

EFFECTS OF COVID-19 ON THE CLOSING INDUSTRY

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Topics for Discussion

- Brief Timeline Overview
- Registry Closures and Gap Coverage
- Good Funds Statute – M.G.L. ch. 183, §63
- Probate Court Closures
- Moratoriums on Evictions and Foreclosures
- Chapter 71 of the Acts of 2020 Authorizing Virtual Notarization (RIN)
- Governor's Emergency Order Regarding Smoke Detector Certificates
- SJC Order Tolling Statutes of Limitations
- Extension of Deadlines under 61, 61A and 61B
- Land Court Interim Procedures For Remote Approvals
- Bank Holds on Checks

COVID-19 Timeline

2020

3/10/2020



- Gov. Baker declared State of Emergency

3/17/2020



- Order limiting gatherings to 25 people went into effect.

3/18/2020



- **Federal Moratorium on Foreclosures and Evictions for 60 Days on all FHA-insured Single Family mortgages for a period of 60 Days**

3/20/2020



- **Gov. Baker enacts Order deferring smoke & carbon monoxide inspections**

3/23/2020



- Gov. Baker issues Emergency Order requiring all employers that do not provide “COVID-19 Essential Services” to close their physical workplaces and facilities from 3/24/2020 - 4/7/2020. Order limiting gatherings to 10. This was the start of the Stay at Home Period.

COVID-19 Timeline – (continued)

2020



4/3/2020

- SJC issues Order tolling all SOL from 3/17/20 to 5/3/20



4/3/2020

- Gov. enacts order suspending all time periods within which municipality is required to act, respond, effectuate or exercise an option to purchase for 90 days after the termination of the declared state of emergency under provisions of M.G.L. ch. 61, §8, M.G.L. ch. 61A, §14 & M.G.L. 61B, §9.



4/20/2020

- Governor Baker signed The Massachusetts Eviction and Foreclosure Moratorium Act into law.



4/27/2020

- MA Legislature enacts Chapter 71 of Acts of 2020 . Authorizes remote ink notarization (RIN) of documents.



5/4/2020

- SJC extends Order tolling all SOL from 3/17/20 to 5/31/20

COVID-19 Timeline – (continued)

