



————— TITLE —————

**NEW YORK STATE
RECOMMENDED TITLE
GUIDELINES**

STEWART TITLE INSURANCE COMPANY

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The guidelines set forth herein are not an exhaustive record of guidelines and instructions, but merely reflect certain frequently used customs, practices, and requirements applicable to certain common occurrences. The user is required to possess common and customary knowledge associated with New York State real estate closings as well as specific knowledge of Stewart's underwriting practices as set forth in Stewart's online Virtual Underwriter; or from any other written instructions (including bulletins and special alerts) received from a member of the Stewart Title family.

This manual has been prepared and is intended for the sole purpose of providing guidance for Stewart Title Insurance Company's title agents, and is intended solely for their use, and shall not confer any rights (contractual or otherwise) upon any third-party.

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STEWART

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New York State Recommended Title Guidelines

I. Production

A. Receipt of Title Order

1. Enter new order into title program (Note: Title Co. should have a standard order form to be used by clients)
 - a. Verify address against section/block/lot
 - a. Links:
 - i. 5 Boroughs: <https://www1.nyc.gov/site/finance/taxes/acris.page>
 - ii. Nassau: <https://www.nylandrecords.com/nylr/NyLrApp/index.jsp>
 - iii. Suffolk County: <https://kiosk.suffolkcountyny.gov/kioskweb/Notifications.aspx>
(Internet Explorer works best)
 - iv. Richmond County: <https://www.richmondcountyclerk.com/Search/SearchIndex>
 - v. Upstate: <http://searchiqs.com/> (fee for access).
 - vi. Westchester: <https://www.westchesterclerk.com/land-records>
 - vii. [Link for County Clerk excel info sheet](#)
 - b. Pull copy of last deed of record to verify record owner name
 - c. If a corporation or limited liability company is in title or going into title, check Department of State Business Entity Database to determine if the entity is active and to confirm the exact spelling/punctuation of the name
<https://apps.dos.ny.gov/publicinquiry/>
 - d. Obtain copy of existing survey or locate survey for clients and order updates or new survey.

B. Order Abstract (See Bulletin [NY000393](#), [521](#))

1. 40–60-year abstract for purchase and commercial transactions and all refinances over \$750,000.00
 - a. If the transaction to be insured is coming out of a referee or a lender/entity that purchased from the referee in a foreclosure transaction, a request should be made for the examiner to pull the foreclosure file unless a fee policy from the transaction out of foreclosure is available. At minimum, the following need to be requested to begin review of the foreclosure file; see foreclosure section below: All Notices of Pendency; Summons & Complaint with copy of legal description and Certificate of Merit, if applicable; Answer(s), if any; all Affidavits of Service; Affidavit of Regularity; Order of Reference; Judgement of Foreclosure & Sale with Notice of Entry and proof of filing of same; Referee's Report of Sale; Proof of Publication; Notice of Sale and Proof of Service of same on all parties; Appeals
2. 10-year search for all residential refinances under \$750,000.00
 - a. These searches may be done electronically
 - b. Searches of covenants and restrictions are not required for refinances as long as Schedule B of the report and Schedule B Part I of the final loan policy except "any Covenants, restrictions, easements or leases of record".

3. Agent is not to rely on another company's recent policy or title report in lieu of running the applicable abstract absent consent of underwriting counsel.
- C. Order Municipal Searches
1. Tax, Water & Sewer, Bankruptcy and Patriot searches are always required. See below for further detailed information on these searches.
 2. All other municipal searches are for information only and are not insured. Title does not "omit" any items found on these searches only.
 - a. Searches are run at the request of the client and may not be required by the lender for a refinance.
 3. Standard Searches for a Residential Transaction in the 5 Boroughs of NYC are: Certificate of Occupancy (hereinafter "CO"), Department of Buildings, Emergency Repair (HPD), Fire, Street and Highway
 4. Standard Searches for a Residential Transaction on Long Island and Upstate New York: CO, Department of Buildings, Fire, Street, Highway
 5. Standard Searches for Commercial Transactions: In addition to the above searches, depending on location, commercial properties also run: Air Resources, Health, Landmark, and Fuel Oil
 6. Title report should include the required disclaimer for Municipal Searches. These searches are provided for convenience of the clients and not part of the title report/commitment.
 7. Zone 1: typical 3rd party searches: 20-year tax search, bankruptcy, judgement/lien; agent can do Patriot and Stewart Alerts. No other municipal searches in Zone 1.

II. Reading the Abstract

- A. Complete the reader sheet (Examples: [Zone 1](#); [Zone 2](#))

III. Compiling the Title Report i.e., Certificate of Title

- A. Order of Items (more detailed information on each follows)
 1. [Certificate of Title cover page w/ Disclaimer](#)
 2. [Privacy Policy](#)
 3. Agency staff contact list (not required, but helpful)
 4. [Governmental Contacts List](#)
 5. [Schedule A Certification page](#)
 6. [Schedule A Legal Description](#)
 7. [Schedule B Exceptions](#)
 8. Closing Requirements- [Closer Checklist](#)
 9. Survey
 10. Survey Reading (this may be included in Schedule B, above)
 11. [Mortgage Schedule](#)
 12. [Tax and water search returns](#)
 13. Judgment returns (See Bulletin [399](#))
 14. [Municipal search cover page](#)
 15. Municipal searches
 16. Bankruptcy search returns
 17. Patriot search returns (See Bulletin [406](#))
 18. Copy of last deed of record

- 19. Copies of C&Rs, if applicable
- 20. Standard title affidavits (not required, but helpful)

B. Completed report to be sent to the applicant, buyer attorney, seller attorney, lender's attorney, and mortgage broker, as they may apply

IV. Certificate of Title Cover w/Disclaimer - stating that the report is NOT a Policy ([Link with example](#))

V. Schedule A Certification - [Schedule A Certification](#)

- A. Effective Date- this is the date stated on the abstract certified by the examiner. This date can be updated upon running a title continuation search to the date that the Contin is searched through (usually a week or two behind the actual date)
- B. Redated: The date the last title continuation run before closing is good through.
 - 1. A final title continuation search MUST be ordered prior to closing and received on the date of closing to ascertain any changes in title, judgments, etc. that may appear between that date of the abstract and the date of closing.
- C. Named Insured, Nature of Transaction and Amount of Insurance
 - 1. Judgment, lien, bankruptcy, and patriot searches must be run against all proposed fee owners.
- D. Certification – this is who currently owns the property and has the right to convey, mortgage and/or lease the insured premises
 - 1. Should include the type of interest, e.g., fee simple or leasehold
 - 2. Should include the source of title going back at least two (2) years (most lenders will want to see a 24-month chain of title).
 - a. If there were any no consideration transfers in the last 10 years these should be listed and then raised in Schedule B
 - b. If the property is a pending foreclosure action a notation should be made as follows:
*****SUBJECT TO THE RIGHT TO CONVEY OF *, Referee, by Judgment of Foreclosure and Sale filed _____ in _____ County Supreme Court under Index No. _____****
 - c. If the current owner of record is the Referee or the Lender who purchased from the Referee in foreclosure, the following notation should be made:
PRIOR DEED: FOR INFORMATION ONLY: * (foreclosed owner) having acquired title by means of a deed dated _____ and recorded _____ under _____.
 - 3. If there is a life tenancy or remainder interest in a current or prior deed that has not been extinguished, this interest must be raised here. For example: Subject to a Life Estate retained by _____.
- E. Title Recertified In- to be left blank until closing and completed by the title closer with the new fee policy owner's info

VI. Schedule A Description - [Link](#)

- A. Exact description of premises to be insured. This may include just the filed map recital or a complete metes and bounds.
- B. Include a statement at the bottom that is qualified as "For Information Only" and which includes the property address, tax designation (section, block & lot, as applicable) and county.

