



# NEW HAMPSHIRE BAR ASSOCIATION TITLE EXAMINATION STANDARDS

*This document is the product of the New Hampshire Bar Association's Real Property, Probate and Trust Law Section and represents the sixth revision of New Hampshire Bar Association Title Examination Standards, first published in 1954.*

Adopted by the New Hampshire Bar Association Board of Governors

October 22, 1996

**Effective January 1, 1997**

## **INTRODUCTION AND ACKNOWLEDGMENT**

The 1997 revisions to the Title Examination Standards include a new feature. Adoption and Revision dates are included for each section, along with a table of those dates. In addition, copies of all prior editions of the standards have been accumulated into a reference manual which is being made available at the New Hampshire Bar Center, the State Library, the State Law Library, and the Registries of Deeds. It is our goal to enhance the value of the Title Standards to title examiners and practitioners.

On behalf of the Section, I would like to thank, in particular, John E. Lucas, Chair of the Title Standards subcommittee, and James O. Barney, Past Section Chair and subcommittee member, for the many hours they have devoted to the 1997 Revisions. The Section also expresses its appreciation to Burton P. Jacobs for compiling the Table of Adoption and Revision Dates.

January 1, 1997

Roberta A. Baker  
Chair, Real Property, Probate  
and Trust Law Section

## *Title Examination Standards*

# **INTRODUCTION**

The 1989 revisions to the Title Examination Standards of the New Hampshire Bar Association are the first annual revision since the general revision of 1988. These most recent revisions have been made through the Real Property, Probate and Trust Law Section's Title Examination Standards Subcommittee, chaired by Phillip J. Stiles.

On behalf of the Section, I would like to thank Phil for his continuing dedication to the task of maintaining the Standards as a living document aiding attorneys and title examiners statewide. Special acknowledgment is due to Joseph W. Worthen, II, for preparing the first index to these standards.

January 1, 1990

Mitchell B. Jean  
Chair, Real Property, Probate  
and Trust Law Section

## **Acknowledgments**

In 1985, the Real Property, Probate and Trust Law Section of the Bar Association, under the guidance of Chair Phillip Stiles of McNeill, Taylor & Dolan, began the long process of revising the *Title Examination Standards of the New Hampshire Bar Association*. Previously, these *Standards* were revised every five years and reprinted in a pamphlet format for the members' use. Phil realized that the task of properly revising the *Standards* would not be resolved quickly nor without dispute. Since the Section members only meet monthly, it was agreed that the articles comprising the *Standards* would be divided up among small regionally-based committees of lawyers who expressed their willingness to serve on this tedious task. The regional groups met and reported their findings and recommendations to the chair. Phil had the unenviable task of assimilating the information and reporting back to the Section's membership.

The task of revising the Standards continued into 1987 with the establishment of a permanent Title Examination Standards Subcommittee, under the Real Property, Probate and Trust Law Section, which Phil Stiles graciously agreed to chair. This process culminated with the publication of draft standards for notice and comment in *New Hampshire Law Weekly*, Vol. 14, No. 1, dated July 1, 1987. There were additional amendments subsequent to the proposed draft, resulting in the approval of these new standards by the Board of Governors of the New Hampshire Bar Association on October 22, 1987.

It is the hope of the membership that amendments to the Title *Standards* necessitated because of revisions in statutes and new court decisions can be accomplished on a more routine basis in the future. It was decided to use a loose-leaf format to facilitate these amendments and to avoid the need to reprint the entire *Standards* should a change take place in one section. The membership is not unmindful of the problems inherent in numerous revisions, and recommends that further amendments be approved only once a year, even though the Title Standards Subcommittee shall remain a working subcommittee of the Section and meet on a regular basis to continue fine-tuning the *Standards*.

On behalf of the membership of the Real Property, Probate and Trust Law Section, I wish to thank the many attorneys who devoted countless hours to bring this revised document to fruition. I want to express special thanks and appreciation to Phil Stiles, not only for the time he spent typing the original draft changes into his personal computer, but for the countless hours and dogged dedication which he brought to this task.

January 1, 1988

Briand T. Wade, Esquire  
Chair, Real Property, Probate  
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## **ADOPTION AND REVISION DATES**

The Title Examination Standards were first adopted on February 5, 1954, and have been revised effective February 9, 1963, January 1, 1974, June 1, 1980, January 1, 1988, January 1, 1990, and January 1, 1997. Following each section in brackets is the year that section was first adopted and the years in which it was revised, if any. The numerous changes in the numbering of sections have not been considered to be revisions, nor have a few minor typographical errors and corrections.

## **TITLE EXAMINATION STANDARDS**

### **ARTICLE 1. PURPOSE OF EXAMINATION AND PLACES OF SEARCH**

1-1. The objective of the title examiner is to determine whether or not the title in question is satisfactory of record. Objections to the title should be made only when the defect or defects could reasonably be expected to expose the prospective owner, tenant, or lienor to adverse claims. The following **Title Standards** (examination standards) express the practice considered reasonable by the New Hampshire Bar Association.

