**New England Regional Midweek Update**
**6/17/2026**

Dear Stewart Partners,

This week's midweek brings important updates and practical insights for real estate and title professionals across New England, beginning with the Massachusetts Land Court's newly revised Guideline 14 on the effect of death on registered land titles and its key clarifications for practitioners. We also explore the fundamentals of mineral rights in Maine, including what qualifies as a mineral, the scope of mineral estates, and the risks associated with insuring them. Finally, we highlight upcoming educational opportunities—from a "Back to Basics" title commitment webinar to a suite of commercial title programs—designed to support your continued learning and underwriting confidence.

As a reminder, this coming Friday June 19 is a federal holiday, and many recording offices will be closed. Stewart offices will also be closed so that our employees can enjoy the Juneteenth holiday with friends and family.

## Massachusetts Land Court issues updated Guidelines regarding the Effect of Death on Registered Land Titles

By: Tracie M. Kester, Senior Underwriting Counsel and New England Deputy Regional Underwriting Counsel

On June 3, 2026, the Chief Title Examiner of the Massachusetts Land Court issued a new version of Registered Land Guideline 14 regarding the effect of death on registered land titles. This new Guideline supersedes the prior version issued on October 31, 2019; however, much of the same information is included. At the same time, clarifications have been made to deal with some traps for the unwary.

One of the significant additions is the inclusion of forms for the Affidavit of No Divorce, which is required to be filed upon the death of the first tenant by the entirety. These are included at the end of the Guideline, and include forms for an affidavit from the surviving spouse, an affidavit from a person with knowledge, and an affidavit from an attorney based upon a search of the probate records.

The Guideline also clarifies that if a surviving joint tenant or tenant by the entirety wants a new certificate of title issued in their name alone, they can file a Complaint for Certificate After Death to do so. Each Complaint for Certificate After Death must be accompanied by a Subsequent to Registration Complaint Cover Sheet. The Guideline also explains when to use the Addendum to the Complaint, noting the Addendum "is particularly useful in cases involving multiple deaths, disclaimers of interest, or devises to a trust."

When property is devised to an inter vivos trust that is not filed with the Land Court, and a Complaint has been filed asking for a new Certificate to be issued in the name of that trust, the original trust and any amendments must be filed with the Complaint. If instead of providing originals, the Plaintiff includes copies of the trust documents, the Plaintiff must include in the Addendum to the Complaint a statement that the documents are true, accurate, and complete copies. The Complaint should also be clear as to whether the original trust documents are to be filed with the Court when the new Certificate is issued; if they are not, a Trustee's Certificate pursuant to MGL c. 184, s. 35 must also be provided.

With respect to property being sold pursuant to a license to sell (a/k/a decree on sale of real estate), if the decedent had a fractional interest in the property the license must list the interest to be conveyed and the consideration which corresponds to that fractional interest. Further, the Guidelines now state that the deed must be executed on or after the date the license/decree is issued.

Finally, the guideline clarifies that when filing a death certificate with the Land Court, it should be redacted in accordance with SJC Rule 1:24. This means that all but the last 4 digits of the Social Security Number, and all but the first initial of a parent's birth surname need to be redacted from the death certificate.

## **A Quick Introduction to Mineral Rights in Maine** By: Jamie Spaulding, Esq., Maine Underwriting Counsel

Minerals are subject to the same rights of ownership, possession, and transfer as any other interest in land. When land is conveyed without any exception or reservation of minerals, the conveyance includes both the surface estate and the mineral estate.

**What Counts as a "Mineral"?** Within the title and legal context, the term mineral generally includes: Metallic ores; gemstones and jewels; hydrocarbons such as coal, asphaltum, and petroleum; useful rock materials such as shale, granite, limestone, and marble; and other extractive materials including feldspar, fluorspar, building sand, gypsum, silica rock, borax, sulfur, alum, carbonate and nitrate of soda, and salt.

However, the term does not ordinarily include common surface materials such as clay, sand, gravel, soil, or water, unless specifically stated otherwise.

Minerals generally fall into two broad categories. Minerals in place are fixed, stationary materials located on or beneath the surface. Fugacious minerals, on the other hand, are migratory substances that can move from place to place due to their physical properties (e.g., oil, gas).

**Explicit and Implied Rights of Mineral Owners.** Mineral rights extend beyond the minerals themselves, and can include rights to exploration, extraction, production, processing, storage and transportation. Keep in mind that unless explicitly limited, a mineral grant also includes by implication the following:

- Right of access (ingress/egress)
- Right to build and maintain roads, railways, pipelines, structures

- Right to use surface and subsurface for mining operations
- Right to use water on the property

It is therefore important to research and understand the scope and purpose of a particular grant or reservation of mineral rights. Take, for example, a reservation by an optimistic seller for limestone rights in a particular parcel in the event they ever discover limestone on the property. Compare that to a grant to explore, remove and process granite on a particular parcel, which also requires a processing facility, road construction and storage structures.

When researching the details of a specific mineral rights claim, there are robust resources available to assist you. The Maine Department of Agriculture, Conservation and Forestry maintains extensive geological and historical mining data, including geological surveys, historical mining claims and active exploration claims throughout Maine.

Interactive maps and datasets are available at: https://mgs-maine.opendata.arcgis.com/

For specific mining claim information, consult the Department's interactive map: https://mgs-maine.opendata.arcgis.com/apps/maine::maine-historical-mining-claims-and-active-exploration-claims/explore

**Extra hazardous Risk Classification**

It is important to note that insuring a mineral estate separate from the surface estate and providing affirmative coverage involving mineral rights are considered extra hazardous risks, and require prior approval from Stewart.

Contact your local Stewart underwriter for guidance before issuing any policy involving mineral rights.

For more detailed information, consult:

- Stewart Underwriting Manual https://www.virtualunderwriter.com/underwriting-manuals/2014/3/um00000167
- Standard Exceptions – Minerals https://www.virtualunderwriter.com/standard-exceptions/2014/4/se00005205#MINX01

## Upcoming Educational Opportunities

**Back to Basics: Title Commitment Prep, July 8, 2026**

Join David P. Piechota, Esq., Connecticut Underwriting Counsel, and Eileen O'Shaughnessy, Esq., Rhode Island Underwriting Counsel, on July 8, 2026 at 11:00 A.M. for a 30-minute webinar on the basics of preparing a title commitment. Jaime T – please add CLE info and registration link

**Commercial Title Tenets**

Did you know you have access to the full range of webinars produced by Stewart's Commercial Services Team? These informative webinars cover topics such as ALTA/NSPS Surveys, Title Affidavits, and Insuring Energy Transactions. To access these webinars, follow this link: Commercial Services Webinars

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