2020

5/17/2020

- Federal Moratorium continued to 6/30/2020

6/1/2020

- SJC extends Order tolling all SOL from 3/17/20 to 6/30/20

6/17/2020

- Federal Moratorium continued to 8/31/20

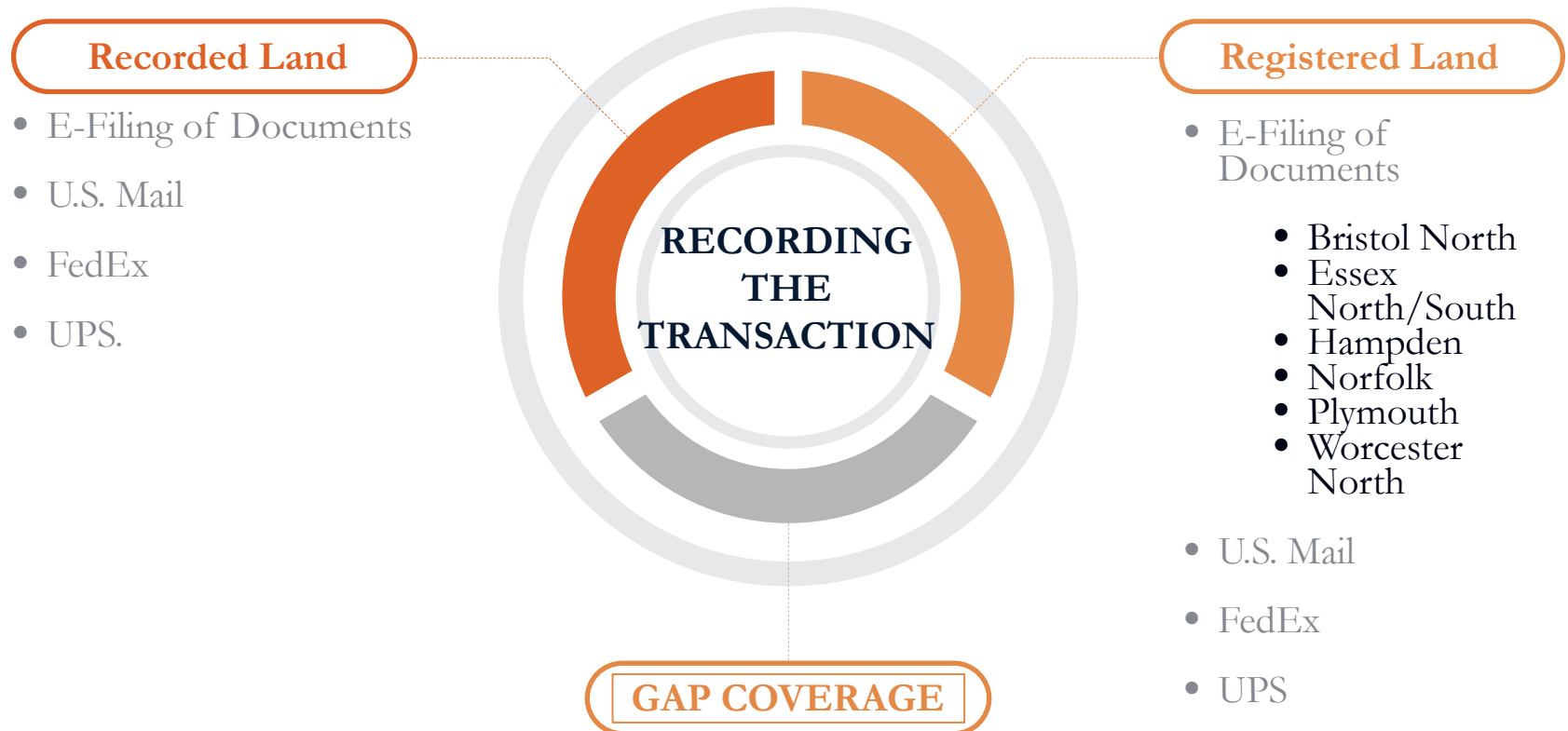
6/30/2020

- All civil SOL that were tolled under prior SJC Orders from 3/17/20 through 6/30/20 will not be tolled any further unless there is a new a new surge in COVID-19 cases

7/13/2020

- Courthouses, clerk's, register's, or recorder's offices physically reopen to the public for certain limited purposes

REGISTRY CLOSURES AND GAP COVERAGE



GAP COVERAGE

What is Gap Coverage?

- Insures against loss resulting from something being recorded within the gap period before the recording of the insured interest

What is the Gap?

- The gap is the interval between the last time title to the property was searched and the date of the recording of the deed, mortgage or other conveyance. Normally this is anywhere from a few weeks to a few days, but where the Registry is closed the gap could be much longer.

Example

- On 3/13, the Middlesex South ROD is closed due to a COVID exposure, with no stated reopening date. The parties close, do a title rundown from the last date of the title exam to confirm that there is nothing on record and thus, “close the gap”, disburse and issue policies. On 3/20 the Registry of Deeds reopens, and that same day a lien against the prior owner is recorded. The deed to the new owner is finally recorded on 3/21.
- To the extent that the intervening lien causes any loss to the new owner or lender, that loss would be covered by the owner policy or loan policy issued at the time of the closing.

Good Funds – M.G.L. ch. 183, §63B

No mortgagee who makes a loan to be secured by a mortgage or lien on real estate located in the commonwealth in conjunction with which, a mortgage deed evidencing the same is to be recorded in a registry of deeds or registry district in the commonwealth, **shall** deliver said deed or **cause the same to be delivered into the possession of such registry of deeds or registry district for the purpose of the recording thereof unless prior to the time said deed is so delivered for recording, said mortgagee has caused the full amount of the proceeds of such loan due to the mortgagor pursuant to the settlement statement relevant thereto** given to said mortgagor or in the instance of any such loan in which the full amount of the proceeds due to the mortgagor pursuant to the terms thereof are not to be advanced prior to said recording, so much thereof as is designated in the loan agreement, **to be transferred to the mortgagor, the mortgagor's attorney or the mortgagee's attorney in the form of a certified check, bank treasurer's check, cashier's check or by a transfer of funds between accounts within the same state or federally chartered bank or credit union, or by the funds-transfer system owned and operated by the Federal Reserve Banks, or by a transfer of funds processed by an automated clearinghouse;** provided, however, that neither the mortgagor's attorney or the mortgagee's attorney shall be required to make disbursements or deliver said proceeds to the mortgagor in such form; provided, however, that the provisions of this section shall not apply to the commonwealth, its agencies or political subdivisions.

