New England Regional Midweek Update
7/22/2026

Dear Stewart Partners,

July is in full swing, and we hope that you find some time during the busy summer closing season to enjoy summer in New England. In this week's mid-week update, we are highlighting some resources on the Stewart Massachusetts website, including the newly designed quick reference guide pertaining to Statutes of Limitation. We will be introducing updated guides for Maine, New Hampshire, and Rhode Island in the coming weeks, and we'll be sure to include links in future mid-week updates. Our statutes of limitation guides do contain some caveats, and we're also featuring an article on those caveats below. We're also excited to introduce a new addition to Stewart's New England Agency team, Laura Schumacher!

New Resources Available on the Stewart Massachusetts Website

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

Stewart has two new resources available on its Massachusetts website!

We've introduced a new rate calculator website which you can get to by clicking on the word "Rates" in the menu below the picture on the Stewart Massachusetts website. This new rate calculator is more streamlined than the prior version, and does not require that you enter a property address. Merely select the type of property (residential or commercial), the type of transaction, enter the policy amounts, and choose the type of policy being issued (in a residential deal) and the rate calculator will provide the premium amounts. We hope you find this new rate calculator easier to use. However, if you prefer using the prior version, that website is still available to you as well.

Stewart has also introduced an updated quick reference guide for statutes of limitations applicable to real estate in Massachusetts. You can access the guide by clicking on the word "Underwriting Resources" in the menu below the picture on the Stewart Massachusetts website and selecting "Statute of Limitations Quick Reference Guide." The guide can also be found on Stewart's Virtual Underwriter website in the Massachusetts State Practices section.

We hope you find these resources helpful, and if you have any questions, please reach out to your Stewart underwriting counsel.

Caveats regarding Statutes of Limitations By:Tracie M. Kester, New England Deputy Regional Underwriting Counsel and Senior Underwriting Counsel

You may have noticed in Stewart's updated quick reference guides on statutes of limitations that there are two caveats at the bottom. One is a footnote, and states that "these liens will attach to after-acquired property." The footnotes usually refer to State and Federal income tax liens. In Massachusetts, they also refer to child support liens. But what exactly does this mean?

If a lien attaches to after-acquired property, it means that if there is a tax lien naming Tracie Kester as the debtor recorded in the land records in 2024, and Tracie buys a house in 2026, that lien will attach to the property as an encumbrance, notwithstanding that it was recorded prior to the deed conveying the property to Tracie. Further, if Tracie takes out a mortgage to purchase the property, that tax lien may have priority over the mortgage. That's why it's important to search the name of the buyer of the property when performing a title search in anticipation of closing. If your search does show that one of these liens has been recorded against a buyer in your transaction, please reach out to your underwriting counsel for guidance.

The other caveat in the quick reference guide concerns Bankruptcy. It states: "Please note that the applicable periods set forth by statute may be tolled and therefore extended if the debtor/obligor files for bankruptcy protection." There are two federal Bankruptcy statutes involved in the tolling of statutes of limitation. The first is the automatic stay imposed by 11 USC s. 362(a), which goes into effect whenever a bankruptcy is filed. The automatic stay protects the debtor from further collection efforts by creditors while the Bankruptcy case is ongoing. You're likely familiar with the need for a creditor to obtain relief from the automatic stay in order to foreclose on a property when the owner has filed for Bankruptcy. The other statute is the tolling statute found in 11 USC s. 108(c), which extends state statutes of limitations for creditors when they are unable to enforce a lien because of the automatic stay.

The combination of these two federal statutes can extend the time limit found in many state statutes of limitation. For example, under MGL c. 260, s. 33, the Massachusetts statute of limitations for enforcement of a mortgage, a lender must commence proceedings to enforce the mortgage within five years after the stated maturity date in the mortgage, or if none is stated, 35 years after the mortgage was recorded. A problem arises, however, if the statute of limitations is about to run and the borrower has filed for Bankruptcy because an attempt to enforce the lien would be a violation of the automatic stay.

This scenario was the subject of a decision by First Circuit Judge Selya in 2011, Shamus Holdings, LLC v. LBM Fin., LLC, 642 F.3d 263 (1st Cir. 2011). In that case, the debtor/mortgagor Shamus had filed for Bankruptcy protection on July 25, 2007. LBM Financial held a mortgage on property owned by Shamus that would be obsolete under MGL c. 260, s. 33 if LBM did not enforce it on or before September 9, 2008. The only problem was that on September 9, 2008, Shamus's Bankruptcy case was still open; in fact, the case would not be closed until 2013.

The First Circuit held that because the automatic stay was in effect when the statute of limitations for enforcement of the mortgage would expire, and the mortgagee could have commenced a foreclosure action prior to that expiration date if the Bankruptcy had not been filed, the tolling provision in 11 USC s. 108(c) acted to extend the period for enforcement of the mortgage until 30 days after the termination or expiration of the automatic stay.

In terms of your title review, if you encounter a lien that has recently become unenforceable because of the running of a statute of limitations, we may need to confirm that the period for enforcement of that lien has not been extended because the debtor named in the lien has filed for Bankruptcy protection.

As always, if you have any questions regarding statutes of limitations and whether you may issue policies without exception for an undischarged lien in your chain of title, please contact your Stewart underwriting counsel.

Introducing Laura Schumacher, Esq. – Strengthening Stewart's Commitment to New England Agents

Stewart's New England agency team is pleased to welcome Laura Schumacher. Although Laura is new to the agency team, she is already well known within Stewart, having served in Stewart's Commercial Services group, where she underwrote large, complex commercial transactions across the country. Before joining Stewart, Laura was in private practice in the greater Boston area, representing buyers, sellers, and developers in all aspects of real estate closings and development.

With extensive experience in both commercial and residential real estate, Laura is well positioned to provide underwriting support to agents across New England on complex commercial transactions and to assist Massachusetts agents with their underwriting and title policy questions. Please join us in welcoming Laura to the agency team. Laura can be reached at laura.schumacher@stewart.com.

Upcoming Educational Opportunities

2026 Massachusetts Talk Title Webinars – Probate 101: Taking Title out of Probate – Testate Estate, August 12, 2026

Join Jutta Deeney, Esq., Stewart's Regional Underwriting Counsel for New England, and Tracie Kester, Esq., Stewart's Deputy Regional Underwriting Counsel for New England, for the next installment of their Probate 101 webinars. In this installment, Jutta and Tracie will be discussing how to deal with taking title from a decedent's estate in a current transaction when the decedent died with a Will. The webinar will take place from 11 AM to 11:30 AM. To register, click here: Register here

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