*Comment: Title standards are primarily intended to eliminate technical objections which do not impair marketability and some common objections which are based on misapprehension of the law. The examining attorney, by way of a test, may ask, after examining the title, what defects and irregularities have been discovered, and as to each such irregularity or defect who, if anyone, can take advantage of it as against the purported owner, and to what end. (Adapted from the Model Title Standards, Simes and Taylor, University of Michigan Law School, 1960)*

*On marketable title, see Buxton v. Glennon, 448 A.2d 420, 122 N.H. 674 (1982); Belrose v. Baker, 428 A.2d 454, 121 N.H. 48 (1981). [1980, 1988]*

1-2. **Prior Examination:** When an examiner discovers a situation which the examiner believes renders a title defective, and the examiner has notice that the same title has been examined by another examiner who has passed the defect, it is recommended that the examiner communicate with the previous examiner, explain to the prior examiner the matter objected to, and afford opportunity for discussion, explanation, and correction. [1988]

1-3. **Places of Search:** A standard search includes a search of the registry of deeds and registry of probate in the county where the property is located. Search of records of other registries of probate, federal courts including bankruptcy court, New Hampshire Superior and District Courts, or places where UCC filings are made is not necessary unless other records or information indicate a search of such records is necessary. [1988, 1990]

### **ARTICLE II. PERIOD OF TITLE SEARCH**

2-1. For any period of search, instruments in the chain of title must show reasonable probability of full title with no suggestion of substantive defects. [1988]

2-2. A title examination shall cover a minimum period of thirty-five (35) years, commencing with a deed with warranty covenants. [1980]

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2-3. In the absence of Standard 2-2, a title examination may cover a minimum period of fifty (50) years, commencing with:

- (a) A deed or deeds with statutory quitclaim covenants which, alone or with other deeds, purport(s) to convey the entire fee; or
- (b) A mortgage deed if subsequently properly foreclosed; or
- (c) A fiduciary deed given under proper authority or by a personal representative, conservator, or trustee, which purports to convey the entire fee. [1988]

2-4. In the absence of Standards 2-2 or 2-3, a title examination may cover a minimum period of eighty-five (85) years, commencing with a probate proceeding in which the property is reasonably identifiable. [1988]

### **ARTICLE III. AFFIDAVITS AND RECITALS**

3-1. In General. Reliance upon affidavits and factual recitals in conveyances or other acknowledged instruments is acceptable practice in the absence of notice of contrary information. [1980, 1988]

3-2. Whose Affidavits or Recitals Acceptable. Affidavits or recitals should state facts, rather than conclusions, and disclose the basis of the maker's knowledge; but failure to meet one or both of these criteria does not preclude reliance in the absence of contrary information. The value of an affidavit or recital is not substantially diminished by the fact that the maker is interested in the title or the subject matter of the affidavit or recital. [1980, 1988]

### **ARTICLE IV. NAMES**

4-1. The doctrine of *Idem Sonans* (namely, that if two names, as commonly pronounced in the English language, are sounded alike, a variance in their spelling is immaterial; and even a slight difference in their pronunciation is unimportant if the attentive ear finds difficulty in distinguishing between the two names when pronounced, and although spelled differently, they are to be regarded as the same) should be applied broadly, and the fact of identity of the party presumed in spite of variations in the spelling of the same. [1954, 1980]

4-2. No proof of identity is required where there is a variance in names resulting from the fact that in one instrument an individual is designated only by a given name or Christian name and the surname, and in another by the same Christian name and surname with the addition of a middle name or initial. [1954]

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4-3. Where there is a variance in names resulting from the fact that the given name of a party is shown in full in one instrument, while in another such given name is abbreviated, the examiner should rely on all customary and usually recognized abbreviations and derivations of given names. [1954]

4-4. Where a person's surname is changed, such as through marriage, divorce, or probate proceeding, after he or she has acquired title, and the person then conveys in the former name with new surname added (i.e., Mary Smith is recited as Mary Smith Brown), such a recital is sufficient. The better practice is "Mary Smith Brown, formerly Mary Smith." If the person's new name does not include the old one, a recitation such as "Mary Brown, formerly Mary Smith" is sufficient. [1954, 1988]

4-5. Where title is taken under the name of Mary Jones and deeded by her under the name of Mary Smith, the title is unsatisfactory unless further factual explanation appears of record in New Hampshire (*Paradis v. Bancroft*, 97 N.H. 477 (1952)). [1954]

4-6. If the given name of a grantee is changed in a subsequent instrument from the original grantor expressly purporting to correct an error in the given name in the original instrument, in the absence of special circumstances creating suspicion, such a recital should be relied upon without additional proof. [1954]

4-7. Where the given name or names, or the initials, as used in the grantor's signature on a deed, vary from the name as it appears in the body of the deed, but the name as given in the acknowledgment agrees with either the signature or the body of the deed, the certificate of acknowledgment may be accepted without further identification. [1954]

4-8. Where there is slight variation in a corporate name, such as the omission in one instrument and the inclusion in a later one of the word, "The," it is proper to require an affidavit of identity. It is a matter of common knowledge that some corporations have been organized as successors to other corporations with a very slight variance in the corporate title. [1954]

4-9. (*Formerly 8-3.*) Since it is common knowledge that the name of the place where a corporation is located is sometimes an actual part of its corporate title and sometimes not, it is proper to require an affidavit of identity where the name of the town is omitted from an instrument and included in a later instrument, or vice versa. [1954]

4-10. Commonly recognized abbreviations in corporate names and in names of other organizations, such as "Co." for Company, "Corp." for Corporation, "Inc." for Incorporated, or "Assn." for Association, may be accepted by the examiner. [1974]

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4-11. A deed or other instrument to or from a corporation, general or limited partnership, or limited liability company should recite the name of the state of incorporation or formation; however, absence of such a recital is not a defect if the state of incorporation or formation appears on the records of the New Hampshire Secretary of State, or if the same named entity has consecutively received and conveyed title to the locus.

