

Dear Stewart Partners,

In this week's update, we are providing you with some Stewart resources we hope you find useful, including our Three-Day Right of Rescission Calendar and Stewart's Insights Blog featuring posts from our chief economist, Dr. Ted Jones. We are also providing information on an upcoming ALTA webinar featuring Dr. Jones along with links for registration.

For our agents who practice in Massachusetts, we have included information regarding new procedures for filing Registered Land documents in the Worcester (South) Registry of Deeds, as well as information on Chapter 61, 61A and 61B liens involving forest, agricultural/horticultural or recreation lands which receive special property tax treatment.

Finally, we are including a summary of a recent Massachusetts appeals court case regarding trusts. While this case comes from a Massachusetts court, it serves as an important reminder to all agents that careful drafting is required in order to avoid ambiguities.



Quick Reference – 2023 Right of Rescission Calendar

Stewart's marketing team has developed a quick reference calendar for a consumer's 3-day Right of Rescission for certain mortgage loans. Follow this link to access the guide, which can be saved or printed for easy reference: [2023 Rescission Dates](#)



WEBINAR - 2023 Mortgage and Housing Market Outlook with Stewart's Chief Economist, Dr. Ted C. Jones

ALTA is hosting a webinar featuring Stewart's Chief Economist and Senior Vice President, Ted C. Jones PhD, on **January 23, 2023 at 1 P.M.** Dr. Ted will discuss the latest home sale and mortgage lending forecasts and provide information on how best to prepare your operation to weather the markets. To register for this or other ALTA webinars, follow this link: [Alta Webinars Link](#)

You do not need to be an ALTA member to register and view the webinar; however, you are required to have an account with ALTA.

To establish an account, follow this link: [Alta Account Link](#)

Stay up-to-date with Dr. Ted's economic trends and forecasts by accessing Stewart's Insights and Education page here: [Stewarts Insight and Education Link](#)



Worcester County, Massachusetts Registry of Deeds – Changes to Registered Land Procedures

Worcester County Register of Deeds Kathryn Toomey has announced that effective January 1, 2023, all documents to be filed with the Registered Land section are required to be submitted by email for pre-approval. The documents must be fully executed, and upon receipt the registry will either approve the documents or notify you of changes that must be made. The documents can then be submitted for filing. The new pre-approval requirement for registered land documents is only applicable to Worcester County; however, other counties such as Hampshire also have pre-approval requirements

The Register also announced that they will no longer be retaining original Registered Land documents; once they have been processed the documents will be returned to the submitter. They do require that filers provide them with an envelope with postage affixed so that documents can be returned.

You can read the announcement on the Worcester Registry's website here: <https://massrods.com/worcester/>



Massachusetts – MGL Chapters 61, 61A and 61B “Chapter Lands”

We frequently get questions about Chapter lands. When property is purchased or refinanced, how should these liens be handled? This short article gives a broad overview of the basics with links to more specific information.

In a sale, the threshold question is whether there will be a change in use. If there is no change in use, the buyer files an affidavit of continued use with the tax assessor and obtains and records a certificate of penalty tax showing no tax is due. As for how this is treated in the policy, since the liens will remain on title, take an exception in the policy for the recorded liens. If the land is to be released from chapter, the municipality has a right of first refusal. Notice accompanied by all documents specified in the statute is required to be given to various officials in the municipality. Assuming the municipality does not exercise its right of first refusal, record a notice of non-exercise of the right or an affidavit of the owner showing specific compliance with all notice requirements, a release of the lien, and a certificate that all roll-back and conveyance taxes have been paid.

If your transaction involves a refinance, take an exception in the policy for the outstanding lien or liens. In the event the property is foreclosed upon, the right of first refusal does not apply but 90-day notice is required to the municipality. Note that the lien is not released or wiped out by foreclosure.

For additional information including links to Department of Revenue promulgated forms and detailed information including statutory references, follow this link: [2023 Chapter Lands Chart](#)



Massachusetts Case Summary - In the Matter of the Leo Kahn Revocable Trust (Massachusetts Appeals Court, Docket No. AC 21-P-929, 2022)

The Kahn case is of interest because it sheds some light on how the Massachusetts Uniform Trust Code (MUTC) may be applied when there is an ambiguity in a trust. To date there is limited case law in Massachusetts interpreting the MUTC. This case serves as a reminder that when drafting trusts or trustee certificates for recording at the registry of deeds, be sure the provisions are clear and unambiguous.

The case involves a dispute arising out of the removal of a co-trustee of a 2006 trust. The trustee, seeking removal of her co-trustee, relied solely on the MUTC § 706(b)(4) for authority. Subparagraph (b)(4) provides that the court may remove a trustee if “there has been a substantial change of circumstances or removal is requested by all of the qualified beneficiaries, the court finds that removal of the trustee best serves the interests of all of the beneficiaries and is not inconsistent with a material purpose of the trust and a suitable co-trustee or successor trustee is available.” The respondent co-trustee opposed the removal on the ground that based on the trust provisions he could only be removed for cause. Finding for the respondent, the probate court judge dismissed the petition. The Appeals Court reversed and remanded for further proceedings on the ground that the trust did not unambiguously prohibit reliance on the MUTC as a basis for removal. Because reliance was not prohibited, it left the door open for the provisions of the MUTC § 706(b)(4) to potentially be a basis for removal of the co-trustee. The Appeals Court noted that further evidence is required, especially as to the settlor’s intent, to resolve the ambiguity.

You can read the Appeals Court decision here: [In the Matter of the Leo Kahn Revocable Trust](#)



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