

Stewart – Massachusetts Mid-Week Update – October 7, 2020

Dear Stewart Partners,

Today we officially complete the first week of October. We know that many of you continue to be very busy closing transactions and managing with remote and hybrid work environments, which bring continuing challenges. Some challenges we all continue to face are access to probate records and other court documents, navigating the remote approval of certain land court documents, and certain recording and document filing challenges as they relate to both registered and recorded land. We want to remind all our agents and their staff that as you encounter these challenges, please don't hesitate to reach out to any one of our underwriting counsels to assist in working through the issues. We are here to help.

In this week's update we wanted to share some information that has been passed onto us relative to foreclosure recording issues in certain counties and alert you to the updated procedures involving registered land filings. Also, we've included a recent article on the newest update to iOS systems (for iPhones and iPads) which highlights some great security features you may not know about. ALTA has also launched a "Wire Fraud Awareness" campaign, and although some of the material is member only content, there is still quite a bit available to non-members. Lastly, if you haven't already heard, the National Flood Insurance program, which was set to expire on September 30, was extended for an additional year.

- *Foreclosure Documents and Recording*

We wanted to make you aware of protocols in certain Registries of Deeds regarding the filing of foreclosure documents because of the Massachusetts foreclosure moratorium. In Hampden County, you are required to submit the foreclosure deed and affidavit, entry, and affidavits to the Registry in advance of closing. The Registry staff will then email them to the Attorney General's office for approval. It is our understanding the approval will take one to two weeks. Please note that you cannot use gap coverage to issue a policy when the documents have not yet been approved by the AG's office.

Essex South Registry of Deeds also has a requirement that the filer submit an affidavit of vacancy or abandonment with the foreclosure deed and affidavit. A filing fee for this affidavit will be charged. If the Registry determines the affidavit to be acceptable, they will permit the documents to be recorded.

Plymouth County had been declining to record foreclosure documents as well; however, since the decision in *Assistant Recorder v. LoanCare, LLC*, 2020 Mass. LCR LEXIS 134, it is our understanding they are now accepting documents for which auctions had been held prior to the moratorium.

The Massachusetts foreclosure and eviction moratorium is scheduled to expire on October 18, 2020. Governor Baker may extend all or a portion of the moratorium. Based on the eviction moratorium announced by the Centers for Disease Control and the federal foreclosure moratorium which the FHA, Fannie Mae, Freddie Mac, the VA and the USDA have in effect, both of which run through December 31, 2020, the Governor may decide to let the local moratoriums expire. Some cities have enacted eviction moratoriums as well. For example, Cambridge prohibits a residential landlord from levying on an eviction for possession during the COVID crisis.

- *Registered Land Documents – Updated Procedures*

On 9/30/2020 updated procedures were published for the processing of subsequent cases, condominium documents, land court approvals, and scheduling appointments with land court title examiners. Of note, the land court has added a requirement relative to documents which have received approval from a land court examiner. Specifically, prior to accepting the documents, the submitter must include a **certification by an attorney** that the document(s) to be registered in connection with the approval is/are **identical** to the document(s) sent to the land court title examiner for review and approval by the submitter. The certification must include both the BBO# of the attorney and the attorney's signature. The certification will not be registered, but must be provided in conjunction with the documents submitted. If the Registry District accepts e-filing, prior to e-filing any previously approved documents, the submitter should contact the registry district regarding their preference for separately sending the certification. We encourage you to review the entirety of the updated procedures to avoid delays and rejection in your registered land transactions. The updated procedure can be viewed here: <https://www.mass.gov/memorandum/updated-procedures-for-the-processing-of-subsequent-cases-condominium-documents-document>

- *Security Updates Available Through the Newest iOS upgrade*

iOS 14 is the newest update available for Apple devices. ZDNet published a great article on five security and privacy features that are now available when you install iOS 14 on your device. Some of these features are automatic; but others require you to opt in to use through your Settings. To read the full article follow this link: <https://www.zdnet.com/article/five-ios-14-and-ipados-14-security-and-privacy-features-you-need-to-know-about/>

- *ALTA's "Wire Fraud Awareness" Campaign*

Everyone working in the conveyancing and title business knows about business email compromise and wire transfer fraud. Unfortunately, these scams show no signs of slowing down. The FBI reported that in 2019 alone, more than \$221 million dollars was stolen in wire fraud scams. Given the continued risk, there is also a continued need for education of clients, staff, real estate brokers, and others involved in the transaction. Education and communication are critical components to help prevent wire fraud. Through its campaign, ALTA's goal is to drive awareness of this kind of fraud among its members and homebuyers. ALTA members can access member-only resources, and for those Stewart agents who are ALTA members, we encourage you to do so. If you aren't a member of ALTA, there are still resources available to you, including videos you can share with consumers and staff, a PDF rack card geared toward consumers on protecting against wire fraud scams, and an outgoing wire preparation checklist your office can use to make sure each wire instruction is confirmed to minimize wire fraud risk. To view ALTA's resources, follow this link: <https://www.alta.org/business-tools/wirefraud.cfm>

- *National Flood Insurance Program – Extended 1 Year*

The National Flood Insurance Program ("NFIP") was set to expire on September 30, 2020. This program is critically important for many properties in New England given our proximity to the coast. President Trump signed a continuing resolution in the early hours of October 1, 2020 to avert a government shutdown that also contained an extension to the insurance program for an additional year. Congress has authorized numerous short-term extensions to the program since 2017, and discussions are ongoing on how to reform the program, which protects approximately 5 million homes in the United States. The Government Accountability Office ("GAO") has

placed the program on its “high risk list” because Congress has been unable to find a sustainable solution to keep the insurance affordable while maintaining the solvency of the program. The GAO has reported that premium rates in many instances do not reflect the full risk of loss, and produce insufficient premiums to pay for claims. To view the GAO’s 2019 report, follow this link: https://www.gao.gov/highrisk/national_flood_insurance/why_did_study#t=1

- *Stewart’s Fall/Winter Education Series – Sign up for a Webinar*
 - The Mysteries of Tax Titles Revealed on **October 14, 2020 at 10 AM**
Register: [HERE](#)
 - Not So Basic – Policy Basics on **November 10, 2020 at 10 AM**
Register: [HERE](#)
 - Claims Chronicles on **December 9, 2020 at 10 AM**
Register: [HERE](#)

If you missed our recent webinar “**Probate Perils and Perfecting Title**” or are interested in other webinars we’ve hosted this year, check out our local Massachusetts Stewart site to view the recordings. <https://www.stewart.com/content/stewart/stewartcom/en/stg/massachusetts/underwriting-resources/forms-policy-information/covid-19-info-resources.html>

- *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>



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