PROBATE COURT CLOSURES

Massachusetts Trial Court Electronic Case Access

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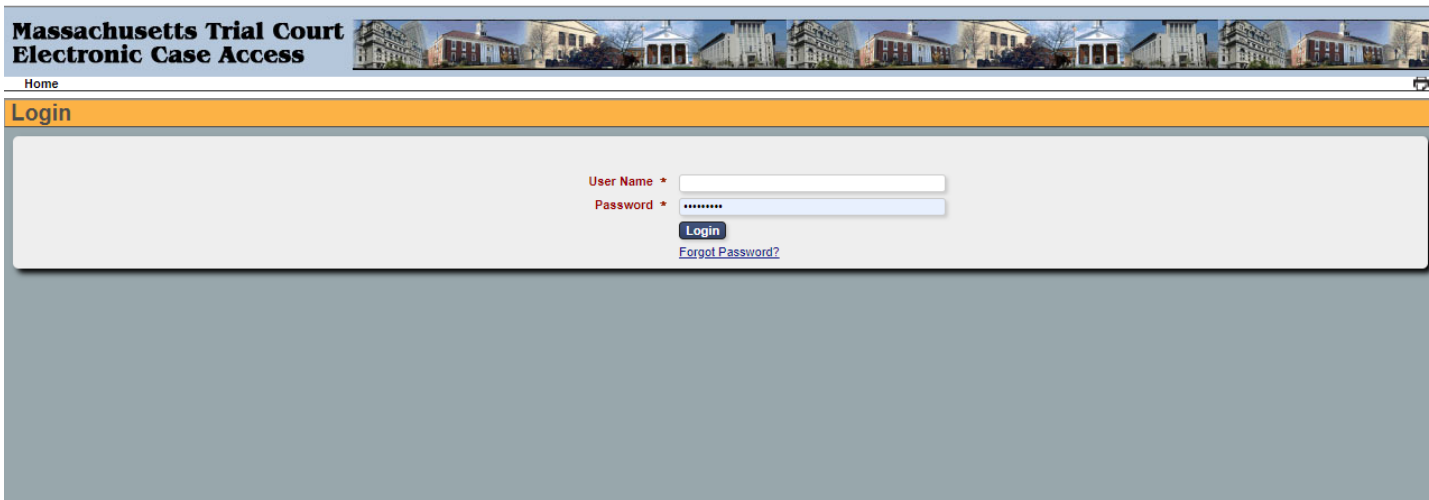
Housing Court Division Name Changes:

- (1) The Boston Housing Court is now the Eastern Housing Court
- (2) The Worcester Housing Court is now the Central Housing Court
- (3) Metro South is the new Housing Court Division

Supported Browsers: Internet Explorer, Version 7 or higher; Firefox; Chrome

Attorney Login

MASSACHUSETTS COURTS LOGIN



The screenshot shows the login interface for the Massachusetts Trial Court Electronic Case Access system. At the top, there is a banner with the text "Massachusetts Trial Court Electronic Case Access" and a row of images of various court buildings. Below the banner is a navigation bar with a "Home" link and a "Login" button. The main content area contains a login form with two input fields: "User Name" and "Password". The "User Name" field is empty, and the "Password" field is filled with asterisks. Below the password field is a "Login" button and a link labeled "Forgot Password?".

- Your username is the email address associated with the Board of Bar Overseers registration.
- If you click on “Forgot Password,” the system will send you a link to set up a new password.
- Once you have set up your new password, you will be able to sign in and access images through the various Courts, including the Probate Court.

