



New England Regional Midweek Update
4/29/2026

Dear Stewart Partners,

Welcome to this week's Midweek Update. In this edition we highlight conveying title from an estate in Connecticut and transactions involving manufactured housing in New Hampshire.

On the education front we have two upcoming webinars in May. We hope you can join us. On May 6, 2026, a panel of our New England underwriters will be presenting a webinar on **Commonly Requested Commercial Endorsements**. CLE credit will be available for Connecticut, New Hampshire, Rhode Island, Maine and Vermont.

On May 14, 2026, David Veleber and David Piechota, two of our Connecticut underwriters will present a webinar on the **Use of Statutory Affidavits to Clear Title Issues in Connecticut**. This program will be eligible for CLE credits for Connecticut attorneys.

Also, for those using Connect Close and are new to it or want to learn more about Connect Close, please join us for a 30 minute webinar on May 19, 2026 for an overview of the title product system designed exclusively for Stewart's New England based agents.

To register for any of these upcoming webinars, please use the registration links below. We hope you can join us.

Lastly, our team will be out and about in early May at the New England Land Title Association Annual Conference, May 4th - 5th and the Massachusetts Real Estate Bar Association Spring Conference on May 11th. For details on both events and registration information, see below. We hope to see you there.



Conveying Real Property From An Estate In Connecticut By:
David M. Piechota, Connecticut Underwriter Counsel

The completion of probate proceedings and the recording of specific documentation are essential to establishing the marketability of title for a decedent's real property. In Connecticut, the Probate Court oversees the transfer of these assets. Whether real property was owned solely, in survivorship, or as a tenant in common, it is subject to probate jurisdiction. It is common for title agents to handle transactions where a person in the chain of title is deceased; therefore, understanding the distinction between an **Intestate Estate** (where the decedent died without a Will) and a **Testate Estate** (where the decedent died with a Will) is critical.

The Intestate Estate (No Will):

A person who dies without a Will is said to have died intestate. In these cases, the Probate Court appoints an **Administrator** to settle the estate. While title to real property owned by an intestate decedent passes by operation of law to the decedent's heirs, the estate must be settled through the Probate Court, and specific documentary evidence must be recorded in the land records to establish marketable title.

Furthermore, practitioners must ensure there are no inchoate liens for Connecticut succession or estate taxes, or unpaid probate court fees. If the property is to be conveyed to a third party during administration, the following items are required:

- **Notice for Land Records/Appointment of Fiduciary:** This must be recorded with the town clerk in the municipality where the property is located to maintain the chain of title.
- **Estate Tax and Probate Fee Lien Clearance:** This is evidenced by a "Certificate Releasing CT Estate Tax and Probate Fee Liens." (Note: If the decedent died prior to 2015, a release of probate fee liens is not required, and the document title may vary). This Certificate must be recorded on the land records.
- **Court Order Authorizing Sale:** The Probate Court must issue an order authorizing the fiduciary to sell the property. While not strictly required, the fiduciary deed typically references this order, and the order itself is often recorded for clarity.
- **Appeal Period:** The authorization order is subject to a thirty (30) day appeal period, starting from the date the order was mailed to all interested parties. If a closing occurs before this period expires, written waivers of the appeal period are required from all interested parties.

An **Administrator's Deed** is used to convey the property pursuant to **C.G.S. § 47-36q**, which warrants that the administrator is duly qualified and has the full power and authority to sell the premises via court order.

Sec. 47-36q. Force and effect of "Administrator's Deed" form. A deed following the form entitled "Administrator's Deed", when duly executed, has the force and effect of conveying to the grantee the fee simple title which a deceased person had at the time of his death, or which such administrator has with covenants that (1) the administrator is duly qualified to act as administrator, (2) the administrator has full power and authority under and by virtue of an order of the Court of Probate to bargain and sell the described premises, and (3) the administrator and his successors shall warrant and defend the granted premises to the grantee against all claims and demands of any person or persons claiming under the administrator.

The Testate Estate (With a Will):

A person who dies with a Will dies testate. An **Executor** is the individual named in the Will to settle the estate and carry out its terms once the Will is admitted to probate. As with intestate estates, the probate process determines the status of the title. The property is either devised according to the Will or sold by the executor to a third party to satisfy debts, taxes, or specific legacies.

