



Dear Stewart Partners,

It's hard to believe we are already headed into February 2026, but here we are. In this issue, we are discussing the transfer of property into a trust and the effect it has on an Insured's title insurance policy, as well as underwriting considerations when issuing the 2021 ALTA Homeowner's (expanded) Policy and STG Homeowner's Policy ("Gold") Endorsement.

Additionally, this week we are hosting two webinars about the upcoming FinCEN AML reporting obligations. These webinars are designed to introduce you to Stewart's FinCEN reporting offering and the benefits of partnering with FRS. Registration links are below.

Lastly, in case you missed it, we have provided a link to Stewart's recently published 2026 reminder bulletin about important bulletins issued in prior years.

As always, we hope you find this information useful, and please feel free to reach out to us with any questions you may have.



Post-Policy Transfers to Trusts—Is the Insured still covered under the Policy?

By: Mark A. Jones, Esq., Associate Senior Underwriting Counsel – Massachusetts and Rhode Island

One of the most frequently asked questions I get as a title insurance underwriter relates to trust transfers and whether coverage continues under the Policy after the transfer to a trust. Unfortunately, as with most legal questions, the answer usually is "it depends." The good news is that with the most recent iterations of both the ALTA Homeowners and Owner policy jackets in 2021, a transfer to trustee(s) of trust for estate planning purposes will maintain coverage under the title insurance policy. But that is not necessarily the case in some of the older policies, as the terms and provisions of those policies are distinct. For purposes of this article, I will be focusing on the 2021 jackets.

The 2021 "Continuation of Coverage" section in the Homeowner's Policy jacket reads as follows:

2. CONTINUATION OF COVERAGE

- a. Your coverage under this policy continues as of the Date of Policy, so long as You:
 1. own Your Title;

2. own an obligation secured by a purchase money Mortgage given by a purchaser from You; or
3. have liability for warranties of title given by You in any transfer or conveyance of Your Title.

b. **This policy also insures:**

1. anyone who receives Your Title by operation of law upon Your death;
2. Your spouse who receives Your Title because of a dissolution of Your marriage;
3. Your Estate Planning Entity to which You transfer Your Title after the Date of Policy;
4. any beneficiary or distributee of Your Estate Planning Entity who receives Your Title;
5. anyone who receives Your Title by a transfer effective upon Your death as provided by law; or
6. another Insured named in Item 1 of Schedule A.

C. We may assert against any Insured identified in Condition 2.b. any rights and defenses that We have against any previous Insured under this policy.

As you can see, coverage would continue if the Insured transfers their title to an Estate Planning Entity, which is defined in the jacket as follows: **“Estate Planning Entity”: A legal entity, a trust, or a trustee of a trust, if the entity or trust is established by a Natural Person for the purpose of planning the disposition of that person’s estate.**

The 2021 ALTA Owner’s Policy jacket takes a slightly different approach and defines the “Insured” as follows:

“Insured”:

- (a). *The Insured named in Item 1 of Schedule A;*
- (b) *the successor to the Title of an Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;*
- (c) *the successor to the Title of an Insured resulting from dissolution, merger, consolidation, distribution, or reorganization;*
- (d) *the successor to the Title of an Insured resulting from its conversion to another kind of Entity; or*
- (e) ***the grantee of an Insured under a deed or other instrument transferring the Title, if the grantee is:***

1. *an Affiliate;*
2. ***a trustee or beneficiary of a trust created by a written instrument established for estate planning purposes by an Insured;***
3. *a spouse who receives the Title because of a dissolution of marriage;*
4. *a transferee by a transfer effective on the death of an Insured as authorized by law; or*
5. *another Insured named in Item 1 of Schedule A.*

As you can see, coverage would continue under the 2021 ALTA Owner’s Policy if there is a deed to **“a trustee or beneficiary of a trust created by a written instrument established**

for estate planning purposes by an Insured.”

In both the Homeowner's and ALTA 2021 Owner's jackets, these coverages are automatic in that there is no need to issue a change endorsement that reflects the new Insured. However, you can certainly issue a change endorsement if an Insured requests one, and there is no premium charge in these circumstances. Keep in mind that “Date of Policy” will not change. The only change in the policy will be the name of the Insured. As I mentioned previously, not all of the prior title insurance policies have the benefit of this continuing coverage when property is transferred to a trust. As always, please feel free to contact an underwriter if you have any questions relating to anticipated post-policy trust transfers, or continuation of coverage under an existing policy.



2021 ALTA Homeowner's (expanded) Policy and STG Homeowner's Policy (“Gold”) Endorsement Considerations By:
Katherine F. Fletcher, Esq., Associate Senior Underwriting Counsel & Connecticut State Counsel

Other frequently asked underwriting questions we receive relate to the owner occupancy, number of units, and/or natural person vs. entity requirements when issuing the Homeowner's Policy (2021) (often referred to as the “Enhanced Owner's Policy”) and Stewart's STG Homeowner's Policy Endorsement (often referred to as the “Gold Endorsement”).

Generally, the Homeowner's Policy (2021) may be issued for 1 to 4 family properties (including condo units) provided the insured is a natural person or an estate planning entity, but regardless of whether the owner is occupying one or more units.