MASSACHUSETTS COURT DOCKETS

Search

Select your search criteria below. Fields marked with * are required.

Court Department * Court Division * Court Location *

Number of Results *

Case Type

Last Name *

First Name *

Middle Name

Suffix

Or Search by Business Name

Company Name *

Case Type

- All Cases
- Miscellaneous
- Other Court
- Permit Session
- Registration
- Service members
- Severed
- Subsequent

Case Status

- All Statuses
- Closed
- Inactive
- Open
- Remanded to Another Court
- Reopen (RO)
- Reopen - Other
- Reopen with Modifications

Party Type

- All Party Types
- Commissioner
- Decedent
- Defendant
- Defendant Intervenor
- Defendant/Plaintiff in Counterclaim
- Interested Party
- Plaintiff

Date of Birth Search Range:

Begin Date

End Date

Date of Death Search Range:

Begin Date

End Date

PROBATE COURT DOCKET

View Without Login

MI16P1534EA In the matter of:, Goldman, Sara S.

Goldman, Mark R. - Petitioner

DOD

Alias

Party Attorney

Attorney Alpert, Esq., Paul S
Bar Code 016460
Address Weston Patrick, P.A.
One Liberty Square
Suite 1210
Boston, MA 02109
Phone Number (617)742-9310

[More Party Information](#)

Goldman, Mark R. - Personal Representative

DOD

Alias

Party Attorney

[More Party Information](#)

Docket Information

◆ Docket Date	Docket Text	◆ File Ref Nbr.
03/22/2016	Certificate of Death	2
03/22/2016	Will 08/28/13 12p	3
03/22/2016	Return of Service on Notice of Informal Probate	4
03/22/2016	Bond without Sureties	5
03/22/2016	An Interested Person, Mark R Goldman, David A Goldman, Julie B Goldman Individually and as Trustees, Filed MPC 455 to Assent and Waiver of Notice, Waiver of Sureties	6
03/22/2016	Affidavit as to Military Service	7
03/22/2016	Petition for Informal Probate	1
03/22/2016	Letters of Authority for Personal Representative	
03/28/2016	Bond of Personal Rep Approved Tara DeCristofaro	8
03/28/2016	Order for Informal Probate of Will and/or Appointment of Personal Representative	9

PROBATE COURT DOCKET

View with Login

MI16P1534EA In the matter of:, Goldman, Sara S.

DOD	Alias	Party Attorney
		Attorney Alpert, Esq., Paul S
		Bar Code 016460
		Address Weston Patrick, P.A. One Liberty Square Suite 1210 Boston, MA 02109
		Phone Number (617)742-9310









[More Party Information](#)

Goldman, Mark R. - Personal Representative

DOD	Alias	Party Attorney
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[More Party Information](#)

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VIEWABLE PROBATE DOCUMENTS

LAST WILL AND TESTAMENT

OF

SARA S. GOLDMAN

I, **SARA S. GOLDMAN**, residing in Weston, Middlesex County, Massachusetts, do hereby make, publish and declare this to be my Last Will and Testament, and do hereby revoke any and all prior Wills, Codicils and other testamentary dispositions by me at any time heretofore made.

FIRST: A. All references in this Will to "Personal Representative," "Personal Representatives," "Trustee" or "Trustees" shall be deemed to include plural, singular, male, female and neuter, and not only the Personal Representative and Trustees and successors herein named, but also the fiduciary or fiduciaries at any time duly qualified and acting hereunder.

B. All references in this Will to "children" and "issue" shall mean only the children and their issue of the whole blood of any person named herein, and shall not include adopted children or their issue.

C. Whenever a division of shares or distribution is to be made under this Will for the benefit of issue "per stirpes", such division or distribution shall be made in the manner and in the proportions as set forth at section 2-709(c) of the Massachusetts Uniform Probate Code (Massachusetts General Laws Chapter 190B, section 2-709(c)), as amended, or any successor statute thereto.