A corporate seal reflecting a state of incorporation on a deed from a corporation may be relied upon. [1974, 1988]

### **ARTICLE V. DEEDS**

5-1. A witness or acknowledgment to the signature of the spouse of the grantor in releasing dower or curtesy is not required. Effective release of homestead requires the same formalities as for the conveyance of real estate. Pursuant to 3-1, if the homestead right does not exist, a recitation that “the premises conveyed hereby are not homestead property” is acceptable. The existence or nonexistence of the homestead right should be recited. The homestead right is lost by abandonment.

If not satisfactorily released, the homestead right is abandoned either upon death of the spouse who could claim such right, or upon departure of the spouse from the property with no intent to return. This may be demonstrated by a death certificate or an affidavit setting forth satisfactory evidence of such departure and intent.

The homestead right may be presumed abandoned by the passage of twenty years from the date of conveyance, or the recording of an affidavit indicating abandonment. Payment or nonpayment of residence tax or other facts may be evidence of abandonment. [1954, 1974, 1988]

5-2. Estates of dower and curtesy were abolished as of midnight on August 10, 1971. Chapter 179 of the Laws of 1971, revised by Chapter 473:3 of the 1971 laws. See RSA 560:3.

Exception 1. Rights of widows with choate rights of dower vested prior to that moment (i.e., widows whose husbands died before that moment). Laws, 1971, 179:11.

Exception 2. Prior to midnight, August 10, 1971, curtesy initiate vests in the husband upon birth by his wife of a child capable of inheriting, though the wife may still be living. [1974]

5-3. The mere signing of a deed by a spouse without any specific grant in the instrument may release the spouse’s marital interests, but the existence of the spousal relationship with the grantor must be shown by other evidence unless recited in the instrument. See *Perley v. Woodbury*, 76 N.H. 23 (1911).

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It may be presumed from the description of the parties as husband and wife in a prior and subsequent instrument that they were married to each other at the time of the conveyance in question, in the absence of evidence to the contrary. [1954, 1988]

5-4. If a husband and wife join throughout as grantors in a deed, dower, curtesy and homestead are released, even though there is no specific release of such interests.

No separate release of homestead is required to release the homestead of an unmarried grantor in a warranty or quitclaim deed. [1954, 1988]

5-5. Where there has been no decree of legal separation or divorce, a conveyance by one spouse to the other spouse will not terminate the grantor's marital interest, if any.

Where a deed is executed pursuant to a divorce decree, the preferable practice is to include either a recitation that the grantor is unmarried or, if such is not the case, recitations of other facts relevant to the issue of homestead rights. [1980, 1997]

5-6. With regard to marital or homestead interests, unless there is a recitation in the instrument or other facts of record to establish an exception, a deed that does not state the marital status of the grantor may be defective. The mere crossing out of the dower clause raises no presumption as to the marital status of the grantor. [1954, 1980]

5-7. If acknowledged by a notary, both an official seal and a statement of the expiration date of the notary's commission are required. RSA 455:3; RSA 456:9. Prior to October 1, 1988, the absence of a seal did not render an acknowledgment defective.

If acknowledged by a justice of the peace or commissioner of deeds, a signature and an indication of the title or office shall be sufficient.

Notarial acts performed outside this state are subject to RSA 456-A, The Uniform Recognition of Acknowledgments Act. [1954, 1988, 1990]

5-8. A deed by "A" to "A" and "B" as joint tenants will create a joint tenancy. [1954]

5-9. Where a title is acquired through survivorship of a joint tenant under a valid joint tenancy, the following showing may be required before approving a conveyance from the survivor:

- (a) any customary proof of record showing the death of the deceased joint tenant;
- (b) a showing of nonliability for New Hampshire inheritance taxes;

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- (c) a showing of nonliability for federal estate or gift taxes;
- (d) a showing that the joint tenancy, if between husband and wife, has not been severed by the terms of a divorce decree. [1954, 1974]

5-10. Where the title is in two or more cotenants, and one or more but not all of the cotenants are recited as grantor, the instrument does not pass title of all parties even though all sign and the deed recites that all are releasing “all interests.” [1954, 1988]

5-11. Where a deed describes the grantee as trustee without disclosing on its face either the nature of the trust or the name of the beneficiary, even though such designation of the grantee as trustee does not necessarily create a trust, it is the general rule that the use of the bare word “trustee” or “as trustee” following the name of the grantee in the deed is sufficient to charge with notice all persons dealing with the grantee concerning the land, and to place them on reasonable inquiry as to the existence and nature of whatever trust there may be.

