

Dear Stewart Partners,

As always, we hope you and your families are well. It appears spring has sprung and we've been seeing all of the seasonal indicators in local flora and fauna. With the spring market in full swing, hopefully, you are seeing a significant increase in business. As always, we are here to serve all your underwriting needs to help facilitate your transactions.

In this week's update, we're sharing a recent Order from a Massachusetts Bankruptcy Judge rejecting a debtor's recorded Declaration of Homestead because it failed to comply with the statutory requirements. We are also providing a reminder that real estate scams involving vacant land are more prevalent than ever, with a link to a recent Stewart underwriting bulletin.

Finally, REBA's spring conference is less than a week away. Not only will Stewart's Chris Provost be presenting, there will be presentations on avoiding elder abuse, withdrawing properties from Land Court registration, and teaching first time homebuyer's courses. To view the conference schedule and register, follow this link: <https://reba.net/about-us/2022-spring-conference>. We hope to see you there!



Declarations of Homestead – Check your forms!

A recent Order from the U.S. Bankruptcy Court for the District of Massachusetts serves as a reminder to practitioners that formalities are important when it comes to Declarations of Homestead. The Order, issued on April 18, 2022 in the case of Danny Luu (docket no. 21-40233-CJP) upheld the objection of the Bankruptcy Trustee to the debtor's recorded Declaration of Homestead because it lacked the "penalties of perjury" language required by MGL c. 188, s. 5. Judge Panos, while recognizing the Bankruptcy Court's long history of construing the Homestead statute broadly in favor of debtors who claim the exemption, nonetheless predicted that the Massachusetts Supreme Judicial Court would hold this Declaration invalid based upon the plain language of the statute. As a result, the debtor, in this case, was only entitled to the \$125,000 automatic exemption, not the full \$500,000 that a recorded Homestead provides.

To read the Order, follow this link: <https://casetext.com/case/in-re-luu-11>

As a reminder, you can download Declaration of Homestead forms from the Secretary of State's office here: <https://www.sec.state.ma.us/rod/rodhom/homidx.htm>



Scams Involving Sales of Vacant Lots

Last week, Stewart issued Claims Avoidance Bulletin SLS2022004 regarding fraudulent land sales. While the overall scam is the same, the fraudsters have moved on from targeting lands owned by foreign nationals and are now focusing on domestic owners. With improvements in technology and

“mail away” closings being the norm, the best way to avoid these scams is to send a letter to the seller at the address to which the real estate tax bills are mailed. In Massachusetts, most if not all Assessor’s offices have this information available online. To read more about how the scam works, and for a sample of the letter to the seller, please read the full bulletin here:

<https://www.virtualunderwriter.com/en/bulletins/2022-4/sls2022004.html>



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