Aug 28, 2013
L. Agges
3

F: 3-22-16

VIEWING OTHER COURT DOCKETS

17 SM 008899 The Bank of New York Mellon formerly known as Bank of New York as Trustee for the Certificate Holders of CWABS Inc. Asset-Backed Certificate Series 2004-14 v. Steven C. Graves also known as Steven Graves , et. al.

Party Attorney

Attorney Machado, Esq., Kaleena
Bar Code 681489
Address Korde & Associates, P.C
900 Chelmsford St
Suite 3102
Lowell, MA 01851
Phone Number (978)256-1500

[More Party Information](#)

Graves, Steven C. - Defendant

Party Attorney


[More Party Information](#)

Graves, Lu Ann - Defendant

Party Attorney

[More Party Information](#)

Docket Information

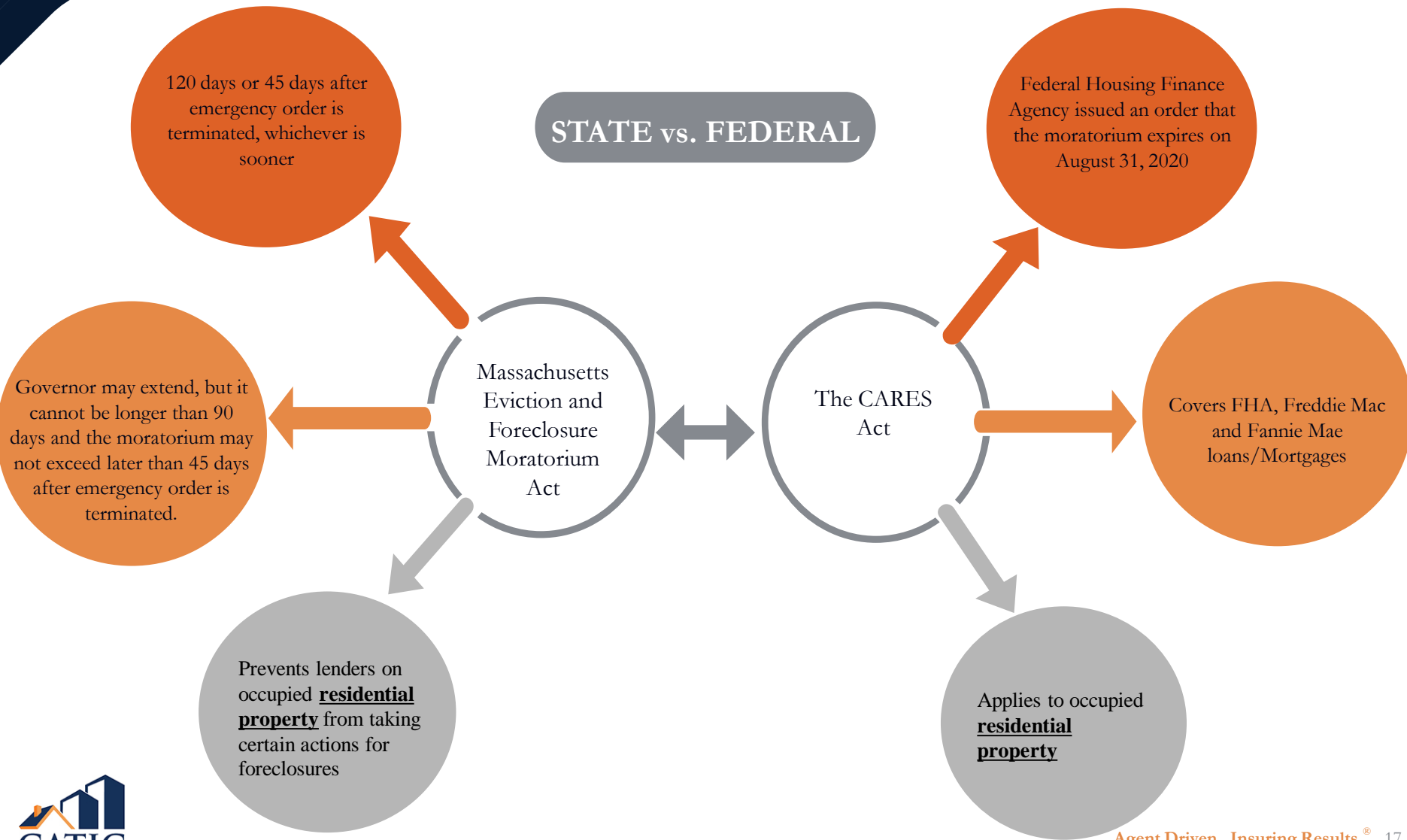
◆ Docket Date	Docket Text	Amount Owed ◆	Image Avail.
11/09/2017	Complaint under Servicemembers Civil Relief Act filed.		 Image
11/09/2017	Land Court servicemembers fee Receipt: 376809 Date: 11/10/2017	\$240.00	
11/09/2017	Land Court surcharge Receipt: 376809 Date: 11/10/2017	\$15.00	
11/09/2017	Mortgagee's Affidavit Under Chapter 206 of the Acts of 2007, filed		
11/21/2017	Order of Notice for service, for recording and for publication in the Wakefield Daily Item, returnable 01/08/2018, issued.		
02/01/2018	Notice Returned to Court with Service Thereon.		
02/01/2018	Affidavit as to Military Service filed.		
02/01/2018	Motion for Judgment filed.		
02/01/2018	Motion for Judgment allowed. (Patterson, Rec.)		
04/19/2018	Judgment Entered. (Cutler, C.J.)		