- C. After description note the following: “For conveyancing only, if intended to be conveyed: together with all rights, title and interest of, in and to any streets and road abutting the above-described premises, to the center line thereof.”
- D. Compare the legal description to the survey, if any, tax map and last deed of record and confirm that all descriptions match
 - 1. If there are any discrepancies in the description, an exception should be raised in Schedule B

VII. Schedule B Exceptions - [Link](#) – Listing of liens, defects and encumbrances that are not covered by the Title Policy.

- A. Permanent Exceptions- Must appear in EVERY report issued, unless otherwise noted:
 - 1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments as set forth in the Tax Search herein.
 - 2. Rights of tenants
 - 3. Rights of persons in possession
 - 4. Mortgages returned herein (). Detailed statement herein.
 - 5. Covenants, conditions, easements, leases, agreements of record, etc. more fully set forth below:
 - a. Check with underwriting if any affirmative insurance is requested. NOTE: C&Rs must be run and reviewed, even for a refinance, if affirmative insurance is being requested.
 - 6. In the absence of a guaranteed survey, Company will not certify as to the course, distances, dimensions, or boundaries of the within described premises, and will except any state of facts an accurate Survey may show.
 - 7. Searches for Judgments and Liens have been run against *** and discloses the following: ***
 - a. Searches are to be run against all party names, including grantors under no consideration deeds in chain of title.
 - b. If no returns, must state “No Returns Found”.
 - c. The returns here are typically just for creditor judgements, personal/business tax liens/warrants, parking and transit violations, and environmental control board liens.
 - d. Lis pendens returns, violations to correct, mechanic’s liens, UCC’s and other returns that may come-up with the names, but which attach directly to the property, are each listed as separate exceptions
 - i. Note: There is no standard exception in NY for rights of contractors, materialmen, etc. as there is in other jurisdictions
 - 8. Unless a final water reading is obtained, Policy will except all water charges from date of the last actual reading of the meter including all charges entered hereafter, but which might include usage prior to the date of this policy.
 - a. *The New York City Department of Environmental Protection (NYC DEP) has discontinued access to water department data as of May 22, 2020. As a result, information is limited to account numbers and the current balance owed, if any. All previous data and detailed information, such as due dates, meter numbers, and period covered is not being made available by NYC DEP. For any purchase transaction, the attorney must request and obtain a*

"Title Read Letter" from NYC DEP. The "Title Read Letter" must be received by Title Company prior to scheduling the closing and the closing must be scheduled within 15 days from the date of the "Title Read Letter" issued by NYC DEP. If the transaction closes without a "Title Read Letter" or outside of the 15 days from issuance the policy will except any unbilled or back billed water charge amounts due which are not currently posted and/or that may be posted at a later date and back dated

9. Closing instrument must recite "said premises is being and intended to be the same premises described in a certain deed from *** to *** dated *** and recorded *** in ***.

OR

Closing instrument must recite "said premises is being and intended to be **a portion of** the same premises described in a certain deed from *** to *** dated *** and recorded *** in ***. Note that this sentence should relate to the last CORRECT deed of record.

- a. Only applicable to transactions in which a deed will be recorded
 - b. Closing mortgage and deeds, if any, must contain the covenant required by Section 13 of the New York Lien Law and such covenant must be absolute and unconditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling the property. Under this clause, any mechanic's lien filed within 8 months on a commercial property and 4 months on a residential property, attaches to the proceeds of the sale and NOT the property.
 - c. Allows lien priority over mechanic's liens filed after closing but within the statutory period.
10. FOR INFORMATION ONLY:

As of May 1, 2007, we must issue the 2006 ALTA policy in New York. The New York Endorsement and the TIRSA Rate Manual amend the 2006 policy form to provide a lender with automatic survey coverage for 1-4 family residential property only. As a result, the Survey Endorsement has been removed as of May 1, 2007, and the title insurer cannot charge for a Survey Endorsement after that date, HOWEVER, AN AFFIDAVT OF TITLE AND POSSESSION ACCEPTABLE TO THE COMPANY IS STILL REQUIRED. You should be advised that there is no automatic survey coverage in any owner's policy.

B. Five Boroughs of NYC ONLY Exceptions

1. Tax search discloses water meters that have been read to the date indicated thereon. You will note that some of the readings may be either minimum, average, or estimated readings. Policy does not insure against entries in the records in the office of the Department of Finance or the Department of Environmental Protection for water charges and sewer rents entered and billed subsequent to closing for periods prior to closing and interest thereon. To omit this exception an actual meter reading should be ordered that covers prior minimum, average and estimated reading periods.

NOTE: A request for a "Title (Property Transfer) Water Meter Reading" must be made more than 30 days in advance of closing to the Bureau of Customer Services

of the Department of Environmental Conservation in the County in which the property is located. Without receiving 30 days' notice, which period runs from the date on which payment for the reading is posted to the property's account, the Department will not afford a purchaser innocent owner status, notwithstanding that a reading is posted by DEP after receiving the request for a reading and before closing.

OR

The DEP has required all properties in New York City to install a water meter. If the meter is not installed, a surcharge of 100% of the annual frontage for each applicable year will be assessed. This surcharge will be retroactive to a date prior to closing. An escrow is required until a meter is installed, or the surcharge is assessed. If the surcharge is assessed, the escrow will be used to pay the surcharge.

DEP- "TITLE READ LETTER:" Effective May 22, 2020, The NYC Department of Environmental Protection (DEP) has restricted access to the public of the data needed to complete our tax/water searches. At this time, as it relates to water & sewer rent charges, the only information available to the public (search companies) are account numbers and account balances. We highly recommend that a "TITLE READ LETTER" be ordered PRIOR TO CLOSING as part of any purchase transaction (whether metered or frontage) to provide innocent purchaser protection to your client. If your client makes a request for the "Title Read Letter" prior to the date of an "arms-length" property transfer, DEP will not later adjust charges on an account upward for any applicable period prior to the issuance of a Title Read Letter. The provisions of this section shall not apply where the culpable conduct of the Customer prevents or impedes DEP from securing a meter reading or inspection of the property. A Title Read Letter that is properly requested and issued pursuant to this Section shall remain in effect for 60 days following the date of its issuance. If your client requests a Title Read Letter after the date of the property transfer, the customer will receive an "Off Cycle Reconciliation Letter." DEP may later adjust charges on an account, upward or downward, for any applicable period prior to the issuance of an Off-Cycle Reconciliation Letter, in accordance with the terms and provisions of the Rate Schedule and the policies and procedures of DEP; To qualify for "Innocent Purchaser" status: A Title Read Letter must be requested by any of the following methods: (a) email sent to TitleReadRequests@dep.nyc.gov; (b) in person at a borough office of BCS; (c) by telephone to the BCS call center, 718-595-7000; or (d) by mail to DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055.

