

Dear Stewart Partners,

We hope all of you, your colleagues and family are enjoying the summer. This past week, Stewart released its second quarter earnings. The results were great, and we couldn't have achieved them without the hard work of our agents. We are grateful for the partnership we have with each of you.

This week we want to update you on the status of the new ALTA policy forms. More information from Stewart will be forthcoming, but it's important to remember that the existing forms are not being retired and will continue to be available for use. We also want to let you know that the Chief Title Examiner of the Land Court has released a new memorandum concerning prohibited restrictions. Lastly, we've also updated the URL to for the webpage we launched last March containing the links to recently issued bulletins relating to foreclosure and eviction moratoriums, gap affidavits, all our weekly updates, and our past webinars.

- *New ALTA Policy Forms and Endorsements – Coming Soon!*

ALTA has adopted new forms of the closing protection letter, title commitment, and both the standard and expanded loan and owner's policies. Several endorsement forms have also been updated. While the changes to the policy forms are effective as of July 1, 2021, don't panic! The current forms have **not** been retired, and they will continue to be available for use. Stewart Legal Services will be sending out an informational bulletin to our Massachusetts agents shortly with additional details. Stewart is working closely with software vendors to make the forms available on the various title production software platforms. Your Stewart underwriting team will also roll out a series of fall webinars to help you understand the changes. Stay tuned!

- *New Land Court Memorandum: Prohibited Restrictions Under G. L. c. 184, §23B*

Earlier this month, the Chief Title Examiner issued a new Land Court Memorandum addressing how prohibited restrictions under G. L. 184, §23B will be addressed when the District discovers such restrictions on the face of a certificate of title or referenced therein. The Land Court has also issued Standing Order 2-21 in response to the statute. The standing order and memorandum will be effective as of October 1, 2021. If the prohibited restriction is a sole and independent restriction (not combined with other permissible restrictions) and is unambiguously void pursuant to G. L. c. 184, §23B, the District is authorized to prepare a new certificate or memorandum without further approval from the Land Court and without notice to the parties or, in the case of a conveyance where a new certificate would issue in the normal course, to drop the restriction from the certificate.

Where the restriction is ambiguous or combined with a permissible restriction, the Assistant Recorder of the District is instructed to promptly file a "Complaint to Declare Certain Provisions Void Under c. 184, §23B." The owner of property encumbered by such a restriction may also file the Complaint, which does not require payment of a filing fee. During the pendency of such a complaint, absent specific Court approval, the District is not permitted to prepare a new transfer certificate of title until the issuance of a Court Order.

The Memorandum also contains instructions for when a document presented for filing contains a prohibited restriction. The District is directed to request the document be voluntarily withdrawn prior to registration, allowing the submitter to resubmit the document without inclusion of the prohibited restriction. If the document is not withdrawn prior to filing, the District is directed to promptly file the “Complaint to Declare Certain Provisions Void under c. 184, §24B” and seek an amendment of the document. As set forth above, once that complaint is filed, absent specific Court approval, the District is not permitted to prepare a new transfer certificate of title.

To view the complete memorandum and the related Land Court Standing order 2-21, follow these links:

Land Court Memo: <https://www.mass.gov/memorandum/prohibited-restrictions-under-gl-c-184-ss-23b-mandatory-legends-to-be-added-to-newly-issued-certificates-of-title-land-court-standing-order-2-21>

Land Court Standing Order: <https://www.mass.gov/land-court-rules/land-court-standing-order-2-21-remedies-for-void-provisions-under-chapter-184-ss-23b>

- [Update: Stewart’s Massachusetts COVID-19 Resource Page & Information Page – URL CHANGE](#)

Last March, in response to the pandemic, we launched a website to provide you with quick access to all our Mid-Week updates, gap coverage affidavits, bulletins that specifically relate to COVID and other emergency orders, and links to view our past webinars. The URL has now changed. Please bookmark or save this new URL as a favorite in your web browser for easy access: <https://www.stewart.com/en/state-pages/massachusetts-agents/tools-and-resources/covid-19.html>

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