has been inserted:

- *(d) evidence of death should be recorded with the deed from the surviving joint tenant, which may be a recitation in compliance with Title Standard 3-1.*
- *Once evidence of death and a deed from a surviving joint tenant are recorded future examiners can rely on the previously recorded deed as evidence federal estate/gift tax was not due and the joint tenancy was not broken, absent contrary information.*

Evidence of death is typically a death certificate. While proof may be obtained with information found through online resources, prior to insuring a title where such alternative evidence is the basis of the proof of death, you should confirm that such evidence is satisfactory with your NH underwriting team. Once acceptable information is recorded, title examiners may rely upon that information for future conveyances.

Many of the standards covering trusts, namely 5-17, 5-18 and 5-20, removed the references to the repealed NH RSA 564 A:7. The standards covering powers of attorney: 5-43; 5-44; and 5-45 added statutory references, included helpful dates, and removed the word "durable" where applicable, given that NH RSA 564-E:104 states: A power of attorney created under this chapter is durable unless it expressly provides that it is terminated by the incapacity of the principal. Title Standard 6-25 dealing with discharges of mortgages when a corrective or confirmatory mortgage is recorded was modified to add clarity by including the words "confirmatory" and "corrective" where the previous standard was silent as to one or the other. The remainder of the less significant revisions deal with adding the word "Estate" to standards 7-16 and 7-17 thereby providing clarity as to what type of federal lien is discussed.

Standard 7-19 underwent a more in-depth revision. This standard deals with property transfers occurring while an estate is undergoing probate administration. In NH, if a conveyance occurs while the probate is open, the deed must be by a license to sell granted by the probate court or by consent of the heirs under RSA 559:18. There is a caveat, however, that if the Will "directs" the executor to sell, a license or deed with consent is not required. The standard was revised to add the words direction to sell. In addition, and in order to provide further clarity as to how a sale during probate administration could affect the title, the following language has been added to the standard:

*Any conveyance by an executor pursuant to a license to sell or a conveyance for fair market value with written consent of the surviving spouse and heirs at law or devisees, or their guardians or conservators is free from all claims of creditors of the decedent and of all other persons claiming under the decedent or under his will, however the proceeds of the sale may be subject to such claims through the administration of the Estate. Transfers of real estate made by the Executor during the pendency of probate administration not pursuant to a license to sell or with written consent of the surviving spouse and heirs at law or devisees, or their guardians or conservators are subject to the claims of creditors and the power of the Circuit Court - Probate Division to sell the property to pay debts. See RSA 559:17, 18 and 19 and the cases cited thereunder.*

In addition to the standards above, two more revisions were made to Article VII of the Standards. Standard 7-22 added a section (a) dealing with when a Will is effective and Standard 7-26 dealing with Transfer on Death Deeds ("TODD") added a new sentence to the Standard to comply with a recently enacted section of the applicable statute effective August 22, 2025:

**563-D:22 Notice of Death Affidavit** – Beneficiaries who receive real property under a transfer on death deed shall file, within 60 days following the death of the transferor, a notice of death affidavit for recording at the registry of deeds in the county where the real property is located. The notice of death affidavit shall contain the name and address of each beneficiary of the transfer on death deed, the street address of the property, the date of the transfer on death deed, the book and page number at which the transfer on death deed was recorded prior to the transferor's death, the name of the deceased transferor, the date and place of death, and the name and address to which all future tax bills should be mailed. The affidavit shall be notarized. After recording the notice of death affidavit, the register of deeds shall return the original affidavit to the person who filed it and transmit a copy of the affidavit to the tax assessor of the municipality where the property is located, in accordance with RSA 478:14. The filing of the notice of death affidavit is not a condition of the transfer of title.

If during your review of the revisions to the NH Title Examination Standards questions arise, or if you have questions as to the application of a particular standard to a specific transaction, please do not hesitate to reach out to your NH underwriting team.



**Stewart's New Hampshire State Counsel, Michelle Radie-Coffin, selected as a mentor in the 2026 ALTA Wings Mentorship Program**

The American Land Title Association (ALTA) was founded in 1907 and is the national trade association and voice of title insurance agents, abstracters, and underwriters. ALTA advocates on behalf of the land title industry, delivers education to both consumers and its membership, and provides tools to its members for professional and business development.

The ALTA Wings Mentorship Program is an initiative aimed at fostering industry-wide professional development by pairing seasoned experts with emerging leaders. Through

structured knowledge transfer and one-on-one guidance, the goal of the program is to bridge the gap between seasoned experts and the next generation of industry leaders.

The local team at Stewart is proud of Michelle and grateful for her time and dedication to this important industry initiative, all while serving our agents' underwriting needs in New Hampshire.



### **Stewart's Connecticut State Counsel, Kate Fletcher, speaking at ALTA's 2026 Underwriters Executive Forum in San Antonio**

Kate Fletcher, Stewart's Connecticut State Counsel and UCC Underwriting Counsel will be joining a panel of experts to discuss UCC Loan Policies and Mezzanine Endorsements at ALTA's Executive Forum on February 17, 2026.

Kate is the lead underwriting counsel for Stewart's UCC One, which is a proprietary policy and provides insurance for mezzanine lenders through Stewart's UCC One Lender's policy. If you have clients who offer mezzanine loans and are looking for options to insure, don't hesitate to reach out to Kate at [kfletcher@stewart.com](mailto:kfletcher@stewart.com). For more information on Stewart's product offerings, follow this link: [Uniform Commercial Code and Mezzanine Financing](#) | [Stewart.com](#)



### **Save the Date for FinCEN AML Reporting Made Simple – February 5th and February 6th**

Next week, Stewart will be hosting two live sessions for our agents. Join us for an informative 60-minute live webinar that will explain Stewart's FinCEN reporting offering. The webinar will answer your questions on how the FRS works, the benefits of partnering with FRS and how you can use these services.

Invitations to register will be sent to your inbox. If you have any questions, please reach out to your Stewart Account Representative.



[Meet Our Team | Stewart Connecticut](#)

[Meet Our Team | Stewart Maine](#)

[Meet Our Team | Stewart Massachusetts](#)

[Meet Our Team | Stewart New Hampshire](#)

[Meet Our Team | Stewart Rhode Island](#)

[Meet Our Team | Stewart Vermont](#)



**1-800-STEWART**

**[www.stewart.com](http://www.stewart.com)**

® 2026 Stewart. All rights reserved.

*This email was sent to your address because your email preferences are set to receive our updates.*

[unsubscribe](#)