In conjunction with the 2021 ALTA Policy Forms, Stewart developed the STG Homeowner's Policy Endorsement (the “Gold Endorsement”). This endorsement is specific to Stewart; it is not an ALTA form and is only available for issuance with a Stewart Title Guaranty Company Homeowner's Policy (2021).

When the Gold Endorsement is added to a Stewart Homeowner's Policy (2021), the insured can be either a natural person or an entity (even if not an estate planning entity) provided (i) the property is a single-family residence (or single-family condo unit), and (ii) the buyer is occupying or intends to occupy the home as a principal place of residence or as a second home.

There is no additional charge for the Gold Endorsement. We recommend that this endorsement always be issued when the transaction meets all of the following requirements: (i) property being purchased is a single-family home or condominium unit; (ii) a Stewart 2021 Homeowner's (expanded) policy is being issued, and (iii) the buyer is occupying or intends to occupy the home as a principal place of residence or as a second home.

In addition to extending the availability of Stewart's Homeowner's Policy (2021) to a buyer that is a business entity, including corporations and LLCs (subject to policy provisions) and expanding the post-policy coverage provisions, the Gold Endorsement also broadens the

continuation of coverage provisions, including if there is a transfer to a spouse, child, or grandchild without consideration. The following is a link to the Gold Endorsement form: [STG Gold Endorsement to 2021 ALTA Homeowner's Policy](#).

Here's a quick summary of the information above:

1. **With respect to natural person vs. entity**, (i) issuing the Homeowner's Policy (2021) only, the insured must be a natural person or estate planning entity, and (ii) issuing the Homeowner's Policy (2021) and Gold Endorsement, the insured may be a natural person or any type of entity (does not have to be estate planning entity) provided single-family property and owner occupied;
2. **With respect to occupancy by owner**, (i) issuing the Homeowner's Policy (2021) only, occupancy is not required, and (ii) issuing the Homeowner's Policy (2021) and Gold Endorsement, owner must occupy; and
3. **With respect to number of units**, (i) issuing the Homeowner's Policy only, 1-4 family properties only, and (ii) issuing the Homeowner's Policy and Gold Endorsement, single-family property/condo only.

As a reminder, the Gold Endorsement may only be added to a Stewart issued Homeowner's Policy (2021). It is not available as an endorsement for any other type of policy.

Also, the following are a few common scenarios we see:

1. Acme LLC (an estate planning entity) requests the Homeowner's Policy (2021) for a 2-family property, and Acme LLC's principals will not be occupying either unit. **OKAY TO ISSUE HOMEOWNER'S POLICY (2021) (BUT NOT GOLD ENDORSEMENT SINCE 2-FAMILY AND NON -OWNER OCCUPIED)**
2. Acme LLC (not an estate planning entity) requests the Homeowner's Policy (2021) for a 2-family property, and Acme LLC's principals will be occupying one of the two units. **NOT OKAY TO ISSUE HOMEOWNER'S POLICY (even though the principals will occupy a unit, it's not okay because Acme LLC was not formed for estate planning purposes; note: adding the Gold Endorsement is not an option since it's a 2-family property)**
3. Acme LLC (not an estate planning entity) requests the Homeowner's Policy (2021) for a single-family property, and Acme LLC's principals will be occupying the unit. A Gold Endorsement is issued as well. **OKAY TO ISSUE HOMEOWNER'S POLICY (2021) SO LONG AS A GOLD ENDORSEMENT IS ATTACHED (because it's a single-family property and owner occupied)**

Please note the information above only addresses a few of the underwriting requirements for issuing the Homeowner's Policy (2021) and the Gold Endorsement. For a complete list of all underwriting requirements, please see the following links (or feel free to reach out to a Stewart Title underwriter):

For the Homeowner's Policy (2021):

[Guideline: ALTA Homeowner's Policy of Title Insurance \(7-1-21\) | Virtual Underwriter](#)

For the Gold Endorsement:

[Connecticut - STG Gold Endorsement](#)

[Massachusetts - STG Gold Endorsement](#)

[Maine - STG Gold Endorsement](#)

[New Hampshire - STG Gold Endorsement](#)

[Rhode Island - STG Gold Endorsement](#)

[Vermont - STG Gold Endorsement](#)



Join us this week for a LIVE Webinar on Stewart's FinCEN Reporting Solution

Please join us on either February 5th or February 6th for an informative 60 minute webinar presented by Mark Bauwin and Grant Settemire of FRS and moderated by Frank Cammarano, underwriting counsel for Stewart.

Learn about Stewart's reporting solution offered by FRS - Your FinCEN AML Reporting Partner. The webinar will answer your questions on how the FRS works, the benefits of partnering with FRS, and how you can use these services.

Session 1

Date - February 5, 2026

Time- 2:00 PM - 3:00 PM

[Register here](#)

Session 2

Date - February 6, 2026

Time- 2:00 PM - 3:00 PM

[Register here](#)



In Case You Missed It

On January 20, 2026, the Company issued its "Reminder Bulletin" – SLS2026001 relative to several important bulletin relating to ongoing obligation of title issuing agents as set forth in previously issued bulletins. If you missed this bulletin, you can access it [here](#) and read its full contents.



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