Whenever property is conveyed by a grantor who acquired or held the property in a trustee capacity, an examiner should require that there be recorded and shown on the abstract, a satisfactory disclosure of the facts. Depending upon the circumstances, such showing can be made by the contract relating to the matter, by a declaration of trust or by affidavit. If it is a trust, there should be a recorded evidence of the trustee’s authority, or the beneficiary should join in the trustee’s conveyance. If such evidence is in the form of a certificate, said certificate should indicate that the trustee or trustees proposing to, or who did, execute the deed are or were actually trustees under the instrument of trust at the time of the conveyance with authority to convey, and that no amendment or revocation of the trust occurred prior to such time, except as theretofore recorded at the Registry of Deeds or attached to the said certificate. If examination discloses no existing trust, an affidavit relating to the nonexistence of such trust should be obtained and recorded; and the deed by such trustee in such event should also be accompanied by the release of dower, curtesy and homestead by the spouse of such trustee where required. (See *Rest. of Law of Trusts* 2d, 1959.) See also Uniform Trustees’ Powers Act, RSA Chapter 564-A. [1954, 1974, 1988]

5-11A. Notwithstanding the foregoing, a purported conveyance by a trustee accompanied by a certificate (which may be included in the body of the conveyance) substantially in the form prescribed by RSA 564-A:7 shall be presumed valid in the absence of contrary evidence, unless it appears from the terms of a recorded declaration of trust that the trust is one not subject to RSA 564-A (such as a nominee trust), in which case evidence of the trustee’s identity and authority must appear of record. Such evidence may include factual recitations by the trustee, written consent of the beneficiaries, a provision in a recorded declaration of trust establishing a conclusive presumption validating the trustee’s actions, or a provision in a recorded declaration of trust authorizing third parties to rely upon a certificate as evidence of the trustee’s authority without written consent or direction of the beneficiaries. [1988, 1997]

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5-11B. Effective on January 1, 1988, title to property which is conveyed to a trust must be conveyed to the trustee as the trustee of the trust, and conveyed out by the then trustee. Prior to such date, conveyances to or from a named trust may be presumed valid in the absence of contrary evidence.

A person dealing directly with a trust may require a trustee's certificate (see RSA 564-A).  
[1988]

5-12. A dispute may exist as to whether a tenancy by the entirety created prior to November 13, 1959 (effective date of Laws 1959, Chap. 264, Sec. 2, amending RSA 477:18) should be treated as a tenancy in common or a joint tenancy; however, current practice is to accept tenancies by the entirety as joint tenancies. (See *In Re Allaire Estate*, 103 N.H. 318 (1961).)  
[1963, 1974, 1988]

5-13. An instrument which has been properly recorded for 10 years is not invalid because it omitted to state any consideration, or was not sealed, or witnessed, or acknowledged; but this does not affect the rights of other grantees or lienors of the grantor acquired during the period. See RSA 477:16. As to consideration and seals, effective May 12, 1949. As to witnesses, effective July 9, 1963. As to acknowledgments, effective May 7, 1967. As to abolishment of the requirements for seals, see RSA 477:3 (see Laws 1977, 366:3, effective August 30, 1977).  
[1974, 1980, 1988]

5-14. In a municipality that had adopted subdivision regulations, conveyances of lots from an unapproved subdivision between July 27, 1969 and July 3, 1970, are void. RSA 36:37. Laws 1969, 185:1 and 1970, 21:1.  
[1980, 1988]

5-15. Corrective Instruments: A grantor who has conveyed by an effective, unambiguous instrument, cannot, by executing another instrument, make a substantial change in the name of the grantee, decrease the size of the premises or the extent of the estate granted, impose a condition or limitation upon the interest granted, or otherwise derogate from the first grant, even though the latter instrument purports to correct or modify the former. (See, also, Section 4-6.).

It is recommended that corrective instruments reference the error they purport to correct.  
[1988]

5-16. Partnership Deeds. A conveyance apparently in the ordinary course of business executed by any general partner on behalf of a New Hampshire general or limited partnership shall be presumed valid in the absence of contrary information. RSA 304-A:10; RSA 304-B:24. Prior to January 1, 1988, any conveyance of property owned by a New Hampshire limited partnership was required to be executed by all the general partners. Former RSA 305:10-a.  
[1988, 1997]

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5-17. Timber Rights. A grant of timber rights prior to August 29, 1969, which does not include either a specific termination date or a reserved right of reverter to the grantor, is not terminated by failure to institute suit pursuant to RSA 477:35-b and must be otherwise extinguished of record. [1988]

5-18. A boundary line agreement shall be signed and acknowledged. RSA 472:4. Prior to January 1, 1989, boundary line agreements were required to be signed, sealed by the signatories, and acknowledged. See also Standard 5-13. [1990]

5-19. For deeds given by the Federal Deposit Insurance Corporation or Resolution Trust Corporation as receiver of failed banks, see Standards 12-1 and 12-2. [1997]

5-20. Manufactured Housing. Any manufactured housing conveyed after August 17, 1983, the effective date of RSA 477:44, must be conveyed by deed if located on a site and connected to utilities. If the manufactured housing is to be located on the land of another, consent of the land owner must be obtained.

