

## 2018 Title Standards – What’s New, A Quick Summary

### Std    Information

- 2.2    The Concept of the Chain of Title... Adds a sentence to Comment 8 which references *Regan v. Pomerleau* and the nature of implied easements.
- 3.1    Perpetual Lease Land. New Standard which discusses the nature of lease land and, with regard to lease land owned by municipalities, references Act 152 of the 2017-18 Legislative Session.
- 6.4    Marital Interests. Adds Comment 6 which references *RBS Citizens v. Ouhrabka* vis-à-vis liens filed by creditors of one spouse on property held as tenants by the entirety.
- 14.1    Conveyance to Two or More Persons. Deleted Comment 8 and re-wrote it into new Comment 9 which adds reference to the fact that the common law “unity of interest” for joint tenancy was altered by 27 VSA 2(b).  
  
Added Comment 10 which references *RBS Citizens v. Ouhrabka* vis-à-vis liens filed by creditors of one spouse on property held as tenants by the entirety.
- 16.2    Judgment Liens. Added Comment 14 which references *RBS Citizens v. Ouhrabka* vis-à-vis liens filed by creditors of one spouse on property held as tenants by the entirety.
- 17.3    Title Derived From A Foreclosure. New Standard which discusses the acquisition of title via: Judicial Sale; Strict Foreclosure; and Non-Judicial Sale.
- 17.4    The Effect Of Recording A Complaint On Subsequently Recorded Interests. New Standard which addresses the validity (or not) of liens recorded after a Complaint is recorded.
- 17.5    Discharge of Mortgage Or Other Interests Following A Foreclosure Action. New Standard which clarifies that there is no need to record a release for a properly foreclosed instrument.
- 18.1    Discharges Of Mortgages. Adds Comment 9 which references new Standard 17.5.
- 18.6    Effect Of Failure To Release A Multi-Town Mortgage In All Towns Where It Was Recorded. New Standard addressing what happens when a mortgage is recorded in more than one town but is not discharged in all towns.
- 18.7    Home Equity Conversion (Reverse) Mortgage Loans Unreleased HUD Second Mortgage. New Standard addressing the importance of recording a discharge for the HUD mortgage.
- 19.1    Tax Collector’s Deed. Revised Comment 8 and added Comment 9 by referencing reduced Statute of Limitation time periods as set forth in Act 117 of the 2017-18 Legislative Session.
- 23.1    Federal General Tax Lien. Added Comment 6 to cite *United States v. Craft* which held that the IRS can enforce a federal tax lien against one party where the property is held as TBE.