



Dear Stewart Partners,

We hope you all enjoyed your Independence Day activities and the great weather we've been experiencing here in New England. In this week's Midweek Update, we are providing you with information on Stewart's new policy upload feature that was recently rolled out to our agents. We are also excited to introduce Attorney Frank Cammarano, who has recently joined Stewart's Connecticut underwriting team.

The next installment of our series on frequently requested endorsements – this time on the environmental protection lien endorsements – is also below, along with an article on Massachusetts nominee trusts. Finally, Stewart recently issued a Special Alert for property at 122 Timber Lane in Littleton, New Hampshire, and we are providing a link to the Alert below.



### **Stewart Launches Simple and Efficient Policy Image Upload Feature for Agents**

In furtherance of our efforts to enhance your experience as a Stewart agent, we are thrilled to announce our newest feature in the Stewart Connect Portal: Policy Image Upload ("PIU"). PIU allows agents to submit policy images to Stewart individually or in bulk by "drag and drop" or by selection from its saved network location. PIU replaces Stewart's "FTP" websites for uploading policy images. We are confident you will find it faster and easier than the former "FTP" program, which has been decommissioned.

The following links are provided to assist you in using this new program's features and functionality:

Video: [Stewart Connect Portal Policy Upload Video](#)

Quick Reference Guide download: [Stewart Connect Portal Policy Upload QRC](#)

If you do not have login credentials for Stewart Connect Portal, which hosts PIU and many other helpful features, or if you have any other questions, please reach out to your Agency Representative.



## ALTA 8.1 and 8.2 Environmental Endorsements

ALTA Endorsement 8.1 (Environmental Protection Lien)—The ALTA 8.1 endorsement is available only for loan policies that insure residential property. The endorsement insures against loss or damage resulting from the failure of the insured mortgage to have priority over any environmental protection lien which has been duly and properly recorded in the county or city recorder’s office, or filed with the clerk of the U.S. District Court for the district in which the land subject to the lien is located (unless the lien is shown as an exception in Schedule B of the policy), or any environmental protection lien provided for by any state statute in effect as of the Date of Policy, except as otherwise noted in the endorsement.

NOTE: If the state where the property lies has such an environmental statute, the statute must be added to paragraph (b) of the endorsement.

Paragraph (b) reads: any environmental protection lien provided by any State statute in effect at Date of Policy, except environmental protection liens provided by the following State statutes: \_\_\_\_\_.

Massachusetts: “NONE”

Rhode Island: “NONE”

Connecticut: “NONE”

Vermont: “Title 10 Vermont Statute Annotated”

New Hampshire: “NH RSA ch. 147-B”

Maine: “38 M.R.S.A. ss. 1316-E, 1370 and 1371”

ALTA Endorsement 8.2-06 (Commercial Environmental Protection Lien)—The ALTA 8.2-06 endorsement is available for owner’s or loan policies insuring commercial properties. The endorsement insures against loss or damage for any environmental liens recorded in the Public Records, as defined in the policy jacket, not otherwise shown as an exception to title in Schedule B of the policy.

Links to the 8.1 and 8.2-06 Endorsements can be found below:

[ALTA Endorsement 8.1 \(Environmental Protection Lien\) \(7-1-21\)](#)

[ALTA Endorsement 8.2-06 \(Commercial Environmental Protection Lien\) \(10-16-08\)](#)



### **Nominee Trusts in Massachusetts - Dealing with deceased**

**trustees** By: Mark A. Jones, Assoc. Senior Underwriting Counsel,  
Massachusetts and Rhode Island

One of the most common questions we get in Massachusetts relating to nominee trusts is “I have a nominee trust and the trustee(s) is/are deceased. What do I do?” Hopefully the recorded trust or [M.G.L. c. 184 § 35](#) Trustee’s Certificate (“184/35 certificate”) names a successor trustee. If that is the case, the successor trustee will need to record another

184/35 certificate along with death certificates for the deceased trustee(s). This will establish the successor trustee as the trustee of record. Unfortunately, we often see situations where the trustees of record are deceased without a named successor trustee. If that is the case, there are a few different solutions that enable us to insure a deed from the successor trustee.

*Record the original trust*—If a 184/35 certificate is the only document of record and the original unrecorded trust does name a successor trustee, in most cases the original trust can be recorded along with an Affidavit under M.G.L. c. 183 § 5B from an attorney with personal knowledge of the affairs of the trust. The attorney must either have been the drafter of the trust or the record keeper of the trust. The attorney should have firsthand knowledge that the trust is original and has not been revoked or amended. Some trusts contain language that allows an attorney with knowledge to record an affidavit without the need to record the original trust document, but the trust or trustee certificate must contain specific language authorizing this.

*Beneficiaries appoint new trustees*—Often the original trust is already recorded at the Registry of Deeds but there are no successor trustees named in the trust. In that case there is another option. In nominee trusts, the trustees act at the direction of, and are typically appointed by, the beneficiaries and so the beneficiaries may appoint a successor trustee. The problem lies with the fact that the beneficiaries usually aren't disclosed in the trust. In order to establish the beneficiaries of record the original schedule of beneficiaries can be recorded along with a 5B affidavit from an attorney with knowledge of the affairs of the trust. At that point, the beneficiaries can appoint the new trustee(s). The appointment should be recorded along with the 5B affidavit with the schedule of beneficiaries attached, and a new trustee certificate.

*Petition probate court to appoint new trustee*—Another option is to petition the probate court to appoint a successor trustee. The petition form can be found here: [Petition Form](#). The form is fairly straightforward and typically doesn't take very long to get approved. Although conveyancers probably cringe when "go to court" is mentioned, the process doesn't require a trial (unless someone objects). You simply fill out the form with as much information as possible and hopefully the successor trustee will be appointed quickly.

*Caveat regarding Land Court*—The above solutions typically only apply to RECORDED land. If the property is registered land and you don't have successor trustees named in a trustee certificate or trust already on record, you'll want to consult directly with the Land Court to find out what they will require.

As always, please reach out to an underwriter with any questions on this topic.



**Welcome Frank Cammarano, Esq. to the New England Underwriting Team**

We are pleased to share that our New England Underwriting Team is growing. This month, Frank Cammarano, Esq. joined our team as a Connecticut State Underwriting Counsel. Some of you may know Frank from his previous work at Stewart and his active involvement

in the Connecticut Bar Association's Real Property Section. Frank is an attorney with over a decade of experience in real estate and title law and is a seasoned title insurance underwriter supporting agents with their residential and commercial transactions in Connecticut. Frank's varied experience as a title insurance underwriting counsel, combined with his understanding and knowledge of operating a conveyancing practice, makes him uniquely situated to provide the best-in-class service to our agents and partners for all their title insurance underwriting needs. Please join us in welcoming Frank. Frank can be reached at [frank.cammarano@stewart.com](mailto:frank.cammarano@stewart.com).



**Special Alert: SA2024194 – 122 Timber Lane, Littleton, NH 03561**

SA2024194 was circulated to New Hampshire issuing agents on July 1. The Alert instructs agents not to accept orders or close a transaction involving property at 122 Timber Lane, Littleton, Grafton County, New Hampshire 03561 or involving Linne Humbargar.

You can read the bulletin on Stewart's Virtual Underwriter website here: [SPECIAL ALERT - 122 Timber Lane, Littleton, NH 03561, et al](#)



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