2. Satisfactory Proof by affidavit must be furnished whether any work has been done upon the premises by the City of New York, or any demand made by the City for any work, which may result in charges being imposed by:
 - (a) the New York City Department of Rent and Housing Maintenance, Emergency Services.

- (b) the New York City Department of Environmental Protection for Water Tap closing or any related work; and
- (c) by the New York City Department of Health; whether or not such charges are liens against which this policy protects.

NOTE: The above is required due to the inability of this Company to search for these liens because of New York City's failure to properly file notices of these charges. These charges are liens pursuant to titles 17, 24 and 26 of the Administrative Code of The City of New York

- 3. Emergency Repair Liens pursuant to the Administrative Code of the City of New York may have attached and not been filed with the County Clerk. No liability is assumed for the same.
 - 4. Satisfactory Proof by affidavit must be furnished showing whether any fee for an inspection, re-inspection, examination, or service performed by the Department of Buildings or permit issued by the Department of Buildings have been levied, charged, created, or incurred, which may become a lien upon the premises, whether or not such charges are liens against which this policy insures.
 - 5. Attention is called to the possible imposition as a real estate tax the penalties resulting from failure to file the Real Property Income and Expense Statement for certain income producing properties required under NYC Administrative Code § 11-208.1. The RPIE statement must be filed no later than the first day of June each year. Information can be obtained at <http://www1.nyc.gov/site/finance/taxes/property-rpie.page>. A penalty entered on the tax roll after the Date of Policy is not insured against by the policy.
 - a. NOTE: This exception only applies to properties that are greater than 6 family dwellings.
 - 6. ECB
- C. Other Exceptions short sale bulletin
- 1. See [Exception Manual](#) for situation specific exceptions, i.e., short sales, foreclosures, condominiums, bankruptcy hits, no consideration transfers, heirship/estate transfers, trusts, building loan, mechanic's liens, Lis pendens, credit line mortgage, etc.
 - 2. If either party is a corporation, partnership or limited liability company, an exception requiring proof of formation and good standing, including submittal of all formation documents, must be included.

VIII. **Closing Requirements** - ([closer's checklist](#)) Surveys and Survey Inspections

- A. Surveys are not required to insure title. Ordering a survey is at the discretion of the parties to the transaction, however, if a survey or survey inspection is not done, then the survey exceptions should remain in the policy, as raised above (see Schedule B Exceptions). Note that a new survey is required for the following endorsements: Tirsas 9, Land Same as Survey, Access, and Contiguity.
- B. A survey must be guaranteed. If the survey is not guaranteed a notation of this fact will appear on the survey reading and will render the survey useful for information only:
 - a. Certified to Stewart Title Insurance Company
 - b. Must have compass and north indicated

- c. Guaranteed by Surveyor
- d. Must be a title survey
- e. Survey must state a point of beginning
- C. In the event that an old, guaranteed survey can be located or provided by the seller/borrower, a survey inspection can be performed for a fraction of the cost. However, it's not preferred.
 - 1. An inspection is only good for residential properties. Commercial properties must have their surveys updated by the original surveyor.
 - 2. The inspection will note changes to the structures and boundary lines since the date of the survey provided
- D. You will need a contact name and phone number of the person who will provide access to the property and provide this to the surveyor or examine company
- E. The surveyor will want to see the Schedule A Certification and Legal Description when ordering a new survey.
- F. Will be required if it is necessary to recite the metes and bounds for a property that does not currently have this recital

IX. Survey Reading

- A. Utilized to limit the general survey exception reciting variations to boundary lines and encroachments such as those unto streets by fences, structures, driveways, etc.
- B. Must differentiate the type of wall recited, e.g., retaining wall vs. structural wall
- C. All variations should be raised. However, we should not be stating "out of possession."
- D. Affirmative Insurance Clauses must be approved by underwriting counsel.

X. Mortgage Schedule [-Link](#)

- A. All open mortgages of record, regardless of age, should be listed in the mortgage schedule
 - 1. The total number of mortgages will also be noted in Schedule B
 - 2. The following information should be included for each mortgage (and Assignment of Leases and Rents, except mortgage tax paid):
 - i. Mortgagor
 - ii. Mortgagee
 - iii. Loan Amount
 - iv. Date of Instrument
 - v. Date of Recording
 - vi. Recording Reference- This will be a CRFN # for the 5 Boroughs of NYC, a Control No. for Westchester County, and a Reel (or Liber) and Page Number for most other counties and older NYC recorded documents.
 - vii. Mortgage Tax paid
 - viii. Additional notes may be necessary after the above recitals if the mortgage covers only part of a parcel or additional parcels, if the document was recorded under a different block and lot, if there is erroneous information and a break in the chain, etc.
 - ix. If this is a credit line mortgage, state same after the recital

- B. Assignment of Mortgage must be listed on the mortgage schedule in the order that they appear in the recording chain with the following information:
1. Assignor
 2. Assignee
 3. Date of Assignment
 4. Date of Recording
 5. Recording Reference
- C. Consolidation, Extension & Modification Agreements (CEMAs)
1. These are agreements that are unique to the New York mortgage process and are prevalent in downstate New York.
 2. CEMAs are used to save the borrowers from paying twice for mortgage tax on the same funds. For example: In 2015 a homeowner in NYC took out a loan for \$350,000. In 2019 the unpaid principal balance left to be paid on the loan is \$300,000. The borrower now wants to take out a loan for \$499,000. The mortgage tax on a loan of \$499,000 in NYC is \$10,199.50. This is a huge expense to pay each time a property is refinanced. Therefore, NYS has created a mechanism for lowering the mortgage tax paid in a situation where either the Lender remains the same OR the current lender assigns the current mortgage to a new lender. (Note: In the latter instance an Assignment of Mortgage will need to be recorded either prior to or simultaneously with the closing of the new loan). When a CEMA is being used the lender will create a "Gap Mortgage" which is the difference between the new loan, in our example \$499,000, and the unpaid principal balance on the current loan, in our example \$300,000. Mortgage tax will then only be due on the "new money, e.g., gap" amount of \$199,000. Mortgage tax on this lesser amount is only \$4,049.50. A CEMA Agreement, which includes the mortgage chain and copies of the note and mortgage for the full new loan amount of \$499,000, and a 255 Affidavit are then recorded, along with the Gap Mortgage for \$199,000 to explain to the taxing authority the transaction and why mortgage tax is only being paid on the lesser amount. Basically, the taxing authority acknowledges that it was already paid mortgage tax for the current loan and is only due mortgage tax on the new money being advanced to the borrower.
 3. CEMAs must be noted on the mortgage schedule and include the following information:
 - i. Mortgagor
 - ii. Mortgagee
 - iii. Date of Instrument
 - iv. Date of Recording
 - v. Recording Reference
 - vi. Mortgage tax paid
 - vii. Note that the document Consolidates Mortgages ___ and ___ to form a single lien of \$_____.
 4. CEMAs can be done multiple times over the life of a mortgage chain and eventually consolidate numerous mortgages over time, all of which must be recited and later included in any loan policies issued which are part of a continued chain of mortgages and CEMAs.

