

Stewart – Massachusetts Mid-Week Update – August 27, 2020

Dear Stewart Partners,

As summer is winding down and the temperatures drop from the 90's, the residential real estate market still feels hot. Whatever distractions exist due to COVID and political conventions, it hasn't seemed to slow down homebuyers. Your Stewart team remains here and available to help as you manage through the end of summer buyer frenzy.

In this week's update we want to share with you an important case that was recently decided by the SJC that involves tax title assignments. The case is particularly helpful as it contains a primer on tax title law and the statutory framework laying out how the collection and lien process works. This is all in an appendix to the decision. Be on the look-out for an underwriting bulletin relating to tax takings. Also in court news, yesterday Judge Wilson issued the decision in the case brought by a group of local landlords challenging the eviction and foreclosure moratorium. The Judge declined to enjoin the enforcement of the moratorium. No appeal has yet been filed, but it is anticipated.

Lastly, our mid-week update wouldn't be complete without some new fraud scam or cyber-security warning. This week we are including two scams. One targeting small businesses that have applied for government relief funds and another targeted at fraudulently obtaining credit card credentials. Read below for the details.

- *Tax Title - Tallage Lincoln LLC. v. Jessye L. Williams, 485 Mass. 449 (2020)*

In *Tallage Lincoln, LLC v. Williams*, 485 Mass. 449 (2020), the Supreme Judicial Court addressed whether the holder of a tax title by virtue of an assignment could include in the redemption amount subsequent taxes the holder paid to the municipality. The Court held that those payments could not be added to the redemption amount. Instead, the holder could (and in this case did) record certificates of tax payment pursuant to MGL c. 60, s. 60, which served as a lien against the property separate and apart from the tax title and the redemption of the tax title. The case reinforces that these certificates are a lien on the real property, and just like any lien, a release is required to clear them from title.

The decision is important because it includes an appendix with a comprehensive review of the tax collection and tax title process. The decision and appendix can be viewed here: <https://www.mass.gov/files/documents/2020/08/19/a12847.pdf>

- *Eviction Moratorium – Mitchell Matorin et al. v. Commonwealth of Massachusetts, et al.*

Two local landlords filed suit challenging the emergency legislation which halted evictions. The landlords sought to enjoin the enforcement of the emergency law. In the ruling, the judge disagreed that any harm suffered by the landlords was irreparable, because it was only economic. The judge concluded by finding that the harm suffered by the plaintiff landlords in the case is "far outweighed by the potential harm to the Commonwealth and public as it protects public health and the economic well-being of tenants and the general public during this health and economic emergency."

If you would like a copy of the Superior Court decision, please email massuwing@stewart.com and we will gladly forward it to you. We haven't included it as an attachment given its size.

- *Warning – Scam Targeting Small Business Applying for COVID relief loans*

We learned through a report from a Louisiana news station that a new scam has emerged targeting small business owners that have applied for federal funds made available through various government relief programs. To read the full report and the details of the scam, view this link: <https://www.wbrz.com/news/scammers-targeting-small-businesses-receiving-federal-coronavirus-relief/>

- *New Scam by Hackers Using CAPTCHA*

Do you know what CAPTCHA is? It is that (sometimes frustrating) test that you need to go through on certain websites to prove you're not a robot. Usually, an image of poorly drawn letters and numbers camouflaged with dots, lines, or other figures appears and you need to type in the characters to confirm you are a human. CAPTCHA is used to prevent automated software from accessing information. Unfortunately, cybercriminals are now using CAPTCHA to make their phishing expeditions seem more legitimate.

A cybersecurity monitoring company reported "in a recent Netflix-themed attack, scammers sent a phishing email that claims 'your payment did not go through and your account will be suspended in the next 24 hours.'" To resolve the issue, the email recipient is instructed to click on a link in the email to update their information. Upon clicking the link, they are taken to a CAPTCHA page. Once they pass the CAPTCHA, they're redirected to an unrelated webpage that looks like a Netflix login page which asks for their username and password, billing address, and credit card information." Of course, once entered, the cybercriminal has the information and uses it for nefarious purposes.

- *Stewart Webinars*

- Probate Perils and Perfecting Title on **September 16, 2020 at 10 AM**

To register follow this link:

<https://www.stewart.com/content/dam/stewart/Microsites/massachusetts/pdfs/Webinar-Invitation-Form-updated-August.pdf>

If you've missed our most recent webinar "**No Stress Distressed Properties**" 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>

stewart title®

200 5th Avenue, Suite 301, Waltham, MA 02451

Phone: 800-628-2988 **Fax:** 781-697-3336

Monarch Place - 1414 Main Street, Suite 1835, Springfield, MA 01144

Phone: 413-930-8090 **Fax:** 978-964-0565

Tiziano Doto, Agency Services Manager - tiziano.doto@stewart.com

Jutta R. Deeney, VP, State Counsel - jutta.deeney@stewart.com

Shannon Coleman, Underwriting Counsel - scoleman@stewart.com

Christine Provost, Associate Senior Underwriter - christine.provost@stewart.com

Tracie Kester, Underwriting Counsel - tracie.kester@stewart.com

Paula M. Cuculo, Underwriting Counsel - paula.cucoulo@stewart.com

General MA Underwriting Mailbox - massuwing@stewart.com

Tracy Hawkins, Agency Sales Representative Sr. - tracy.hawkins@stewart.com

Rita Kelly-Parsley, Agency Sales Representative Sr. - rita.kelly-parsley@stewart.com

Tom Potito, Agency Sales Representative Sr. - tom.potito@stewart.com

Mary Blomerth, Agency Sales Representative Sr. - mary.blomerth@stewart.com

Lyslie A. DeMeo, Agency Sales Representative, Sr. - ldemeo@stewart.com