

Dear Stewart Partners,

April is right around the corner, which will bring to an end the first quarter of the year. These first several months of the year have been challenging. We are watching the war in Ukraine unfold, which is impacting all of us, even for those without direct ties to the country or its people. Here at home, interest rates have moved upward, and the housing inventory remains low, all of which impacts our businesses.

In this week's update, we want to share with you that the Stewart Title Foundation has made a \$25,000.00 donation to GlobalGiving's Ukraine Crisis Relief Fund on behalf of Stewart employees who have friends and family impacted by this crisis. We've also included in this week's update, a case alert that deals with guardianships, trustees, and the transfer of real estate. This is a lower court decision but provides a useful analysis of how a trustee's guardianship may impact the trustee's authority under the Uniform Trust Code. Lastly, we are including a quick quiz on how good your password is. As cybercrime continues to rise, having a strong and secure password is critical. Take the quiz and find out if you should make changes to your password.



Stewart Title Foundation Donates to GlobalGiving Ukraine Crisis Relief Fund

The Stewart Title Foundation aims to give to causes in which Stewart employees are personally invested. In response to the escalating humanitarian crisis in Ukraine, the Foundation is donating \$25,000 to GlobalGiving's Ukraine Crisis Relief Fund on behalf of our employees who have friends and families personally impacted by this crisis. Our contribution will provide food, water, shelter, and health services directly to impacted communities in Ukraine and to the surrounding areas where refugees have fled.

At Stewart, our Culture of Caring spans across the globe. If you feel inspired to support the Ukrainian people, please consider the organizations below that are influencing peace and stability in Ukraine.

[Ukraine 2022 Emergency Appeal](#) via the International Committee of the Red Cross: [I](#)
[Nova Ukraine](#) is providing refugee assistance and relocation
[UNICEF's response](#) in Ukraine via UNICEF USA to aid thousands of children and families



Case Alert: DiCienzo v. Pizziferri, Land Court Docket No. 18 MISC 000418 (2022)

A recent decision from the Land Court highlights the need to carefully review transactions undertaken when a person is under guardianship and to be mindful of the provisions of the Massachusetts Uniform Trust Code, MGL c. 203E ("MUTC").

The facts of the case are not uncommon. In 1992, Felix and Antonietta DeCienzo formed the DiCienzo Realty Trust, a nominee trust. They were named as the trustees of the Trust, and the off-record beneficiaries were their two children. At the same time, they transferred their house in Quincy to the Trust. Felix died in 2002, leaving Antonietta as the sole trustee of the Trust. In 2013 Antonietta's cousins Angela and Anne Marie filed a petition with the Probate Court to be appointed co-guardians for Antonietta, alleging that she was unable to make decisions for herself. The Probate Court agreed that the statutory requirements to place Antonietta under guardianship had been met, and appointed Angela and Anne Marie as co-guardians. Over the course of the next several years, they filed annual reports with the Court confirming that Antonietta continued to be unable to make personal decisions because she was suffering from Alzheimer's disease.

In 2016, while the guardianship was still ongoing, Antonietta executed a deed conveying the real property out of the trust for nominal consideration to Angela. The notary public who took the acknowledgment on the deed signed an affidavit stating that Antonietta said it was her free act and deed and she signed it "in a firm and secure matter (sic)." The deed was not recorded; instead, Angela kept the original deed in her possession.

Two years later, in 2018, Antonietta died, and shortly thereafter Angela recorded the deed. At the time of her death, the guardianship was still in effect. Antonietta's children, as beneficiaries of the Trust, brought suit in the Land Court challenging the transfer on the basis that the 2016 deed was void for several reasons, including lack of capacity and undue influence. The Land Court agreed, based solely upon the MUTC. Specifically, section 704(a)(6) of the MUTC states that "a vacancy in trusteeship shall occur if a guardian or conservator is appointed for an individual serving as trustee." Therefore, the court reasoned, upon Angela and Anne Marie's appointment as co-guardians for Antonietta, her trusteeship was terminated by statute. As such, the 2016 deed from Antonietta conveyed nothing, and the title to the real estate remained in the trust.

This case is a reminder that the law of trusts has changed in Massachusetts since the enactment of the MUTC, and practitioners should be mindful of its provisions. It's also an important reminder to check probate court records to confirm that no party (including a trustee of a trust) has been placed under a conservatorship or guardianship and therefore deemed incompetent to engage in a real estate transaction.



Is Your Password Strong Enough?

Here's a quiz - which of the following is a more secure password?

- A) Sf\$Zab24@
- B) I1 Drive2 Fast3

Most of us would pick A, right? It contains upper and lower case letters, special characters, numbers and it's impossible to remember, and it doesn't include any personal info (like birthdays, kid's or pet's names) or the word 'password.' All the tips we have been told to follow...

Answer A can be hacked in less than two days!

Why is B better? ***SIMPLY BECAUSE IT'S MORE THAN 14 CHARACTERS.*** Answer B would take one billion years to break!

Curious how strong your current password is? [Check out this Password Hacker 2022 reference chart from Hive Systems to find out.](#) You might find it as eye opening as we did.



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