5. CEMAs are only permissible when either the lender is the same or the old lender is willing to assign the loan to the new lender.
 6. If there is a gap in the chain of title or erroneous satisfaction, then a CEMA cannot be insured without clearing the outstanding issue.
 7. Another variation of this type of transaction are Extension and Modification Agreements whereby there is no gap mortgage. In this instance the borrower is buying down his/her mortgage, often to get a reduced interest rate. The same information must be included in the mortgage as for CEMAs, except that in this instance no mortgage tax is due, and a note must be made that the documents Extends and Modifies Mortgage(s) _____ to form a single lien in the reduced amount of \$_____.
- D. Satisfactions of Mortgage should only be listed on the mortgage schedule in instances where they erroneously or defectively satisfied a mortgage of record. For example, it often occurs that when a consolidated mortgage is paid in full, the satisfaction fails to reference all of the mortgages that were consolidated over the life of the loan. This becomes a clearance issue since on the mortgage in the chain will also appear open of record on the mortgage schedule.
 - E. Satisfactions of mortgages which are not in concert with a sale or refinance should be raised for further investigation. [Bulletin NY000036](#)
 - F. Refer to transfer tax/mortgage tax charts and TIRSA Rate Manual for taxes and premiums due.

XI. Taxes [Link to Transfer Tax Chart](#); [Link to Mortgage Tax Chart](#)

A. Due Dates

1. Five Boroughs of New York City

- a. Real estate taxes run from 7/1 to 6/30 and are due on a quarterly basis starting July 1st, October 1st, January 1st, and April 1st
- b. Exception are some commercial properties which may have semi-annual taxes
- c. Tax increases usually occur July 1st and January 1st
 - i. Taxes due within 60 days of closing should be escrowed
 - ii. Collect an additional 10-20% when escrowing for July or January taxes to account for the increases, unless the increase has already been assessed

2. Nassau County

- a. Taxes vary depending on the town and village (the below are typical)
 - i. School Tax runs from 7/1 to 6/30, and is due semi-annually on 10/1 and 4/1
 - ii. General Tax runs from 1/1 to 12/31 and is due semi-annually on 1/1 and 7/1
 - iii. Some municipalities charge a village tax which is due annually

3. Suffolk County

- a. Combined town and school taxes run from 12/1 to 11/30 and are due semi-annually by 1/10 and 5/31

B. Exemptions and Abatements

1. Check the tax search to see what exemptions are being given. The most common exemptions are Basic and Enhanced STAR (these are both for school taxes), Veteran's and Senior Citizen
 2. If a purchase transaction is being insured, escrow for upcoming taxes will need to be calculated on the full tax amount without exemptions
 - a. Some tax searches will include the tax amount both with and without exemptions. When in doubt, contact your search company
 3. Note that new construction condominiums often receive long term abatements from the City of New York ranging from 10-25 years.
- C. Restoration
1. If the tax search shows exemptions, check the tax search to determine who the assessed owner is. If the seller differs from who is on title or who is selling the property, then escrow must be held for tax restoration, i.e., prorated back tax.
 - a. All property owners are entitled to the STAR exemption; however, this exemption must be applied for by each new homeowner. A new owner, either through consideration or no consideration transfer must apply to be entitled to the exemption. If the tax search shows the assessed owner as someone other than the person on title to the property the amount of tax without the exemption must be calculated and the difference between that amount and the amount being charged must be collected retroactively to the date when ownership changed, either by death or by deed transfer.
 - b. Widow(er)s are entitled to the veteran's exemption; however, other family members and homeowners are not. If the veteran or his/her widow is deceased, the amount of tax that would be due without the exemption must be calculated and then collected retroactively since the date of death to present, with interest.
 - c. Senior Citizen exemptions work the same as the above. Only senior citizens are entitled to the exemption. If the entitled senior is no longer in possession of the property, either by deed transfer or death, then escrow must be calculated as above.
 - d. When a record owner is deceased, a copy of the death certificate should be submitted with the deed in transfers by estates/heirs. This usually triggers an audit and change of tax exemptions and restored tax charges by the taxing authority; however, this process can take up to a year.
 - i. Forms can be submitted to the city proactively to have restored taxes computed sooner
 - e. NOTE: The 5 Boroughs of NYC are very diligent about restoring taxes. While Nassau and Suffolk counties are not as proactive, it is better not to take the risk and be stuck chasing after sellers and the insured for funds and MAKE SURE your policy includes the exception for restored taxes/abatements.
 - i. 5 Boroughs of NYC restore taxes up to 10 years back. These restored taxes will be rolled into the next year's tax bill after the exemption is removed.
 - ii. Nassau and Suffolk Counties vary from 1 to 3 years in restoring back taxes.

- iii. New Construction: note that property may have been assessed as vacant property. Assessment may be adjusted upon issuance of certificate of occupancy. Recommended to include the tax restoration exception in title report.
- D. Other Items on a Tax Search
- 1. 5 Boroughs of New York City
 - a. Liens for Emergency Repairs, Health, Pest Control, and other city departments will transfer to the Department of Finance for payment
 - b. Tax Liens for prior years will show as open or redeemed, depending on the examiner. This information can also be found on the Department of Finance's website under information about the property's tax history. See below how to deal with NYC Tax Lien issues.
 - 2. Other Counties
 - a. Unpaid taxes will result in a tax lien certificate that will be returned with the tax search, including interest and payment instructions. Payoff letter and payment must be made at closing. If previously paid, Certificate of Redemption must be filed.

XII. Water Charges

- A. 5 Boroughs of New York City: Water Charges not available in NYC. See Schedule B exceptions
- 1. Water meters are required on all properties
 - a. If there is no water meter on the property, include the applicable exception alerting the parties to this fact and that a meter should be installed.
 - 2. The owner/seller should order from the water authority at least 4-6weeks prior to closing a final reading to guarantee a return by the closing date.
 - a. Department of Environmental Protection (DEP) charge is \$25, but search company will usually charge between \$150-\$200
 - b. Contact information for access to property will need to be provided
 - c. There is no way to determine what the final meter charges are without this special reading being ordered. A final reading will alert parties to any malfunctions, leaks or other potentially costly charges that may be assessed by DEP
 - d. DO NOT OMIT water charges that may be assessed after closing without receipt of a final meter reading. Even with this search, if the final reading was done more than a few weeks prior to closing, the future assessed charges exception should remain in the fee policy
 - 3. Attorneys will often contact the agent from closing asking how much to hold in escrow. Title should not be holding any water charges in escrow, except for those charges that have been billed and show open to pay. Advise the parties of the last ACTUAL meter reading and they can estimate an amount to hold amongst themselves in escrow (usually between \$500-\$1000, although without the final meter reading a significant risk is being taken).
 - a. Note: Water bill charges will appear as either: Final, Actual, Estimated and Minimal (in order of accuracy of the bill).

B. Other Counties

1. In most NY counties, water is private. In this case, a final water bill should be provided at closing for payment or an affidavit regarding same.
2. Policy will include the standard exception for water charges absent a final water reading.