To convey property to a third party, an executor must either be granted the "power of sale" within the Will or seek specific court approval. The following items are required:

- **Notice for Land Records/Appointment of Fiduciary:** Recorded in the town where the property is located to establish the fiduciary's authority in the chain of title.
- **Estate Tax and Probate Fee Lien Clearance:** Identical to the requirements for intestate estates; this Certificate must be recorded.
- **Authority to Sell:** The executor must confirm the Will authorizes the sale. The Executor's Deed should state that the conveyance is authorized by the Will. If the Will lacks this language, a Probate Court order authorizing the sale is required (subject to the 30-day appeal period).

An **Executor's Deed** is used to convey the property pursuant to **C.G.S. § 47-36r**, confirming the executor's qualification and authority to sell either by the terms of the Will or by court order.

Sec. 47-36r. Force and effect of "Executor's Deed" form. A deed following the form entitled "Executor's Deed", when duly executed, has the force and effect of conveying to the grantee the fee simple title which a deceased person had at the time of his death, or which the executor has with covenants that (1) the executor is duly qualified to act as executor, (2) the executor has full power and authority to bargain and sell the described premises pursuant to the terms of the last will and testament of the deceased person, or by virtue of an order of a court of probate, and (3) the executor and his successors shall warrant and defend the granted premises to the grantee against all claims and demands of any person claiming by, from or under the executor.

Important Considerations

Distributions vs. Sales: If the property is distributed or devised directly to heirs or beneficiaries rather than being sold to a third party, the requirements change. In these instances, only a **Certificate of Devise or Distribution** and the **Lien Clearance** need to be recorded.

Federal Estate Tax: A federal estate tax may be due if the gross taxable estate exceeds the prevailing federal exemption threshold. In such cases, a federal tax release must be recorded. Because federal taxation is complex and outside the scope of this summary, professional advice is strongly recommended if a federal return is required or if there is any uncertainty regarding filing requirements.

This article provides a brief overview of underwriting requirements. For detailed guidance on statutory or title company requirements, please contact your local underwriting counsel.



Transactions Involving Manufactured Housing In New Hampshire By: Michelle Radie-Coffin, Esq., NH State Counsel

New Hampshire treats Manufactured Housing Units ("MHU") as real estate so long as certain size requirements are met and the MHU is connected to utilities, which include plumbing, heating and electrical systems.

NH RSA 674:31 Definition. – *As used in this subdivision, "manufactured housing" means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body*

feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a.

This revenue-driven change from personal property to real property took effect in August of 1983. When the law was created over 40 years ago, the increase to revenue from just the real estate transfer tax alone was \$100,000. That figure did not include the increase to cities and towns as a result of a MHU being taxed under the property tax regime, nor did it include the increase to the registry of deeds resulting from the requirement of deeds being recorded to transfer title. The fiscal impetus for the change from personal to real property set into motion many amendments to effectuate the inclusion of this new form of real property as it affected multiple other statutory provisions such as: RSA 78-B, Tax On Transfer Of Real Property; RSA 80, Taxation; RSA 477, Conveyances Of Realty And Interests Therein; and RSA 480, The Homestead Right.

When handling transactions involving MHU in NH there are two important distinctions that must be made. Is the land upon which the MHU sits and is affixed owned by the same owner as the MHU or is it land owned by another such as a mobile home park. Since 1983, MHU on land owned by another have been deemed real estate when placed on site and tied into required utilities.

477:44 Buildings; Manufactured Housing.

I. Application of Real Estate Laws. *Buildings situated on land not belonging to the owners of the buildings shall be deemed real estate for purposes of transfer, whether voluntary or involuntary, and shall be conveyed, mortgaged or leased, and shall be subjected to attachment, other liens, foreclosure and execution, in the same manner and with the same formality as real estate.*

II. Manufactured Housing. *Manufactured housing, as defined by RSA 674:31, shall be deemed a building for the purpose of paragraph I when such manufactured housing is placed on a site and tied into required utilities.*

The statute referenced above also includes a form for a MHU Warranty Deed and MHU Quitclaim Deed when dealing with a unit on the land owned by another. The MHU must be sufficiently identified by including the name of the manufacturer, serial number, model and year of manufacture. The deed must also include the consent of the owner of the land upon which the unit is located. This consent of landowner must be attached to the deed and recorded therewith. When dealing with a MHU on land owned by the same owner, it is sufficient to describe the property in the following manner, "The land, with the improvements thereon...." Two NH Title Standards set forth the requirements of the conveyancing instrument for both situations-land owned by another and land owned by the same individual.