If manufactured housing is relocated to another county, a certified copy of the deed should be recorded in the new county.

The conveyance of a parcel of land and manufactured housing in a single instrument is acceptable if the deed contains a full description of the manufactured housing in order to establish a separate chain of title.

Manufactured housing is subject to the Real Estate Transfer Tax. An exception to the transfer tax is made for the initial sale out of the dealer. RSA 78-B:1, IV. [1997]

### **ARTICLE VI. MORTGAGES**

6-1. If a mortgage, other than a purchase money mortgage, contains no release of homestead, the homestead right may still be outstanding in the event of foreclosure. See RSA 480:5-a. [1954, 1980]

6-2. An assignment of a mortgage is not required to be under seal, to be acknowledged or to be witnessed. [1954, 1980]

6-3. Although it is not recommended, the discharge of a mortgage after the same has been foreclosed does not invalidate the foreclosure. [1954, 1974]

6-4. A mortgage held by two persons in joint tenancy may be properly discharged by a surviving joint tenant. [1954, 1974]

6-5. A discharge of a mortgage by an attorney for the mortgagee is not valid without a recorded power of attorney. [1954]

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6-6. The passing of 20 years' time after the due date of a mortgage note does not necessarily invalidate the mortgage. See 50-year limitation against mortgages (not banks), RSA 479:28, 29. [1954, 1974]

6-7. The discharge of a mortgage held by tenants in common and discharged by one tenant, or by the surviving tenant, is defective without further evidence. A discharge of a mortgage held in joint tenancy and discharged by one tenant while both are living is defective without further evidence. [1954, 1974]

6-8. A partial discharge of a real estate mortgage is valid even though not witnessed, sealed or acknowledged. Although RSA 479:7 (as amended effective August 19, 1975) is ambiguous as it relates to partial discharges, it is recommended that the amended statute be followed with regard to execution and form for partial discharges as well as for full discharges. [1954, 1980]

6-9. In the case of a purchase money mortgage, homestead does not have priority over the interest of the purchase money mortgagee. RSA 480:5-a. [1954, 1974, 1980]

6-10. Unless the foreclosure of a power of sale mortgage is made pursuant to a judicial sale, the foreclosure deed must be accompanied either by an affidavit that no person in interest was in the military service at the time of the foreclosure or within three months prior to the foreclosure, or by an agreement executed pursuant to Section 517 of the Soldiers' and Sailors' Civil Relief Act of 1940. 50 U.S.C. App. §532(3). [1963, 1988, 1997]

6-11. A one- year period of redemption exists whenever property is foreclosed under a Writ of Possession or under other process of law. RSA 479:19. (A like period of redemption exists whenever the premises are conveyed by a sheriff's deed. RSA 529:14.) [1963]

6-12. When an undischarged I.R.S. Notice of Federal Tax Lien is on record at the time of foreclosure, a power of sale mortgage foreclosure affidavit should contain a statement of compliance with I.R.S. notice requirements. Since November 2, 1966, refer to IRC Title 26, Section 7425 (c) & (d), and regulations thereunder with 120-day redemption period. [1974]

6-13. A mortgage is not defective for failure to state the limit of secured indebtedness (if applicable), but statement of such a limit or a clear statement of the obligations the performance of which are secured by the mortgage, will be necessary in order to indicate the extent of the mortgagee's priority. See RSA 479:2, 3, 4, and 5. [1974, 1988]

6-14. Where a mortgage covers several separately described parcels, a foreclosure sale may be held on any one of the parcels if the notice of the sale so provides. See

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RSA 479:25, III Supp. (1977), effective September 3, 1977. Prior to September 3, 1977, separate foreclosure sales should have been held on noncontiguous parcels unless otherwise provided in the mortgage and notice of sale. [1974, 1980]

6-15. For power of sale foreclosures held on June 1, 1978, or before, it was not required by statute that notices be sent to any person other than the mortgagor. For power of sale foreclosures held after June 1, 1978, it is required that the foreclosure affidavit recite all notices given. See RSA 479:25. [1988]

6-16. Defects in the original Affidavit of Sale Under Power of Sale in Mortgage (RSA 477:32) may be cured in a subsequent supplemental affidavit. [1988]

6-17. Effective January 1, 1987, a mortgage discharge may be witnessed or acknowledged. RSA 479:7. For the period January 1, 1980 to December 31, 1986, a witness was required. For discharges prior to 1980, see RSA 479:9 and Laws 1986, 48:2. [1988]

6-18. Irregularities and Discrepancies in Discharges. An instrument is sufficient as a discharge or partial discharge of a mortgage notwithstanding errors in dates, amounts, book and page of record, property descriptions, names and position of parties, if, from circumstances of record, it can be inferred with reasonable certainty that discharge was intended. See, also, RSA 479:9. [1988]

6-19. For foreclosure deeds, discharges and assignments given by the Federal Deposit Insurance Corporation ("FDIC") or the Resolution Trust Corporation ("RTC") as receiver of failed banks, or by other banks as successors in interest to the FDIC or RTC, see Standards 12-1 and 12-2. [1997]