XIII. Municipal Searches:

- A. Cover page should include the following disclaimer: **Any searches or returns reported herein are furnished FOR INFORMATION ONLY. These are not part of our title report and must be separated by the cover page. They will not be insured, and the Company assumes no liability for the accuracy thereof. They will not be continued to the date of closing.**
- B. Bankruptcy Searches
1. Searches to be run against all party names
 2. If a foreclosure, run searches against foreclosed homeowners
 3. If a no consideration transfer in last 10 years, run searches against all transferors
 4. If any returns, include the appropriate exception for an open or recently closed cases
- C. Patriot Searches
1. See above requirements for bankruptcy searches

XIV. Clearance Issues:

- i. [NYSLTA Recommended Practices](#)
 - ii. [Mutual Indemnification Agreement](#)
 - iii. Links for related Bulletins: [399](#), [433](#), [456](#), [464](#), [583](#), [645](#), [647](#)
- A. High Liability and Policy Approvals
1. Required in the following instances
 - a. Policy issued is over the agent's insurance threshold, as determined by STIC and extra hazardous risks as stated in [NY0000583](#).
- B. Mortgages
1. Missing or erroneous assignments and satisfactions
 - a. Prior fee or loan policy, see [Mutual Indemnification Agreement](#).
 - b. Indemnification Letter from prior underwriter. Samples in TIRSA Rate Manual
 - c. [Gorequire.com](#)- a title curative service
 2. Privately held mortgages
 - a. See Real Property Law Section 321 to determine who must sign the satisfaction
 - b. Must have verified payoff letter from lender's attorney
 - c. Original Note and Satisfaction must be delivered at or prior to closing
 3. Ancient mortgages
 - a. May bring a bar claim action under Section 1931 of the Real Property Actions and Proceedings Law
 - b. If the loan is under \$50,000 and matured more than 12 years ago, it may be omitted with an affidavit of no demand for payment
 - i. Mortgagor cannot be the present owner or owner via no consideration to the mortgagor

- ii. Must have been one or more for value transfers since the date of the mortgage
 - c. If the loan is under \$50,000 but there is no maturity date, at least 30 years must have passed since the date of the mortgage and no recitation in the chain of title regarding the mortgage can have occurred in the last 12 years, in which case the mortgage may be omitted with an affidavit of no demand of payment
 - i. The conditions must be met as in 3(b)(i) & (2) above.
 - d. Underwriter approval required.
4. Home equity lines of credit
- a. Must be frozen or closed prior to the closing
 - b. If no proof that the line was frozen,
 - c. Approval by Underwriter required.
- C. Judgements and Liens:
- a. Note that time limitations must be adjusted to reflect the additional extensions of time (228 Days) due to Covid tolling
 - b. [Link to Lien Chart](#)
1. Money judgments are effective for 10 years and may be renewed for another 10 years by court order.
 - a. Judgments run from the date of the docketing by filing a copy of the judgment with the county clerk. N.Y. C.P.L.R. Sections 5201 to 5203
 - b. Judgments are only real property liens in the county in which they are filed
 - c. If the judgment is due to expire shortly, escrow may be held in the amount of double the face value of the lien. For judgments over \$10,000, contact Stewart Title Underwriter for approval.
 2. Parking Violation Bureau Judgments (PVBs) are treated like money judgments, however they expire after 8 years
 3. Transit Adjudication Bureau Judgments (TABs) are treated like money judgments and expire after 10 years.
 4. New York State Tax Warrants are effective for 20 years from the first date in which the warrant could be filed (NYS Tax Law Section 174-B)
 5. Escrow cannot be held to clear either NYS or Federal tax liens
 - a. The debtor must either obtain a payoff or provide a POA for counsel to obtain a payoff, which POAs are available on the agency websites
 6. Mechanic's Liens
 - a. Any filed mechanic's liens that have not expired must be raised as an exception in Schedule B
 - b. Effective for 1 year, unless renewed by lienor or by an action to enforce mechanic liens against the property by lienor or other mechanics lienors.
 - c. May be satisfied by filing a satisfaction of lien, payment of a bond or monies to court or county clerk, court order or judgment in favor of property owner
 - d. If work is in progress from which the lien arises can:
 - i. Decline to insure
 - ii. Require a completion bond
 - iii. Escrow for amount of work plus reserve fund
 - iv. Indemnity

- v. Partial lien waiver
- e. Approval by underwriter required
- 7. Environmental Control Board Liens (ECB)
 - a. Enforceable against the record owner on ANY property owned by that individual, not just the premises being closed/refinanced and on known tenants and contractors of the record owner at the premises
 - i. These are *in personam* not *in rem*
 - ii. Current balances with interest on all ECBs can be obtained on-line at NYC City Pay: <https://a836-citypay.nyc.gov/citypay/ecb>
 - b. Statute of limitations on ECBs in 8 years from the date of entry
 - c. Note recent changes by NYC will convert ECB liens to DOF tax liens. Link to NYSLTA bulletin.
- 8. Sidewalk Liens
 - a. While these are excepted from the fee policy and omitted for mortgage, there is no monetary amount attached to these liens unless the city itself repairs the sidewalk. In this instance a charge will be posted with the Department of Finance and appear on the tax search
 - b. Do not hold money in escrow for these since there is no way to determine the monetary amount it will cost to fix the violation
 - c. If the sidewalk is in good repair or recently repaired, an inspection needs to be scheduled with the Department of Highways to verify the repair and remove the lien.
- 9. Vacate Orders
 - a. These are orders issued to vacate a property due to it being unsafe for habitation
 - b. May show as a *Lis pendens* in the County Clerk's office
 - c. No monetary judgment and no expiration date, however, a vacate order can give rise to a relocation lien
 - d. These orders should be excepted from the fee policy
 - e. Can only be cleared by correcting the underlying violation(s) and scheduling an inspection with the city to dismiss/withdraw
- 10. Relocation Lien
 - a. Monetary penalty charged by the Department of Housing, Preservation and Development (HPD) for relocating and housing tenants from uninhabitable properties
 - b. A payoff must be requested from HPD in order to close
 - c. Lien is valid for 10 years and may be renewed by court order for an additional 10 years
 - d. Super lien status – First American vs. Boyajain. Becomes a lien when filed in the clerk's office.
- 11. Unsafe Building Lis Pendens
 - a. Filed by the Department of Housing, Preservation and Development for failure to cure unsafe conditions
 - b. Must either be excepted from the fee policy or a consent to cancel can be obtained from HPD
 - c. Do not omit this Lis pendens without underwriter approval

12. Emergency Repair Liens

- a. Disclosed on an Emergency Repair Search, these liens ultimately are transferred to the Department of Finance and will show on the tax search. A payoff can also be requested directly from the Department of Rent and Housing Maintenance for all charges that have not yet transferred.

13. New York City Tax Liens

- a. Unpaid taxes eventually get sold at an annual tax lien sale by the City of New York. Tax searches will typically note if outstanding taxes are due to be sold at a tax sale. If they are, payoffs can be requested and payoffs made up to _____ hours/days prior to the sale. Any sooner to the sale date will not guarantee that the property will be removed from the sale register, which can cause major long-term issues that should be avoided. Once a sale occurs, no payoff can be obtained, or title insured until the lien is transferred by the new owner (usually Bank of New York) to a servicing company (MTAG or Tower). This transfer can take up to three months. Upon appointing a servicer, the servicer can be contacted for a payoff and the transaction closed.
- b. If a Lis Pendens is filed in connection with the tax lien, then a cancellation of the Lis pendens must be filed or the Petitioner's attorney should be contacted for a Letter of Undertaking.