5-33. Manufactured Housing - As Real Property with Permanent Siting. Any manufactured housing located on the land of another conveyed after August 17, 1983, the effective date of RSA 477:44, must be conveyed by deed and consent of the landowner must be obtained. The initial conveyance of the Manufactured housing located on the land of another from the dealer to the first owner shall be by deed if the manufactured housing is

attached to the land or by bill of sale if the manufactured housing has not yet been delivered and attached to the land. The conveyance by the Dealer is exempt from the transfer tax. RSA 78-B:1 IV.

5-35. Manufactured Housing - Conveyancing Instrument. The conveyance of a parcel of land with a manufactured housing unit located on the land and connected to utilities, conveys title to both the land and the manufactured housing unit without separately identifying the manufactured housing unit. This title standard does not apply to manufactured housing units located on land that is not owned by the manufactured housing unit owner. See Standard 5-33.

Another important aspect when dealing with MHU in New Hampshire is related to Transfer Tax. Because MHU are real property, they are subject to transfer tax.

78-B:4 Payment of Tax. –

I. The purchaser, grantee, assignee or transferee of any real estate or any interest in real estate shall buy and attach the indicia of tax paid approved by the commissioner of revenue administration to the instrument by which the real estate or interest in real estate is sold, granted, assigned or transferred. The indicia of tax paid shall indicate the full consideration paid for the real estate or interest in real estate. The amount of tax shall be computed to the nearest whole dollar.

II. The seller, grantor, assignor or transferor of any real estate or any interest shall buy and attach the indicia of tax paid approved by the commissioner of revenue administration to the instrument by which the real estate or interest in real estate is sold, granted, assigned or transferred. The indicia of tax paid shall indicate the full consideration paid for the real estate or interest in real estate. The amount of tax shall be computed to the nearest whole dollar.

III. The rate of tax established in RSA 78-B:1 shall apply to both the purchaser, grantee, assignee or transferee and the seller, grantor, assignor or transferor.

IV. Notwithstanding any other provision of this chapter to the contrary, the following subparagraphs shall govern payment of transfer taxes where the real estate consists of manufactured housing, as defined by RSA 674:31:

(a) If the manufactured housing constitutes stock-in-trade of any dealer engaged in the business of selling manufactured housing and if such manufactured housing has not been previously occupied as a dwelling by any person, the initial sale of such manufactured housing by the dealer shall not constitute a taxable transfer within the meaning of this chapter.

(b) If the manufactured housing has been occupied as a dwelling by any person or is owned by any person other than a dealer described in subparagraph (a), the sale of such manufactured housing shall constitute such a taxable transfer; and the transfer tax shall be paid as follows:

(1) If such manufactured housing remains in the same county within this state, the tax shall be paid by both the purchaser, grantee, assignee or transferee and the seller, grantor, assignor or transferor to the register of deeds of the county in which the manufactured housing is located;

(2) If such manufactured housing is relocated from one county to another county within this state, the tax shall be paid by both the purchaser, grantor, assignee or transferee and the

seller, grantor, assignor or transferor only to the register of deeds of the county to which the manufactured housing is relocated;

(3) If such manufactured housing is relocated into this state from another state, the tax shall be paid only by the purchaser, grantee, assignee or transferee to the register of deeds of the county to which the manufactured housing is relocated; and

(4) If such manufactured housing is relocated out of this state, the tax shall be paid only by the seller, grantor, assignor or transferor to the register of deeds of the county from which the manufactured housing is relocated.

