



To: All Massachusetts Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: April 3, 2020
Bulletin No: MA 2020-04
Subject: COVID-19 Massachusetts Informational Update #2 – Statutes of Limitation, Suffolk County, and Land Court

We know you are all receiving a tremendous amount of information and bulletins regarding COVID-19 and the ever evolving closures of State, County and town offices. In an event to cut down on the number of emails you receive, we're trying to consolidate as much information into a single bulletin as possible. To that end, here is the latest information we can provide.

Tolling of Statutes of Limitation and Filing Deadlines:

Earlier today, you should have received NB 2020-06 (National Bulletin) and MA 2020-03 (Massachusetts specific) regarding the tolling of statutes of limitation and various filing and court ordered deadlines during the COVID-19 State of Emergency. Please remember these are Underwriting Bulletins (as opposed to an Informational Bulletin, such as this one) which provides a directive to policy issuing agents regarding your authority to issue a policy under certain circumstances. Please read it thoroughly, but in summary:

If any statute of limitation, any deadline set forth in statutes or court rules, standing orders or guidelines, or any deadline established by a court in a particular case issued prior to March 16, 2020, would be relied upon to eliminate a matter on title, you may not rely upon said statute of limitation or deadline, or issue a policy eliminating a matter on title based upon such, if:

- a. the statute of limitations would expire or run from March 17 through May 3, 2020; or
- b. the deadline would expire between March 16 and May 4, 2020.

For more information, here is a link to the Supreme Judicial Court's Order "[In re: COVID-19 \(Coronavirus\) Pandemic Regarding Court Operations under the Exigent Circumstances Created by the COVID-19 \(Coronavirus\) Pandemic,](#)" as revised effective April 6, 2020, which also provides guidance on determining new deadlines in [paragraph 12](#). The limitation periods noted on our guideline to [Helpful Statutes of Limitations](#), would be affected by the SJC's Order.

Information Bulletins are designed to provide our agents with information we think will help in managing their business or just being better title professionals, but which does not rise to the level of being an underwriting mandate and are not within the scope of the agency agreement.

Suffolk Registry of Deeds closed through April 6, 2020:

Most of you received an email on Monday, March 30 regarding the closure of the Suffolk Registry of Deeds through April 6, 2020 because of a COVID-19 exposure at the Edward Brooke Courthouse (the site of the Suffolk Registry). As of this writing, on Tuesday, April 7, 2020, the staff at the Suffolk Registry should be accepting recordings for both recorded and registered land sent by USPS, FedEx and UPS. They should also be accepting recorded land documents for electronic recording. Until then, please follow the instructions set out more fully at [the Suffolk Registry of Deeds](#) website.

Land Court Standing Order 4-20: Emergency measures in response to coronavirus outbreak (restated) effective April 6, 2020:

In response to the Supreme Judicial Court's Order (see above), the Land Court has issued [Standing Order 4-20 \(linked here\)](#), which repeals and replaces both Standing Orders 2-20 and 3-20.

Standing Order 4-20 addresses the following matters of import to our agents:

- The Land Court's Offices in the Suffolk County Courthouse are closed to general public access (see below for more information);
- Non-emergency business that cannot be conducted virtually without Land Court staff having to be onsite at the Suffolk County Courthouse is suspended until at least May 4, 2020. The Recorder's Office will continue to accept filings, schedule and facilitate telephone conferences and hearings, and issue orders in emergency matters, and answer questions from attorneys and the general public, as well as conduct other necessary business of the Land Court. Whatever can be done virtually, should be done virtually.
- What constitutes an *emergency matter*. To the Land Court, emergency matters are "those in which a significant risk of irreparable and serious harm to a party is imminent, should the court not act, and encompasses temporary restraining orders, preliminary injunctions, and urgent requests for judicial endorsement of memoranda of lis pendens." Please note that there is nothing here that addresses approval of deeds or the like which may be required for registration. For that purpose, please see Interim Procedure for Remote Approvals issued by Chief Title Examiner Christina T. Geaney on March 25, 2020 attached to [WFG Informational Bulletin MA 2020-02](#).
- Contingency plan if courthouse not accessible to court personnel.

Land Court Office's in Suffolk County Courthouse closed to public, attorneys and court personnel until April 9, 2020:

Effective from April 1, 2020 to April 9, 2020, the Land Court's Offices in the Suffolk County Courthouse will be closed and inaccessible to the public, attorneys, and all Land Court and Trial Court staff. As a result, the Land Court has instituted its contingency plan (mentioned above) should there be need of immediate action by the Court on "an urgent emergency matter". For more information and how you can reach the Land Court should you have such a matter, please see the instructions at [the Land Court's](#) website.

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Please remember that this is an ever evolving, fluid situation. The time periods announced could be changed or extended, and we will do our best to keep you up to date if or when they do.

If you have any questions about this bulletin or need any additional information or assistance, please contact:

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