D. Foreclosure Transactions- Mortgage and Tax Lien -[Bulletin 459](#) & [Bulletin 465](#)

1. All properties being sold by a Referee or a Lender or any other transfer out of foreclosure where a fee policy was not issued requires a full review of the foreclosure file and all applicable exceptions raised
 - a. A foreclosure worksheet and checklist should be completed
 - b. Bankruptcy searches must be run on foreclosed owners
 - c. High Liability Approval is required
 - d. Pay close attention to the named parties, issues of service, e.g., timely, personal w/ appropriate notices attached, CPLR 3215 compliance; lapses in the Notice of Pendency and specifically judgments that attach during those lapses and entry of the Judgment of Foreclosure and Sale during that time; cut-off of judgments and liens; and if the standing defense in RPAPL 1302-a was raised.
 - e. Request from your examiner, at minimum, the following documents from the foreclosure file, although more review may be needed depending on what is raised: Docket Report, Summons & Complaint with CPLR 3012-b Certificate of Merit, all Affidavits of Service, Affidavit of Regularity, any interim orders, Notices of Appearance (especially by government which may retain a right of redemption), Judgment of Foreclosure of Sale and proof of service with Notice of Entry of same, Notice of Sale with proof of service and Notice of Entry of Same, Proof of Publication, Referee's Report of Sale (these last two may not be filed yet if the deed is being transferred by the Referee).
 - i. Note that more recent cases may have been e-filed. If e-filed, all documentation relating to the action can be found on the New York Courts website at: nycourts.gov. Click on e-Courts, then choose Web Civil Supreme and select how you would like to search (usually by Index No. or Defendant's name). At the bottom of the results page, if e-filed documents

are available, there will be a link that you can click to view these documents.

E. Short Sale Transactions – [Bulletin 464](#); [425](#); [360](#); [359](#); [358](#)

1. These involve the sale of property, upon approval from the lender of record, for less than the outstanding balance of the mortgage with interest
2. Hi Liability approval is required to close these transactions
 - i. Form Link: [Short Sale Certification](#)
3. The following documentation needs to be reviewed in connection with a short sale
 - a. Short Sale Approval Letter
 - i. Verify that it is addressed to the seller. If not, a deed change may need to be done at closing into the name of the approved transferor.
 - ii. Check the date the transaction must close by
 - iii. Is the lender issuing the approval the same as the lender of record? If not, a POA or servicing agreement between the two entities is required
 - iv. Is the approved purchaser the same as the proposed insured in the title commitment?
 - v. Does the approved sale amount match the contract price?
 - vi. Does the approval allow for the payoff of any junior liens?
 - b. Letter of Undertaking from the foreclosure attorney
 - i. Does the letter reference the correct Index No. and Plaintiff?
 - ii. Does the letter state that, upon confirmation the loan has been paid in full per the terms of the short sale agreement the Lis Pendens will be discontinued?
 - c. HUD Settlement Statement
 - i. Is the date of the HUD the same as the closing date?
 - ii. Are the buyer and seller the same as on the approval letter?
 - iii. Do the sale price and payoff(s) match the approval letter?
 - iv. Has the HUD been approved by the short sale lender?
 - v. Note: The Seller CANNOT receive any funds from closing except those approved on the HUD
 - vi. Note: there are time limitations on the ability of purchaser to sell the property and deeds may require special limitation language.

F. Sheriff's Deed Sales

1. See Foreclosure-Sheriff's Sale in exception manual. Must be approved by underwriter.

G. Transfers out of a Decedent's Estate

1. New York recognizes transfers of a decedent's property by Executor/Administrator, Specific Devisee(s), OR heirs at law
 - a. Make sure that your examiner runs surrogate's court searches
2. If by Executor/Administrator
 - a. Letters Testamentary/Administration must be issued or updated by Surrogate's Court within six (6) months of closing and be in full force and effect at the time of closing with an affidavit of full force signed at closing
 - b. All heirs named in the probate petition and/or remainderman named in the will must be run for judgments, bankruptcies, and patriot searches

3. If by Specific Devisee(s)
 - a. Will must be probated
 - b. Only the specific devisee(s) need to sign the deed, the executor does not have authority to do so in this instance
 1. To be a specific devise the will must specifically state that “x” is being given the property located at (specific address). If cannot just say the “x” receives all my property or estate.
 - c. Copy of will should be submitted with recording documents
4. Heirs at Law
 - a. New York is unique in that it allows the transfer of real property by all heirs at law
 1. Heirs may transfer even if an executor/administrator has been appointed or if there is a will in the event the parties do not want to wait for probate to be finalized
 - b. Need the following:
 1. Copy of Death Certificate of decedent
 2. Must have heirship affidavits from no less than two (2) disinterested parties who knew the decedent and setting forth all of the decedent’s heirs, both alive and deceased, and copies of the signatories’ IDs
 3. Copies of death certificates and heirship affidavits for all deceased heirs of the decedent- this can become very complex if distant relations are the only living heirs or there are multiple siblings with children, and some are deceased.
 - a. Remember, if an individual dies, without issue and his/her parents/grandparents pre-deceased him/her, you must look at heirs on both sides of that person’s family, both mother and father for more distant heirs.
 - c. It is helpful to have family trees, social security death indexes, obituaries, funeral bulletins, etc. Any documentation to strengthen the information about the deceased and his/her heirs
- H. Planned Unit Development (PUD)
 1. These are found mainly in Richmond County (Staten Island) and on Long Island
 - a. Most are defunct, however, where they are active, they need to be treated similar to condominiums. There is a Homeowner’s Association that will need to issue a common charges letter and waiver of right of first refusal.
 - b. The Declaration or C&R creating the PUD will need to be referenced in Schedule I.
- I. Air Rights or Zoning Lots- Call underwriter for guidance

XV. Title Bills [Link to Sales Tax Website](#); [Regulation 208 Bulletin 632](#);

- A. Premiums
 1. Rates are set by the Title Insurance Rate Service Association (TIRSA)
 2. Use a Rate Calculator - [Stewart Star- Rate Calculator](#)
 - a. Discounts are available for the simultaneous issuance of fee and loan policies
 - b. Reissue Rates may be available on refinance transactions
 3. Zone 2 Premiums include the cost of the abstract pursuant to TIRSA RATE Manual Section 2 (G), the tax search for one (1) lot, one (1) tax continuation search and one

(1) title continuation search; Zone 1 transaction premiums do not include search costs and may be billed separately to the clients.

a. The agent may pass on to the client the actual charge for copies billed by abstractor since these are an additional charge by the municipality/court for obtaining records.

