

Stewart – Massachusetts Mid-Week Update – July 22, 2020

Dear Stewart Partners,

These summer weeks do seem to pass quickly. As always, we hope you, your colleagues, friends and family are doing well. Although many parts of the country are challenged with significant upward trends, we are fortunate that Massachusetts and New England appear to be controlling the spread of the COVID-19 virus. Even with this positive news, the Governor did extend the eviction and foreclosure moratorium in Massachusetts through the fall. The details are provided below and a formal underwriting bulletin will be distributed as well. In addition, in this week's update we highlight a recent Massachusetts Land Court case which successfully challenged the refusal of the assistant recorder of the Plymouth Registry's District of the Land Court to accept foreclosure deeds where the foreclosure auction was completed prior to the federal and state moratoriums. Also, check out the mobile phone security tip on signs that your mobile phone was hacked.

- *Foreclosure and Eviction Moratorium - EXTENDED*

On June 21, 2020, Gov. Baker extended the foreclosure and eviction moratorium through **October 17, 2020**. The original moratorium which was set to expire on August 18, 2020 was extended 60 days. The press release announcing the extension can be viewed here: <https://www.mass.gov/news/baker-polito-administration-extends-moratorium-on-evictions-and-foreclosures-to-october-17>

If your transaction involves a recent foreclosure or a property that remains occupied, please contact your Stewart underwriting counsel to determine the insurability of the transaction.

- *Assistant Recorder v. LoanCare, LLC, Massachusetts Land Court, July 14, 2020 (20 SBQ 12834-06-001)*

LoanCare, LLC, the foreclosing mortgagee, completed the foreclosure sale of residential property on January 13, 2020, wherein LoanCare was the successful bidder. The memorandum of sale was executed on the same date, as was the certificate of entry. LoanCare assigned its bid to FNMA on January 21, 2020. The foreclosure documents were presented for filing in May 2020, and the assistant recorder of the Plymouth Registry District of the Land Court refused to accept for registration the documents due to concerns that the registration of the documents would violate the state and federal statutes relating to various foreclosure moratoriums. That refusal led the Court, pursuant to G.L. c. 185, section 60, to order notification to the interested parties and afford them the opportunity to submit written statements of their position on the question before the court concerning whether the registration of foreclosure documents is prohibited by statute. The Court held that the refusal was improper and ordered that the documents be accepted for filing. In the decision Judge Speicher emphasized that the exercise of the statutory power of sale in a mortgage is complete when the memorandum of sale is executed with the purchaser and held that the activities barred by the moratorium statute were completed by LoanCare at least three months before the effective date of the statute. He noted that the statute does not have retroactive application and further emphasized that the "exercise" of the power of sale does not include the registration of the foreclosure deed and related documents.

- *Has your Mobile been Hacked???*

The following are signs that your mobile phone may be compromised. Follow the tips on how you can check your iPhone or Android device to investigate further.

- Your battery drains faster or gets hot. Some malware will run on the background all the time. Check what application(s) are using the most battery.
 - iPhone - "**Settings**" >> "**Battery**"
 - Android - "**Settings**" >> "**Device**" >> "**Battery**"
- Permissions show up that you haven't granted. With an update, some applications may hijack/elevate permissions you haven't granted. Check the permissions on every installed application.
 - iPhone and Android - "**Settings**"
- Your contacts are receiving messages you never sent. Some malicious applications can send messages (if access to SMS is granted) that will not appear in your text messages log. If someone complained, reset your phone to the factory default
- Excessive data usage. Any malicious application needs to communicate with the mothership. Check your usage.
 - iPhone - "**Settings**" >> "**Cellular**" >> "**Cellular Data**"
 - Android - "**Settings**" >> "**Data Usage**"
- Any other odd behaviors, such as applications crashing frequently, screens and icons disappear, your phone crashes or reboots by itself, the screen is flickering would be a call for OS refresh. Be cautious of unexpected deadlines. Scammers often create a sense of urgency to spark impulsive clicks.

- *Stewart Underwriting - Upcoming Webinars*

We've got two upcoming webinars:

- No Stress Distressed Properties on **August 5, 2020 at 10 AM**
- Probate Perils and Perfecting Title on **September 16, 2020 at 10 AM**

To register follow this link:

<https://www.stewart.com/content/dam/stewart/Microsites/massachusetts/pdfs/Summer-2020-Series-Invitation-Form-6-17.pdf>

- *Stewart's Massachusetts COVID-19 Resource Page*

Please view our resource page which contains all the local information relative to underwriting guidance, affidavits, registry closures and frequently asked questions. This site will be updated regularly. To access click **HERE** and make it a favorite on your web-browser. You can also copy the following URL and paste it into your web

browser: <https://www.stewart.com/content/stewart/stewartcom/en/stg/massachusetts/underwriting-resources/forms-policy-information/covid-19-info-resources.html>

stewart title®

200 5th Avenue, Suite 301, Waltham, MA 02451

Phone: 800-628-2988 **Fax:** 781-697-3336

Monarch Place - 1414 Main Street, Suite 1835, Springfield, MA 01144

Phone: 413-930-8090 **Fax:** 978-964-0565

Tiziano Doto, Agency Services Manager - tiziano.doto@stewart.com

Jutta R. Deeney, VP, State Counsel - jutta.deeney@stewart.com

Shannon Coleman, Underwriting Counsel - scoleman@stewart.com

Christine Provost, Associate Senior Underwriter - christine.provost@stewart.com

Tracie Kester, Underwriting Counsel - tracie.kester@stewart.com

Paula M. Cuculo, Underwriting Counsel - paula.cuculo@stewart.com

Aaron Monahan, Senior Paralegal - aaron.monahan@stewart.com

General MA Underwriting Mailbox - massuwing@stewart.com

Tracy Hawkins, Agency Sales Representative Sr. - tracy.hawkins@stewart.com

Rita Kelly-Parsley, Agency Sales Representative Sr. - rita.kelly-parsley@stewart.com

Tom Potito, Agency Sales Representative Sr. - tom.potito@stewart.com

Mary Blomerth, Agency Sales Representative Sr. - mary.blomerth@stewart.com

Lyslie A. DeMeo, Agency Sales Representative, Sr. - ldemeo@stewart.com