6-20. A manufactured housing loan may be secured by a mortgage. Alternatively, a security interest in manufactured housing may be perfected pursuant to RSA 382-A:9; however, in such case any foreclosure must be conducted under that statute rather than under RSA 479, and there must be recorded an express release of homestead interest(s), executed and acknowledged by the borrower and, by his or her spouse, to prevent a setoff at the time of the foreclosure sale. RSA 477:44, IV. [1997]

### **ARTICLE VII. ESTATES**

7-1. The failure to file a return of notice of appointment of an administrator or executor does not create any defect in title. See RSA 553:16; effective August 11, 1973; Registry of Probate is responsible for publication. [1954, 1974]

7-2. The failure to record in the Registry of Deeds in the county of administration a release of dower, curtesy, homestead, and waiver of the will to take a distributive

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share in fee does not create a defect in title. But see RSA 560:14, Revised 1971, that requires recording of such release in the Registry of Deeds where the land lies but provides no penalty for failure to record such release. [1954, 1974]

7-3. Unless the time for filing has been extended by the Probate Court, a release of dower, curtesy, homestead and waiver of the will is ineffective if (a) prior to August 21, 1967, a release and waiver have not been filed in the Probate Court within one year after the decease of the testator or intestate, or (b) after August 21, 1967, the release and waiver have not been filed within six months of the appointment of the administrator or executor. See RSA 560:10 and 14. [1954, 1974, 1980]

7-4. Where there is a specific devise of real estate to "A", who predeceased the testator, the devise will lapse unless "A" leaves heirs in the descending line who survive the testator. RSA 551:12. [1954]

7-5. Where there is a specific devise of real estate to "A" or "A" and his heirs, and "A" predeceases the testator, the devise will not lapse if "A" leaves heirs in the descending line who survive the testator. RSA 551:12. This statute does not apply to the estate of an intestate decedent. [1954, 1988]

7-6. If a testator neglects to name a child who predeceases the testator but such child is survived by issue not mentioned, such issue takes his estate as if the testator died intestate. RSA 551:10. [1954, 1974, 1980]

7-7. If a testator names a child who has deceased but such child is survived by issue, such issue will be considered as mentioned in the will and will not take by intestacy. [1974, 1980]

7-8. If an authenticated foreign will is filed in New Hampshire which makes cash bequests, leaving the residue including real estate to "A", "A's" title may be defective unless there is proof in New Hampshire probate of payment of such bequests. [1954, 1974]

7-9. If an authenticated copy of a foreign will and the probate thereof is filed in New Hampshire, there being no appointment of a local administrator or executor, but the will gives the executor power to convey real estate, a conveyance during the course of his administration by such an executor will not be considered invalid merely because such executor received no appointment or license from the New Hampshire Probate Court. [1954, 1974, 1980]

7-10. If there is no administration taken out upon the estate of a deceased person, and two years elapse, debts may be barred as to the real estate owned by said decedent. RSA 556:29. [1954]

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7-11. Where a petition for license to sell real estate to pay debts is granted later than two years from the date of appointment, a deed under such license, otherwise properly obtained, is valid. [1954]

7-12. A deed given with the consent of the heirs or devisees is not defective because of the lack of consent of the spouses of such heirs or devisees. [1954, 1974, 1980]

7-13. Consent to a sale or to a Petition for License to Sell with Consent on behalf of persons under disability or whose whereabouts are unknown can, since August 17, 1971, be given by a guardian ad litem. RSA 559:18. [1974, 1980]

7-14. The absence of an accounting by an executor or an administrator does not of itself invalidate title to real estate. [1954]

7-15. Where an estate is not subject to an inheritance tax, the failure to include, or an erroneous description of real estate in an inventory, should not be treated as a defect in title. [1954]

7-16. In case of deed under license to sell to pay debts, the rights of the surviving spouse or orphaned minor children may be outstanding unless he or she has waived or released such rights to the grantee, or assented to license. See RSA 559:2, 5. [1954, 1974]

7-17. If the estate appears to be subject to a federal estate tax and the final account has not been filed, release of the federal tax lien, if obtainable, should be obtained and filed with the Probate Record. See also 9-5. [1963, 1974]

7-18. The payment of the federal or state estate or inheritance taxes, appearing in the final probate account or record, shall be considered final in the absence of record facts indicating a likelihood of further assessments by the Commissioner of Internal Revenue Service or the Commissioner of the Department of Revenue Administration. [1963, 1980]

7-19. During the pendency of probate administration, conveyances of the decedent's real estate by the executor or administrator shall be made pursuant to a license from the Probate Court, unless the power to sell the real estate is given to the executor in the will. *Rollins v. Rice*, 59 N.H. 493 (1880). However, after August 26, 1977, conveyances of the decedent's real estate by the executor or administrator not under a power in the will may be made without a license from the Probate Court if made with the written consent of the surviving spouse and heirs at law or devisees, or their guardians or conservators, unless the will otherwise provides. Any deed by a devisee or an executor under a power contained in the will during the pendency of probate administration, is subject to the claims of creditors and the power of the probate court to sell the property to pay debts. See RSA 559:17 and 18 and the cases cited thereunder.