B. Ancillary Charges

1. There are no fee caps on bankruptcy, patriot, or general municipal searches (those not conducted by the municipality)
2. NY Insurance Regulation 228.5 put the following caps on other charges:
 - a. Overnight fees are limited to the actual cost of the service
 - b. Survey Inspection (cost + \$75)
 - c. Escrow Service Charge (\$50 per escrow)
 - d. Recording Fee (actual out of pocket)
 - e. Recording Service Charge (\$25 per recorded instrument)

C. Sales Tax

1. New York State requires sales tax to be paid on all municipal, bankruptcy and patriot searches.
2. Sales tax should be charged at the rate of the county where the closing transaction will take place

D. Recording Fees [Link to County Info Excel](#)

1. Filing Fee for transfer tax forms is \$125 for residential & farm properties and \$250 for all other properties
2. Check if the locality charges transfer tax, in addition to the state. For example, NYC, Westchester and the Peconic Bay region of Suffolk County all have additional taxes.
3. Check mortgage tax rates as these differ per county and size of the mortgage

E. Escrows- see below.

XVI. Owner's Policy:

- A. Shall not be issued for less than the greater of the contract price (including all liens thereon which the purchaser is taking subject to) or the fair market value of the property
 1. If the property being purchased is subject to construction loan(s) which exceed the amount of the purchase price, the purchaser may opt to increase coverage on the fee policy, for instance, up to the value of the loan(s). Note there is no maximum limitation in the TIRSA Rate Manual Sections 5 & 7.
 - a. Schedule B of the policy should include a pending disbursement exception as stated in the TIRSA Rate Manual, Section 2 (L)
- B. Schedule B Exceptions (this is not an exhaustive list)- Those items that are excepted from the policy issued
 1. Rights of tenants or persons in possession
 2. Covenants and Restrictions
 3. Survey exceptions or survey reading
 4. Any items that the purchaser is taking the property subject to
 5. Tax and water exceptions
 6. Open mortgages, including any mortgage being taken simultaneously with issuance of the fee policy
 7. Foreclosure exceptions for service and standing defense

8. Pending disbursements for construction loans
9. Short sale exceptions for home equity theft prevention act and 90-day re-sale
10. List standard exceptions that appear in Sch. B and when may limit rights of persons (copies of leases)

XVII. Loan Policy

- A. Schedule A- If the transaction is a CEMA, then the entire mortgage chain being consolidated needs to be recited in #4 or a Mortgage Schedule attached and referenced herein.
- B. Schedule B Part I- Exceptions from coverage
 1. Rights of tenants or persons in possession
 2. Survey exceptions or survey reading
 3. Covenants and Restrictions
- C. Schedule B Part II- items that are subordinate to the lien insured by the policy
 1. Mortgages for which a subordination agreement is being recorded
 2. Assignments of Leases and Rents that are filed with the insured mortgage
 3. UCCs filed with the insured mortgage
 4. Rights of tenants, as tenants only
 - a. In order for this exception to appear in this part and not part I, the agent must review all lease agreements and confirm that a) the tenants do not have either purchase option rights or a right of first refusal and b) the lease is subordinate to the mortgage lien. If the lease(s) are silent as to these rights or there are no lease(s) then affidavit asserting these facts would need to be provided by the borrower/owner and a subordination agreement executed by the landlord, tenants, and lender.

XVIII. The Closing

- A. Title Closers
 1. Downstate NY title agencies typically hire outside individuals to close transactions on behalf of the title agent
 - a. Independent contractors
 - i. Paid by the parties at the closing table
 - i. For a purchaser -negotiated by the Purchaser and by the Seller, depending on the number of payoffs being made.
 - ii. For a refinance paid by the borrower
 - ii. Title closer fees should be included on the title bill Some title closers directly charge an additional fee for the transaction ranging from \$25-\$50 to the title companies.
 2. Mark-up the title report, complete all title affidavits and escrow deposit agreement, notarize all documents, deliver polices, collect title fees and recording documents, review all recording documents for accuracy prior to delivery to the title company
- B. Mark-Up the Title Report
 1. Must obtain both tax and abstract continuation searches prior to closing and confirm no changes or amend the report accordingly
- C. Execute Title Affidavits and Title Bill
 1. Standard Affidavits are:

- a. Buyer's Affidavit
 - b. Seller's Affidavit
 - c. Consumer Acknowledgment
 - d. Optional Market Value Rider
 - e. Mortgage Affidavit
 - f. Escrow Deposit Agreement
 - i. Escrow being taken needs to be clearly stated and noted in the appropriate section, e.g., to pay immediately after closing or to hold
 1. If to hold, stipulate for how long the escrow will be held
 - ii. Include the name of the depositor (or the name to whom the check will be issued in the future) and an address where funds can be returned in the future. Please write clearly
 - iii. Depositor must sign the affidavit
2. See attached list or examples of all affidavits
- a. [Affidavit of No Demand \(Mortgage\)](#)
 - b. [Affidavit of Service](#)
 - c. [Affidavit of Service by Mail](#)
 - d. [Affidavit Pursuant to RPAPL 1302-a](#)
 - e. [Ancient Mortgage Affidavit](#)
 - f. [Cooperative Unit Affidavit](#)
 - g. [Deed in Lieu of Foreclosure Affidavit](#)
 - h. [Estate Tax Affidavit](#)
 - i. [Fence and Boundary Affidavit](#)
 - j. [FIRPTA Affidavit](#)
 - k. [Heirship Affidavit](#)
 - l. [Judgment Affidavit](#)
 - m. [LLC Affidavit of Title](#)
 - n. [Lost Note Affidavit \(Corporation\)](#)
 - o. [Lost Note Affidavit \(Individual Lender\)](#)
 - p. [Market Value Rider Affidavit](#)
 - q. [Mortgage Payoff Affidavit](#)
 - r. [Multiple Exceptions Affidavit](#)
 - s. [Non-Aggregation Affidavit PDF](#)
 - t. [Non-Imputation Affidavit](#)
 - u. [Non-Multiple Dwelling Affidavit](#)
 - v. [NYC HPD Affidavit in Lieu of Registration Statement PDF](#)
 - w. [Owner in Possession Affidavit \(Foreclosure\)](#)
 - x. [Owner in Possession Affidavit](#)
 - y. [Purchaser's-Mortgagor's Affidavit \(Home Equity Theft Protection Act\)](#)
 - z. [Shareholders Affidavit PDF](#)
 - aa. [Smoke Alarm-Carbon Monoxide Detector Affidavit](#)
 - bb. [Smoke Detector Affidavit PDF](#)
 - cc. [Survey Affidavit](#)
 - dd. [Surviving Tenant by the Entirety Affidavit](#)
 - ee. [Trust Affidavit](#)
 - ff. [Trust Affidavit \(Settlor's Death\)](#)
 - gg. [Alive and Well Affidavit](#)
 - hh. [Buyers Affidavit](#)

ii. [Sellers Affidavit](#)

D. Recording Instruments

1. Fully executed and notarized originals
2. All documents collected should be on the title bill
3. See below document requirements for recording
4. Copies of current, government issued ID

E. Issue Policy(ies)

1. Confirm all pages signed, as indicated
2. Confirm correct exceptions/changes made at closing are in the issued policy
3. Note that in Zone 2, both owner and lender policies are issued at closing with the deeds, mortgages, etc. identified as "to be recorded." Zone 1 closings provide a marked-up report and often proforma policies with final policies issued after documents are recorded.

