



New England Regional Midweek Update
8/2/2023

Dear Stewart Partners,

We hope that all our friends in New England affected by severe weather have had an easy time of recovery in the aftermath. In this week's update, we continue our very important series on vacant land fraud. As noted in our prior updates, unfortunately the incidences of land fraud continue to grow nationwide and right here in our New England region. We urge you to share this information with colleagues and staff so everyone involved in transaction-related services can be on the lookout for red flags.

Additionally see our article below on Maine's newly enacted remote and electronic notarization statute. We hope you find this information and the resources provided here useful and informative.

Lastly, see the information at the end of this update about an upcoming Continuing Legal Education seminar on Massachusetts Horticultural and Recreational Liens on August 16th and the upcoming New England Land Title Association (NELTA) annual convention being held September 18th-20th.



Vacant Property Fraud – Know the Red Flags!

Today we continue our series on vacant property fraud. As we noted previously it is critical as a conveyancer and title agent to be aware of all real estate fraud trends and to remain vigilant to avoid them. Stopping this kind of fraud is possible when there's attention to detail and awareness of red flags. Certainly, wire fraud schemes have gotten a lot of press, and the latest growing trend, vacant property fraud, is no different. Vacant property can include raw land or homes where the owner has died or moved away. We want to help you and your agency to be aware of the red flags so you will avoid being an unwitting participant in the facilitation of a real estate scam. A good place to start is Stewart's Bulletin SLS2023003 issued a few months ago, which alerted agents to an increase of fraudulent land sales. Stewart's bulletin lists a number of red flags to help you identify suspicious transactions. To read the bulletin, follow this link:

<https://www.virtualunderwriter.com/en/bulletins/2023-1/sls2023003.html>. ALTA has also issued an advisory on the same topic. To review, follow this link: [ALTA - Wire Fraud Advisory: Vacant Property Fraud](#). In addition, ALTA has also created a flyer on Seller Impersonation Fraud in Real Estate. This helpful graphic is a great tool to educate your entire office on red flags. Follow this link to download the flyer:

<https://www.alta.org/news/news.cfm?20230509-Red-Flags-and-Tips-to-Help-Prevent-Seller-Impersonation-in-Real-Estate>

To assist you in educating staff, real estate agents, mortgage brokers and others involved in a transaction, Stewart's marketplace also has several flyers available for download and personalization. You may personalize and distribute the flyers electronically or print them out for distribution at no charge. You can access these through the Storefront tab on Stewart's marketing page at www.stewartmarketing.com or contact your Agency Services Representative for assistance.

One of the flyers has a list of the following nine red flags to look out for:

- Seller is willing to accept a low amount for the sale;
- There are no outstanding mortgages;
- The title is otherwise free and clear of liens;
- Seller is in a rush to close;
- Records show the owner's address to be outside of the U.S. or otherwise remote;
- The real estate agent never meets with principals and is hired by e-mail;
- The purported owner does not reside at the address listed in the county's tax records;
- Multiple foreign countries or states are involved for a single party. For instance, the seller is located or has an address in one state or country and the documents are executed in a different state or country;
- Documents are sent to the local closer or recorder already executed and without prior inquiry as to form and acknowledgment.

Also, did you know that Stewart's Special Alert database is another tool in the toolbox to help you identify property that may be a potential target? For details on how to implement this tool read on!



Vacant Property Fraud Tip – Use the Stewart Special Alerts Database!

As a policy issuing agent of Stewart, you should already be aware of the Stewart Special Alerts Database, which you can find here: <https://specialalerts.stewart.com/Search>. You should also know that in addition to searching the names of the parties in the transaction, it also allows you to search by property address!

Any time you issue a policy of title insurance for Stewart Title Guaranty Company, you are required to enter the names of the parties in the Stewart Special Alerts database. Some third-party software providers do this search automatically. However, you should also use the Special Alerts database to search the address in your transaction. When we receive notice of a possible fraudulent transaction, Stewart issues a Special Alert bulletin to its agents which includes the property address and the names of the fraudsters. (We just issued one last week!) We also enter these names and addresses into the database so that our agents don't have to review their bulletins each time they issue a policy. Even if you aren't writing a policy with Stewart, you can use this database. Vacant property fraud

is rampant, and we're all in this together if we can stop a fraudulent transaction, that's one less headache for the property owner.



