

Stewart – Massachusetts Mid-Week Update – February 17, 2021

We hope that you were able to find time to relax over the holiday weekend. In this week's update, we have a few "In Case You Missed It" items – locally, the recent memo from the Land Court Chief Title Examiner on acknowledgements, and at the federal level the extension of the foreclosure and eviction moratoriums through June 30, 2021. Tax time is right around the corner, and if you or your clients took advantage of the ability to hit the pause button on your mortgage payments, we're providing an article that tells you what that will mean for this year's tax returns. Finally, new ALTA/NSPS Survey Requirements go into effect next week. We've included a link to an article explaining some of the changes in plain English; we found it informative and thought you may too.

- *Acknowledgements on Documents to be Filed with the Registered Land Section*
On February 4, 2021, Christina T. Geaney, Chief Title Examiner of the Land Court, released a Memorandum addressing the requirements regarding acknowledgements on documents to be filed with Land Court. Hopefully many of you are already using the forms of acknowledgement and jurat found in MGL c. 222, s. 15 and so this won't have a big impact on your practice. However, if you're representing a buyer purchasing Land Court property at foreclosure, you'll want to read this memo carefully to make sure any documents to be filed, including a power of attorney supporting the documents, meet the requirements. You can read the memo here: <https://www.mass.gov/memorandum/form-of-acknowledgments-and-powers-of-attorney>

- *Federal Foreclosure Moratorium Extended through June 30, 2021*

Yesterday, the U.S. Department of Housing and Urban Development issued an updated mortgagee letter extending the single-family foreclosure and eviction moratorium to June 30, 2021. The 22-page letter also provides information on additional loss mitigation and forbearance options. You can read Mortgagee Letter 2021-05 here: <https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-05hsgml.pdf>

- *Mortgage Forbearance and Income Taxes*

Speaking of forbearances, you may get questions from your clients about the impact it has on their income tax return. For most taxpayers, the answer is straightforward – you don't get to deduct payments of interest on your mortgage if you didn't make the payment during 2020. However, as this article cautions, clients should also check their Form 1098 to confirm the information is correct, particularly if they entered into a forbearance agreement but continued to make mortgage payments: <https://www.realtor.com/advice/finance/did-you-skip-mortgage-payments-last-year-heres-what-that-means-for-your-taxes/>

- *New ALTA/NSPS Survey Standards go into Effect February 23, 2021*

The American Land Title Association (ALTA) and the National Society of Professional Surveyors (NSPS) have issued new Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys which go into effect next week. The revised Standards clarify that only survey-related items need to be shown on a survey. This means that items shown on Schedule B, Part 2 of the Title Commitment which are not survey related are not required to be included on the survey.

Surveyors are now also required to include any utility poles which are located within 10 feet of the property being surveyed. Changes have also been made to the “Table A” optional items. The previous option of requiring the location of wetland delineation markers has been removed, as has the determination of whether walls are plumb.

Additional information can be found in this article: <https://www.jdsupra.com/legalnews/new-2021-alta-nsp-land-title-survey-5032982/>

- [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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