XIX. Recording

A. Where to Record

1. In the 5 Boroughs of New York City recording is done on-line through NYC's Automated City Register Information System (ACRIS)
 - a. Cover pages must be prepared in the system for each document
 - b. All transfer tax forms signed at closing must have been created in the system in order to record
 1. Whichever party created the tax forms will need to provide its username and password in order for the documents to be recorded
 - c. Deeds and transfer documents must be recorded within 2 weeks of closing, or a penalty will be charged by NYC
2. Other counties can be recorded on-line or in person
 - a. You can contract with a service such as Simplifile on which you can upload the recording documents and they will record same
 - b. Suffolk County must be recorded in person
 - c. Westchester County requires documents to be prepared and filed through the Westchester Prep System
 1. Yonkers, Mt. Vernon, and Peekskill all have additional transfer tax forms. Recordings must first be submitted to these cities before being sent to Westchester County. There is a strict 7-day submission after closing period with monetary penalties imposed thereafter.
3. Requirements for recording vary by county and municipality. Agent should contact each county and/or municipality to determine unique requirements prior to closing.

B. Standard Requirements for All Recording Documents

1. Dated
2. Names match on all documents
3. Signed
 - a. Signature should be similar to that on ID provided
 - b. Correct color of ink used per the applicable county
 - c. If using a POA, the document should be signed " _____, as authorized agent"
4. Notary acknowledgment fully completed and signed with notary seal/stamp affixed

C. Deeds

1. Parties should include both names and addresses
2. Party 1 (Seller) should be the same as the current record owner listed in Sch. A of the title report. If not, then one of the following types of vesting language should be used:
 - a. If a sale by heirs: “ _____, residing at _____, as heir(s) and next of kin of _____ who died a resident of _____ County”
 - b. If a specific devisee under a probated will: “ _____, residing at _____, as Specific Devisees under the Last Will and Testament of _____ who died a resident of _____ County on _____ (date of death) _____ (county) County Surrogates File No. _____”
 - c. If by an administrator/executor appointed for an estate: “ _____, as Executor of the Last Will and Testament of (or Administrator of the Estate of) _____, who died a resident of _____ County, Surrogates File No. _____.”
 - i. Note: If this is a sale pursuant to letters issued by Surrogate’s Court then an Administrator’s Deed should be used.
 - d. If the Seller is a Trust, then the Trustees must sell: “ _____, as Trustee of the _____ dated _____, whose address is _____.”
4. Does the deed state how title is being taken if there is more than one purchaser, e.g., husband and wife; joint tenants with rights of survivorship (JTWRs); or tenants in common
5. Is the amount of consideration recited?
 - a. Usually, the consideration recited can be \$10, however, if the Seller is a Trust, Heirs, Administrator or Executor, then the full consideration MUST be recited
6. Is the legal description recited in the body of the deed or has it been attached?
7. The following recitals should be included in the body of the deed:
 - a. Premises being known as _____.
 - b. Being and intended to be the same premises conveyed to the party of the first part by deed dated _____ and recorded _____ in _____ at _____ County Clerk’s Office
 - i. Note: If the legal description contained in the last deed of record was erroneous, then recite the most recent deed with the CORRECT legal description.
8. Check where the Notary is affixed- in-state or out-of-state depending on where executed. Is the Notary section completed?
9. Include Premises information at the bottom of page 2 of the standard form deed
10. Include return information for the recorded deed

D. Transfer Documents

1. [RP-5217](#)- New York State Real Property Transfer Report
 - a. Required for all residential and commercial properties
 - b. MUST be printed on legal size paper with the barcode showing

- c. Buyer and Seller signatures only. No notary required
- 2. New York City specific transfer tax forms: [Link- Addendum to Forms](#)
 - a. [TP-584](#)- Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate and Certification of Exemption from the Payment of Estimated Personal Income Tax
 - b. NYC RPT- Real Property Transfer Tax Return
 - c. [Affidavit of Compliance with Smoke Detector](#) Requirement for One- and Two-Family Dwellings
 - d. [HPD Registration](#)
- 3. [IT-2663](#) Nonresident Real Property Estimate Income Tax Payment Form
 - a. To be completed when the seller is an individual or a trust located outside of New York State
- 4. County Specific Transfer Documents
 - a. Check with the county/municipality where the property is located. Many locales have additional transfer documents that must be submitted. For example: Certain municipalities in Westchester require their transfer documents to be submitted and approved first and then those approved forms will be submitted with the RP-5217 to the county clerk.
- 5. LLC Information Disclosure: [Bulletin 630](#)
 - a. Must accompany all transfer tax returns when an LLC is the purchaser or seller of 1-4 family residential property
 - b. Includes name, address, SSN/EIN, role, and percentage of ownership interest of all members, shareholders, etc.
- E. Mortgage Documents
 - 1. Check if the correct property type has been selected
 - 2. Copy of legal description must be attached
 - 3. If initials are required, confirm all pages have been properly initialed
- F. Building Loan Agreement and Notice of Lending
 - 1. To be executed and notarized by the Lender (these signatures will usually be provided post-closing)
 - 2. Recorded in legal records, not with land records
- G. UCC Statements
 - 1. May be recorded with either or both the county and the state- check with the security party where he/she/it prefers the UCC to be recorded
- H. Miscellaneous Documents
 - 1. All transfers over \$400,000.00 must be accompanied by a copy of Contract of Sale
 - 2. Trust Agreement- may be recorded to clarify record, but not necessary
 - 3. Transfers where one of the prior owners is deceased may t be accompanied by a copy of the death certificate to clarify the record

XX. Breaking Down the File

- A. Stewart requires that agents maintain the following fiduciary accounts:
 - 1. Clearance Account for initial deposit of title fees
 - 2. Escrow Account
 - a. Payments to the NYC Dept. of Finance and DEP can be made

on-line

- b. Other counties will need to be paid by check. Request a paid receipt and include a return addressed envelope with the payment.
 - i. Do not release escrow funds until a payment receipt or continuation search verifies that the municipality or other entity shows the outstanding amounts paid
3. Recording Account
4. Premium/Remittance Account
 - a. Policy premiums, registers and copies of policies are to be remitted monthly to:
 - a. Stewart Title Insurance Company
Company 8000
211 Quality Circle
College Station, TX 77845
(800) 729-1905
 - b. Separate accounts for each underwriter are preferred.
5. Sales Tax Account

XXI. Cybersecurity: see Bulletin [NY000605](#) and DFS regulations

XXII. Data Call: The DFS requires that each agent report its income and expenditures in an excel spreadsheet questionnaire for each underwriter. The questionnaire is submitted to the underwriter and reported to the DFS. The State of New York requires the underwriters to report any agents who fail to provide this information which could jeopardize the continued licensing of the agent. See Bulletin [NY000665](#)

[STIC RESOURCES AND QUICK REFERENCE GUIDE](#)

[EXCEPTION MANUAL LINK](#)

[ENDORSEMENT MANUAL LINK](#)

[TIRSA RATE MANUAL LINK](#)

LINK TO NY STATE FORMS: [TP 584](#) & [RP-5217](#)

LINK TO [NY DOB \(Department of Buildings\)](#), [OATH \(Office of Administrative Trials and Hearings\)](#),

[NY DOF \(Department of Finance\)](#)

[LINK TO STIC YEARLY BULLETIN](#)