



New England Regional Midweek Update  
4/9/2025

Dear Stewart Partners,

March Madness has finally come to an end and Spring is underway. Hopefully, these April showers will bring us flowers sooner rather than later. In this week's Mid-Week Update, we are providing an overview of requirements for the execution of deeds for property in Connecticut. Additionally, we are providing information regarding a proposed Rhode Island Public Act addressing the epidemic of title and vacant land fraud and information on some offerings from registries to combat this kind of fraud.

In addition, in case you missed it, a Special Alert was issued for a Vermont property last week. To view the details, follow the link below.

We hope this information proves useful. As always, we are happy to answer any questions you may have on these topics.



**Requirements for the Execution of Deeds for Connecticut Property** By: David Veleber, Esq., Connecticut Underwriting Counsel

In Connecticut, the process of executing and recording deeds (and other real estate related documents) is a crucial aspect of property transactions. One of the essential steps in this process is the acknowledgment of the deed. Acknowledging a deed ensures that the person executing it has done so voluntarily and with full knowledge of its contents. This article outlines the requirements for taking acknowledgments on deeds for property transactions involving Connecticut real estate, whether the deed is being executed and acknowledged within Connecticut, in another state, or outside the country.

Under Connecticut law, certain legal formalities must be observed for the deed to be valid, particularly when it comes to deeds for the conveyance of real property and other real estate transactions. In order for an acknowledgement to be proper and effective, a deed must be executed and acknowledged before an authorized official.

The acknowledgment must be made in person before the party taking the acknowledgement. They must personally appear. Connecticut does not recognize remote notarization for the execution of deeds. Connecticut also does not recognize deeds which have been remotely notarized, even if that deed was executed in another state or jurisdiction that does allow remote notarization. See C.G.S. 47-7(c). This is important, and when reviewing the title, the execution and notarization must be examined carefully as defects and non-compliance may result in title to the land being uninsurable.

Regardless of where the acknowledgment is taken, whenever an acknowledgement is taken, the certificate of the acknowledging officer shall be completed with their signature, the title of their office and, if they are a notary public, the date their commission expires. A seal or stamp of their office is often affixed but it is not required for a valid acknowledgment. The party taking the acknowledgment shall also affix thereon or attach thereto a certification substantially in one of the forms outlined in C.G.S. Section 1-34 depending on the nature of the grantor (e.g. an individual, corporation, or LLC, as well as others).

**Requirement for the execution of deeds executed within Connecticut:** Per Connecticut General Statute Section 1-29, the following are the authorized parties to take acknowledgements in Connecticut: (1) A judge of a court of record or a family support magistrate; (2) a clerk or deputy clerk of a court having a seal; (3) a town clerk; (4) a notary public; (5) a justice of the peace; or (6) an attorney admitted to the bar of this state (what is often referred to as a "Commissioner of the Superior Court").

In addition to being executed in front of, and acknowledged by, an authorized party, the deed requires two witnesses. The acknowledging party can also act as a witness. So, although many states only require an acknowledgment, deeds executed in Connecticut for Connecticut property require two witnesses and an acknowledgment. The witnessing of the deed is another critical aspect of its validity in Connecticut.

**Requirement for the execution of deeds for Connecticut real estate outside of Connecticut in other states, territories, or possessions:** Per C.G.S. Section 1-30, the acknowledgment of any instrument may be made without the state but within the United States or a territory or insular possession of the United States and within the jurisdiction of the officer, before: (1) A clerk or deputy clerk of any federal court; (2) a clerk or deputy clerk of any court of record of any state or other jurisdiction; (3) a notary public; (4) a commissioner of deeds; (5) any person authorized by the laws of such other jurisdiction to take acknowledgments; (6) any attorney admitted to the bar in this state as provided in section [1-31a](#).

Per C.G.S. Section 47-7, any conveyance of real estate situated in this state, any mortgage or release of mortgage or lien upon any real estate situated in this state, and any power of attorney authorizing another to convey any interest in real estate situated in this state, executed and acknowledged in any other state or territory in conformity with the laws of that state or territory relating to the conveyance of real estate therein situated or of any interest therein or with the laws of this state, is valid **(as long as the acknowledgment is in person and not remotely)**. Therefore, a deed executed in another state is properly executed and acknowledged if it is either done in accordance with the laws of the state in which it is executed, with the exception of any remote execution or notarization or in accordance with Connecticut requirements.

Per C.G.S. Section 47-7(b), no county clerk's certificate or other authenticating certificate is required for such conveyance, mortgage, release, lien or power of attorney to be valid, provided the officer taking the acknowledgment indicated thereon the date, if any, on which his current commission expires. Note that the officer need not affix a seal.

**Requirement for the execution of deeds for Connecticut real estate without the United States.** The acknowledgment of any instrument may be made without the United States before: (1) An ambassador, minister, charge d'affaires, counselor to or secretary of a

legation, consul general, consul, vice-consul, commercial attaché, or consular agent of the United States accredited to the country where the acknowledgment is made; (2) a notary public of the country where the acknowledgment is made; (3) a judge or clerk of a court of record of the country where the acknowledgment is made; (4) any attorney admitted to the bar in this state as provided in section [1-31a](#).