[1974, 1980, 1988]

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7-20. Where a wife died after midnight of August 10, 1971 (Chapter 179:31 of the 1971 laws), if there were no children born to the marriage of such decedent and the surviving widower, there is no curtesy right. If a husband died after said date there is no dower right whatever. [1974, 1980]

7-21. If the decedent was a wife and there were children of her marriage with her surviving widower born prior to August 10, 1971, then the curtesy right is vested in the widower and is not extinguished by the statute. [1974, 1980, 1988]

7-22. A will is not effective to pass title to New Hampshire real estate unless it is:

- (a) Probated (with or without administration) in New Hampshire; or
- (b) Probated (with or without administration) in another jurisdiction, but only after authenticated copies of the will and probate have been filed in a New Hampshire probate court by decree of the court following application of a party in interest, and after such notice and hearing as the court may order. RSA 552:1, 13.

In either case, title passes as of the date of death, subject to defeasance by the fiduciary acting either with the consent of those who would have taken title pursuant to the will, or under license from the Probate Court. [1997]

7-23. In the case of intestacy, title passes to the heirs as of the date of death, subject to defeasance by the fiduciary acting either with the consent of the heirs, or under license from the Probate Court. The fact of death and the identities of the surviving spouse, if any, and the heirs must normally be evidenced of record as follows:

- (a) Where death occurred prior to January 1, 1997, or more than 20 years prior to the date of search, recitals in affidavits or acknowledged instruments of record as to the fact of death and the identities of the surviving spouse, if any, and the heirs may be relied upon in the absence of any contrary information. A statement as to the identities of the heirs may be presumed to include all of the heirs, even if not expressly stated.
- (b) Where death occurred after January 1, 1997, and within 20 years prior to the date of search, but not within the period specified in the next subsection, recitals in affidavits or acknowledged instruments of record may be relied upon in the absence of contrary information, if such recitals state facts that establish the following:
  - 1. The date of death and residence or domicile at death;
  - 2. The nonexistence of a will;

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3. Information regarding the surviving relatives and/or the value of the estate to the extent necessary to establish the identities of the heirs to the New Hampshire real estate; and
  4. Whether and where any probate proceedings have been filed.
- (c) Where death occurred after January 1, 1997, and within two years prior to the date of search, New Hampshire administration is required.  
[1997]

### **ARTICLE VIII. CORPORATIONS, PARTNERSHIPS, AND LIMITED LIABILITY COMPANIES**

8-1. If a deed or other instrument is given by a corporation, general or limited partnership, or limited liability company organized and doing business under the laws of a state other than New Hampshire, it is not necessary to require a showing that such entity has obtained authority to do business in New Hampshire.

[See Standard 4-8, above, relative to variations in corporate names and Standard 4-11, above, relative to the state of incorporation or formation.] [1954, 1963, 1997]

8-2. Where there appears in the chain of title an instrument of a corporation, general or limited partnership, or limited liability company that is executed, acknowledged, and sealed in proper form (RSA 477:2, et seq.), and purports to be executed by one or more officers of the corporation, general partners of the general or limited partnership, or managers or members of the limited liability company, as the case may be, the examiner may assume, in the absence of any notice of contrary information, that the persons executing the instrument accurately stated their identities and capacities and that they were in fact authorized to execute the instrument on behalf of the entity. As of August 30, 1977, corporate seals are no longer required. See also Standard 5-16.  
[1954, 1963, 1980, 1997]

8-3. Where there appears in the chain of title an instrument of a corporation, general or limited partnership, or limited liability company, and the instrument is executed in proper form, the examiner may assume that the entity was legally in existence at the time the instrument took effect.  
[1963, 1980, 1997]

8-4. Where there appears in the chain of title an instrument of a corporation, general or limited partnership, or limited liability company, an examiner may assume that the entity was authorized or not forbidden to acquire or convey the real property affected by the instrument.

[Note: The purpose of these standards is to indicate what minimal record evidence of existence, capacity and authority in regard to a past conveyance may be subsequently

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accepted and relied on by a title examiner, in the absence of notice of conflicting or inconsistent information, as having passed marketable title. In dealing with a concurrent transaction, it is prudent to require more evidence of existence, capacity and authority, in the form of, e.g., copies of articles, bylaws, or partnership or limited liability company agreements, and certificates of officers, partners, or members or managers, as appropriate; however, under these standards it is not necessary to place such further documentation on record.] [1963, 1980, 1988, 1997]

8-5. Corporate Dissolutions. Where a business corporation was dissolved by action of the Secretary of State prior to January 1, 1993, for failure to pay fees or file required reports, title to real property held in the corporate name may be deemed to have automatically vested in the shareholders by operation of law at the expiration of the three-year winding down period provided by former RSA 293-A:95. See *Jenot v. White Mountain Acceptance Corp.*, 124 N.H. 701 (1984) and RSA 293-A:17.03. However, for dissolutions occurring after January 1, 1993, RSA 293-A:14.21(b) provides for an indefinite winding-down period, and RSA 293-A:14.05(c) provides that dissolution does not effect a transfer of title to the corporation's real property. [1997]

### **ARTICLE IX. LIENS**

#### 9-1. General Tax Lien

RSA 80:19 LIEN; SPECIAL ASSESSMENTS AND AGREEMENTS. The real estate of every person or corporation shall be holden for all taxes assessed against the owner thereof; and all real estate to whomsoever assessed shall be holden for all taxes thereon. All such liens shall continue until one year from October first following the assessment. For the purposes of this chapter, the word "taxes" shall include special assessments and agreements in lieu of or in the nature of special assessments.

