

# RI Procedural Bulletin

## Recording and Updating Title

As town offices reopen and essential municipal services become more widely available, the following requirements concerning the prompt recording of documents and the need to update title before recording continue to apply:

**I. Use all reasonable efforts to record title documents within 2 business days of the closing.**

- Call ahead or check online to determine the fastest and most reliable method available.
- Many towns offer access by appointment.
- Towns may accept delivery in person, at fixed locations such as drop boxes, from a courier service or through the U.S. mail.
- Some towns allow electronic recording of certain documents.
- Consider a recording service if your office cannot record or deliver in person.

**II. Run the title from the date of the last search to on or about the date of recording (the "Gap") to confirm there are no intervening matters that may affect the interest to be insured.**

- Perform the update before recording.
- Most updates can be completed online.

**III. If the title bringdown reveals an intervening transfer or encumbrance, contact a CATIC Underwriting Counsel immediately.**

**IV. Verify the recording of the document.**

- Unless confirmation is available at the time of delivery, follow up with the town clerk or check the land records online to establish the date and time of recording.
- If forced to send documents by mail, perform a bringdown 7 to 10 business days after sending the documents.

**V. Minimizing the Gap's extent and checking for competing matters recorded in the Gap reduces the risk of loss and protects both your interests and those of your clients.**

This Bulletin is a reminder of the underwriting standards requiring you to both update the title before recording and record title documents as soon as possible after the closing.

This means using all reasonable efforts to record documents within 2 business days of closing. Fortunately, many towns now offer in-person recording or the ability to personally deliver documents to a fixed location within the town hall or town clerk's office. While some towns allow walk-ins, many require an appointment, so it is best to call ahead or check online to determine the fastest and most reliable method of recording.

Some towns also allow electronic recordings, but check whether the town will accept the document you want to file and the electronic delivery service you use. Towns also require the filing of an original electronic document.

Recording a client's document as soon as possible is an essential part of establishing a client's title interest; however, performing a title update prior to recording also reduces the risk of loss from either a pre-closing or post-closing surprise recorded in the Gap between the date of the last search and the date of the recording of the document creating the client's title. If the update discovers such an intervening encumbrance or transfer, corrective action is often possible.

While a CATIC policy will indemnify an insured for loss resulting from certain matters recorded in the Gap, discovering and addressing a title defect before it costs your client time and money, or preventing one altogether, is definitely the preferred result. Performing a title update prior to recording and recording right after a closing can keep intervening interests from ever becoming a problem.

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