Maine's Revised Uniform Law on Notarial Acts

On July 1, 2023, Maine's Revised Uniform Law on Notarial Acts ("MERULONA"), 4 M.R.S. § 1901, et seq. (available here: <https://www.mainelegislature.org/legis/statutes/4/title4ch39sec0.html>), became effective. MERULONA overhauled Maine's existing law governing notaries public and authorized remote and electronic notarizations under certain specifically defined conditions. The major new provisions of MERULONA are the approval of remote and electronic notarization. In order to understand MERULONA, it is helpful to appreciate the difference between "remote" and "electronic" notarization.

Remote Notarization: The signer of the document is not physically present with the notary. The notary process is accomplished through a technology provider approved by the Maine Secretary of State whose system allows the signer and notary to communicate with each other simultaneously by sight and sound. Those communications must be recorded and retained for at least 10 years.

Electronic Notarization: The signer of the document is physically present with the notary. The process is accomplished by the notary providing to the signer the physical technology, such as an electronic signature keypad, laptop computer, or tablet, through which the signer electronically makes his or her signature.

Unlike traditional in-person paper notarizations, notarial officers must maintain journals for all remote and electronic notarizations. Such journals may either be in permanent physical registers with bound and numbered pages, or in electronic format provided that the same is tamper-proof in a manner compliant with the rules established by Maine's Secretary of State. These journals must be retained for at least 10 years after the last recorded notarial act.

Before any Maine notarial officer may perform remote or electronic notarizations, they must submit written notice of their intent to do so to Maine's Secretary of State and receive a written notice of acceptance from the Secretary. The notice is submitted using the officially promulgated form found here:

<https://www.maine.gov/sos/cec/notary/Remote/noticeforremote.pdf>. This includes, without limitation, Maine attorneys in good standing, all of whom are automatically authorized to perform notarial acts pursuant to 4 M.R.S. § 1915, et seq. Among the information required to complete the application form is the following:

1. The name(s) of the provider(s) of technology approved by the Secretary of State that the notarial officer has selected to use;
2. A certification from each provider of technology confirming that the notarial officer has received training in the use of that technology and has been approved as a user of that technology;

3. A certification by the notarial officer that the officer has read and understands the requirements of 4 M.R.S. chapter 39 and the administrative rules; and
4. An example of the notarial officer's electronic signature and official electronic stamp.

It goes without saying that there are numerous complications and potential pitfalls when dealing with remote and electronic notarization. Fortunately, Stewart maintains a list of approved vendors – including some that offer discounts to our agents – who can assist you with your remote and electronic notarization technology and compliance needs. That list is available here: <https://www.stewart.com/en/customer-type/title-agents/agent-solutions/digital-solutions.html>



REBA to Host a Webinar featuring Christine Provost and Rhonda Duddy of the Massachusetts Underwriting Team

Topic: Massachusetts Horticultural and Recreational Liens under GL. 61, 61A & 61B. Christine and Rhonda will be discussing Forest, Recreational, and Agricultural and Horticultural lands, otherwise known as Chapter Lands. Join the discussion for a review of M.G.L. chapters 61, 61A and 61B with a focus on how to clear title for a purchase or sale, or for a withdrawal from Chapter. The discussion will include how to deal with rights of first refusal and particular notice requirements.

Date/Time: August 16, 2023 (Wednesday) from 12:00 – 1:00PM

Registration: Open to all REBA members. To Register please email Matt Zarrella at REBA – zarrella@reba.net



New England Land Title Association annual convention, September 18-20, 2023

The New England Land Title Association's annual convention is quickly approaching. This year the convention will be held in Portsmouth, New Hampshire at the AC Hotel. The conference starts on Monday, September 18, 2023 with a networking reception from 6 PM to 8 PM. On Tuesday, September 19, the educational sessions feature Stewart's own Dr. Ted Jones with an economic forecast; a presentation by Lisa Steele, COO of Mother Lode Holding Company on finding opportunities in a changing market; and a panel discussion on Alternatives to Title Insurance. The last session on Tuesday will be a mock commercial closing. The annual convention dinner will be held on Tuesday evening.

On Wednesday, the educational offerings continue with a presentation on updates to the ALTA Best Practices. This is a two-part seminar, with part two being presented at the REBA convention on November 6. At 10:30 on Wednesday, Robert Daniszewski from the Massachusetts Office of Bar Counsel, will discuss marketing for real estate professionals. He will be joined by Wayne Stanley, the owner of Bowe Digital.

For more information, go to https://nelta.org/events/event_list.asp The last day to book your hotel stay at the NELTA rate is August 16th, so don't delay.



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