SJC Order Tolling SOLs

- Original Order effective 4/6/20
- All SOL tolled from 3/7/20 through 5/3/20
- Updated Order effective 5/4/20 issued tolling SOL through 5/31/20
- Second Updated Order effective 6/1/20 issued tolling SOL through 6/30/20
- Effective 7/1/20, all civil SOL that were tolled under prior orders through 6/30/20 will no longer be tolled unless there is a new surge in COVID-19 cases in the Commonwealth and the SJC determines that a new or extended period of tolling is necessary

If your title examination discloses a lien that was due to expire between March 16, 2020 and July 1, 2020, please contact your local Underwriter for assistance

MORATORIUM ON FORECLOSURES AND EVICTIONS



CHAPTER 71 OF THE ACTS OF 2020

- Signed by Gov. Baker on April 27, 2020
- Automatically repealed 3 days after expiration of State of Emergency

RON	RIN
Electronic documents	Paper documents
Electronic signatures	Wet-ink signatures
Electronic notarization	Wet-ink notarization
Signing process done in online platform	Signing process done on paper and observed over video conference

- Key points of the RIN Legislation
 - Both the signer and notary must both be physically located in Massachusetts during the RIN
 - Requires two audio-video conferences – notary must make a recording of both and keep the recording for 10 years
 - Signer must disclose any person present in the room with the signer
 - For real estate transactions, the Notary must be an attorney or paralegal of licensed attorney.

EXECUTIVE ORDER ON SMOKE DETECTORS

- Gov. Baker issued an Emergency Order on March 20, 2020
- Effective immediately
- Smoke and CO2 Inspections can be completed within 90 days after the closing by the Buyers (not the Sellers)
- Parties to the transaction must agree in writing that the Buyer assumes responsibility for equipping property with smoke and CO2 detectors
- Order remains in effect until rescinded or until State of Emergency is terminated.



LAND COURT INTERIM PROCEDURES

- Land Court Interim Procedures initially went into effect on March 25, 2020 until limited re-opening of Land Court on July 13, 2020 (see Land Court Standing Order 7-20)
- Land Court Title Examiners will process cases, condominium master deeds and amendments, S Cases and, Withdrawals virtually
- The interim procedure only applies to “emergency business”
- July 13, 2020, Land Court will start to conduct in-person proceedings in emergency and certain non-emergency matters.
- August 10, 2020: planned 2nd phase to increase number of in-person proceedings
 - leo.bieler@jud.state.ma.us
 - james.bothwell@jud.state.ma.us
 - olga.bagnel@jud.state.ma.us
 - maura.egan@jud.state.ma.us
 - robert.walsh@jud.state.ma.us
 - kalee.polito@jud.state.ma.us
 - christina.geaney@jud.state.ma.us

Questions?

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