



# NEW ENGLAND REAL ESTATE JOURNAL

Friday, June 21, 2002

THE LARGEST BUSINESS PUBLICATION OF ITS KIND IN THE NATION

## By John Blake, Jr., Esq., Tarlow, Breed, Hart, Murphy & Rodgers, P.C. R.E. orgs. become active in lobbying legislatures to avoid cutting budgets

As everyone is aware, and as most have experienced firsthand, the economic downturn is having a drastic impact on registries of deeds and other municipal agencies. Budget cuts result in fewer personnel staffing registries and other government agencies interacting with the real estate profession, forcing withdrawal of services that we as real estate professionals may take for granted, and without which our lives become that much more difficult.



### Reduced Personnel

An example of this phenomenon was seen at the Middlesex South District Registry of Deeds in Massachusetts in late December of last year. Budget cuts resulted in a reduction in the number of registry counter personnel, which in turn resulted in long delays (in some cases a day or longer) in recording documents. Title examiners actually hired people off the street to wait in the recording line while they continued their work. Recording of transac-

tions nearly ground to a halt at one of the busiest, if not the most tax-sensitive, times of the year.

Cutbacks are affecting all manner of positions in government as well. Recently, the Chief Title Examiner and Chief Engineer for the Massachusetts Land Court both retired, and their positions have yet to be filled.

### Changes in Policies

Shrinking budgets affect conveyancing practices in less obvious ways as well. Some registries now require parties to provide self-addressed stamped envelopes before returning originals, the return of which can take considerably longer. Many are scaling back services such as the faxing of instruments, which was formerly done as a courtesy. Also, there are fewer staff processing documents mailed in for recording, and in fact some registries in Massachusetts actively discourage that practice altogether.

While relief from the fiscal woes of state and local governments may be some way off, the real estate practitioner should take a pro-active approach to prevent being caught "off-guard" by one of the un-

heralded changes. As more and more municipal services migrate to the internet, changes in policies can be tracked almost in real time. A valuable resource for finding websites for registries of deeds, as well as other federal, state and municipal agencies, is [www.firstgov.com](http://www.firstgov.com).

### Title Insurance Cos.

Title insurance companies have also stepped in to help conveyancers caught in the fiscal morass. During the above-mentioned year-end crisis in Middlesex County, several title insurance companies sent information to their agents concerning gap coverage (which insures over intervening encumbrances between the time of closing and recording) in an effort to overcome the delays in recording.

### Title Examiners

Having help on the scene can prove invaluable. As the dwindling number of registry personnel are strained to their limits, conveyancers must rely more upon title examiners to insure that even the most routine recordings take place in a timely fashion. Checking in with title examiners, the attorney's eyes and ears at the registry, can provide advance

warning of changes in policy. This is especially true in municipalities where you work infrequently.

### Conclusion

The budget problems of the state and local governments may not recede for some time. The effects of the changes being made now may last longer than we expect, or may even become a permanent reality. Worse yet, progress on capital improvement projects, such as records access through the internet and imaging of instruments, may slow. These changes are vital to the real estate professional's ability to meet clients' increasing demands for timely delivery of services.

Bar associations and other real estate organizations have become active in lobbying legislatures to avoid cutting municipal budgets in areas that have a negative impact on real estate services. This effort should be joined by as many as possible so that the real estate profession can continue to evolve.

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