C.G.S. Section 1-31a states: “An acknowledgment of any instrument pertaining to real property located in this state or a power of attorney may be made outside the state before an attorney admitted to the bar in this state. The provisions of this section shall not apply to any acknowledgment made by a remotely located individual, as defined in section [3-95b](#), in the conduct of a real estate closing, as defined in section [51-88a](#).” So, this statute allows for attorneys licensed in the State of Connecticut to take an acknowledgement in person for deeds and powers of attorney related to Connecticut real estate in any other state or other country.

**PLEASE NOTE:** Unlike deeds executed in another state, deeds of Connecticut real estate executed in a foreign country must be executed and acknowledged in accordance with Connecticut law (even if done at a U.S. embassy or consulate). So, **there must be two witnesses and an acknowledgement.**

When executing a deed or document in a foreign country, although there are other options for parties who can take acknowledgments in foreign countries, it is recommended that the party take the document to a U.S. embassy or consulate for execution and acknowledgment since, per C.G.S. Section 1-36, if the acknowledgment is made without the United States by an officer of the United States no authentication shall be necessary. If using one of the other options, authentication of the acknowledging party may be required.

So, when executing deeds, or other various documents, related to Connecticut real property, it is important to make sure that they are executed and acknowledged properly and in accordance with Connecticut law, whether they are executed within Connecticut, in another state or territory, or in a foreign country. If you have any questions regarding the execution of deeds, and what is required in order to issue a policy of title insurance, please contact one of your Connecticut Stewart Underwriting Counsel to help answer your questions.



**Proposed Title Theft Law in RI and tips for preventing Title Theft/Vacant Land fraud** By: Eileen C. O'Shaughnessy, Rhode Island Underwriting Counsel

By now, if you have been receiving our Mid-Week Update, you know that seller impersonation and vacant land fraud (sometimes called “Title Theft” or “Title Fraud”) is rampant all over the country. Title Theft occurs when a fraudster impersonates a property owner and sells the property or takes out a mortgage on the owner's property. In the worst-case scenario, the home goes into foreclosure and/or is sold to a new purchaser. This is particularly common with land owned by out-of-state owners or vacant land. Fraudsters often impersonate owners, provide fake documents, and list the land for sale. Since vacant land is often unmonitored, these scams can go undetected until it's too late.

In Rhode Island, legislation is pending that establishes real estate title fraud as a crime and creates a private right of action for victims of title theft. House Bill No. 5662, entitled, **An Act Relating to Criminal Offenses -- Fraud and False Dealing** (the “Act”) is modeled after a law enacted in Georgia to address this issue.

The Act would require a municipality, when accepting instruments by electronic filing, to obtain sufficient documentation (e.g. driver’s license, passport, military ID card or Bar ID) identifying the individual making the filing. Any violation of this requirement would result in the recording being void.

The Act also addresses predatory and unsolicited real estate purchase offers that often target older adults. It requires that solicitations of this nature must be accompanied by a notice stating, “This offer may or may not be equal to the fair market value of the property.” If the offer is less than the assessed value of the property, it requires a notice that “This offer is less than the municipal assessed value of the property.” Both notices must be signed by the sellers. A violation of the notice requirements would be a misdemeanor and the sale would be voidable at the election of the seller for a period of sixty days from the date of sale.

Title Fraud includes knowingly offering for recording or recording forged documents, or documents falsely encumbering or transferring someone else’s real estate. Any person or entity committing title fraud would be guilty of a felony.

The Act also creates a private right of action for victims of title fraud. An action filed under the Act would allow the victims to recover their actual damages or \$5,000.00, whichever is greater, and would include costs and attorney’s fees.

All New England States have some towns, cities and/or registries that offer property fraud alerts to consumers. Once a property owner registers with one of these services, they will be notified by the municipalities/registries any time a recording is made on their property. In Rhode Island, as of this writing, the towns of Tiverton, Portsmouth, Smithfield, West Greenwich, Bristol and West Warwick offer this service. The town of Westerly lists properties on their website that are flagged for possible fraudulent activity.

Stewart requires its title agents, prior to insuring certain types of vacant land, to send a confirmation letter to the seller at their address shown on the records of the Tax Assessor, so that the seller can confirm the transaction. Without confirmation, policies of title insurance may not be issued unless otherwise approved by a Stewart Title Guaranty underwriter.

To review this bulletin and to obtain a sample of the confirmation letter that can be used, follow this link: [Bulletin: SLS2024017](#)

Although most purchasers obtain owner’s policies of title insurance when they buy property, not all title insurance policies cover fraud post-policy. This is especially true if property was purchased prior to 1998. The ALTA Homeowner’s policy of title insurance provides owners additional protection should a fraudster try to sell or put a mortgage on their property. A policy issued prior to 1998 does not have this coverage.

Given the increased incidents of post-policy fraud and forgery, the ALTA Homeowner’s policy is an optimal choice for homebuyers purchasing a 1-4 family home.

As always, if you have any questions about title fraud and the value of the ALTA Homeowner's policy, please reach out to your local underwriter.



## **In Case You Missed IT: Recent Special Alerts**

The following bulletin has recently been issued for a Vermont property, please take a moment to review [Special Alert 2025123](#) regarding 18 Hedgehog Hill Rd, Underhill, VT 05489



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