NH Title Standard 5-36. Manufactured Housing - Real Estate Transfer Tax. Manufactured housing is subject to the real estate transfer tax. An exception to the transfer tax is made for the initial sale out of the dealer. See RSA 78-B:4

An important distinguishing factor is when the MHU is transferred from a dealer as “stock in trade.” RSA 78-B:4 IV(a) provides that, “[i]f the manufactured housing constitutes stock-in-trade of any dealer engaged in the business of selling manufactured housing and if such manufactured housing has not been previously occupied as a dwelling by any person, the initial sale of such manufactured housing by the dealer shall not constitute a taxable transfer within the meaning of this chapter.” While this is typically easy to spot, it can be tricky especially when the dealer is also the owner of the mobile home park. In some instances, you might have a situation where the MHU has been affixed to the land and connected to utilities and in all aspects would be considered real property; however, it will likely still be exempt from transfer tax because it is a first sale out from a dealer.

Finally, when insuring a MHU on land owned by another, the following exception must be shown in the title commitment and title policy:

“This policy does not insure and specifically excludes the fee simple interest and all defects, liens, encumbrances, affecting the land upon which the Manufactured Housing is affixed. The policy also excludes any leasehold interest in the land”

In addition, the ALTA 7-06 (Manufactured Housing Unit) is available for MHU situated on land owned by another and the ALTA 7.1 endorsement, which is eligible for use with loan policies, is available when the MHU is situated on land owned by the same owner. The ALTA 7.2 may be issued to an owner of a MHU on the land owned by the same owner. For the endorsement and their guidelines, please use the links below.

[Virtual Underwriter - exemplar form ALTA 7-06 Manufactured Housing Unit](#)

[Virtual Underwriter - exemplar form ALTA 7.1 Manufactured Housing - Conversion Loan](#)

[Virtual Underwriter - exemplar form ALTA 7.2 Manufactured Housing - Conversion Owner's](#)



Upcoming Webinars

Introduction to Commonly Requested Commercial Endorsements

Join New Hampshire underwriter Michelle Radie-Coffin, Massachusetts underwriter Mark Jones, and Connecticut underwriter Frank Cammarano for a live webinar that will focus on commonly requested commercial endorsements. This is a great introductory course for anyone wanting to know more about title insurance policy endorsements that are typically requested in commercial transactions and their issuing guidelines.

Date: May 6, 2026

Time: 11:00 AM – 12:00 PM

To Register: [Introduction to Commercial Endorsements - May 6 - REGISTRATION LINK](#)

Statutory Affidavits to Clear Title Issues in Connecticut

Presented by David Veleber, Esq. and David Piechota, Esq., two of Stewart's most experienced Connecticut underwriting counsels, this webinar will cover the fundamentals of statutory affidavits—what they are, their purpose, and how they can be effectively used to resolve common title issues without the need for a quiet title action or other remedial measures.

Many title challenges faced by Connecticut real estate attorneys involve unreleased or improperly released mortgages, discrepancies in names or legal descriptions, and changes in fiduciaries. Fortunately, these issues can often be addressed through the proper use of statutory affidavits.

Attend this session to learn practical strategies for making title insurable and keeping your real estate closings on track.

This program is eligible for 60 minutes of Connecticut CLE credit.

Date: May 14, 2026

Time: 9:00 AM – 10:00 AM

To Register: [Statutory Affidavits - May 14 - REGISTRATION LINK](#)

Connect Close – The Fundamentals

Join Rachel DePaolo, the product manager for Stewart's Connect Close, for an overview and demo of Connect Close, Stewart's premier title production system for its New England Attorney Agents.

Date: May 19, 2026

Time: 09:00 AM – 9:30 AM

To Register: [ConnectClose Webinar - May 19 - REGISTRATION LINK](#)



New England Land Title Association Annual Convention

The New England Land Title Association's Annual Convention is taking place Monday through Tuesday, May 4th and 5th, at the Encore Casino in Boston. To see the scheduled speakers, or to register, please go to NELTA's website here:

<https://nelta.org/events/EventDetails.aspx?id=2042759&group=>



Massachusetts Real Estate Bar Association Spring Conference

REBA will host its annual spring conference on Monday, May 11, 2026 at the Four Points by Sheraton Hotel in Norwood. To register and review conference material, follow this link:

[SC26 | Real Estate Bar Association for Massachusetts](#)



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