This Statute raises the possibility that the lien for taxes assessed by any taxing authority, including municipalities, may apply to real estate of the taxpayer located in any county or municipality in the state. However, general practice assumes that the lien for municipal taxes and assessments applies only to real estate of the taxpayer located within that municipality. [1974, 1980]

9-1A. Manufactured housing is subject to local real property taxes if brought into the city or town after April 1 and before the following January 1, provided it remains for more than ten weeks and provided a tax has not been assessed elsewhere in the state for that year. RSA 72:7-a. Taxes should be checked in all known towns or cities where the manufactured housing has been located during the tax year. [1997]

9-2. New Hampshire Legacy and Succession Tax. The lien for unpaid New Hampshire Legacy and Succession Tax expires 20 years after the date of death of the decedent. RSA 86:58. See Standard 7-18. See also RSA 86:8, which provides that the

## *Title Examination Standards*

undivided interest passing to a surviving joint tenant is subject to the tax (and lien) unless an exemption applies. See also RSA 86:6-a, which provides that every conveyance made by a decedent within two years of death (including a conveyance to the decedent and another as joint tenants) without reasonable consideration is deemed to have been made in contemplation of death and so is subject to the tax (and lien).

[1974, 1980, 1997]

9-3. New Hampshire Estate Tax. The lien for New Hampshire Estate Taxes remains valid until paid. RSA 87:5. See Standard 7-18. [1954, 1974, 1980]

9-4. Federal Gift Tax Lien. A federal gift tax lien may continue for a period of not more than ten years, unless extended, from the time of a donor's last gift made during the calendar year in respect to which such lien first arose, and may apply to after-acquired property. IRC 6324 (b). [1954, 1974]

9-5. Federal Estate Tax Lien. A federal estate tax lien may continue as a lien on all of the property included in the gross estate of a decedent from the date of death for a period of not more than ten years unless such period is extended. IRC 6324 (a). The federal estate tax lien will not be binding against a bona fide purchaser from a surviving joint tenant. [1954, 1974]

9-6. Lien for Municipal Utility Charges. Unless otherwise provided by a city charter, a municipality that supplies water, sewer, gas or electric services to real estate has a lien on such real estate for the charges for those services, which lien expires one year from the date of the last charge for such service. RSA 38:23 and 38:22. [1963, 1974, 1980]

9-7. Timber Yield Tax. The timber or yield tax is a lien upon all real estate of the owner wherever situated in New Hampshire owned on the date of assessment. The date of assessment under this tax is April 1 for timber cut in the prior year. RSA 79:6, as amended. [1963, 1974, 1980, 1988]

9-8. Lien for Meals and Rooms Tax. This is a lien in favor of the State of New Hampshire upon all property and rights to property whether real or personal belonging to the operator and arises "at the time demand is made by the Commissioner and continues until the liability for the sum, with interest and costs, is satisfied or becomes unenforceable." RSA 78-A:21, effective June 27, 1978, provides that "no lien against real property under this Section shall be effective until it is recorded at the Registry of Deeds for the county in which the real property lies." Laws 1978, 40:28.

[1974, 1980]

9-9. Lien for Tax on Railroad and Public Utilities. RSA 82:24. [1974]

9-10. Lien for Tax on Banks. RSA 84:20. [1974]

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- 9-11. Lien for Franchise Tax on Public Utilities. RSA 83-B:19. [1974]
- 9-12. Unemployment Compensation Property Lien. There is a lien in favor of the State of New Hampshire upon all property and rights to property whether real or personal belonging to an employer for contributions not paid to the Unemployment Compensation Fund. This lien arises “at the time demand is made by the Commissioner and continues until the liability for the sum, with interest and costs, is satisfied.” RSA 282-A:143. This lien was established by Laws 1977, 424:9, effective January 1, 1978. Effective June 27, 1978, “no lien against real property under this paragraph shall be effective until it is recorded at the Registry of Deeds for the county in which the real property lies.” Laws 1978, 40:27. [1980]
- 9-13. General Federal Tax Lien. A general tax lien in favor of the United States, imposed by 26 USCA 6321, attaches to all property and rights to property including after-acquired property. This general tax lien continues until it is satisfied or becomes unenforceable by reason of lapse of time. The expiration of ten years after assessment will ordinarily bar enforcement, but the expiration of said statutory period may be extended for various reasons. It should not be concluded that a lien has become unenforceable from the mere fact that ten years have elapsed since the date of assessment. IRC 6322, 6502 (a). [1974, 1997]
- 9-14. The foreclosure of real estate mortgages which are subject to junior federal real estate tax liens must comply with special notice requirements of 26 U.S.C. 7425, and the regulations thereunder, and such real estate remains subject to the federal government’s right of redemption as provided by 26 U.S.C. 7425 (d) which continues for 120 days from the date of the foreclosure sale. The affidavit recorded with the foreclosure deed should indicate compliance with the special notice requirements. [1974, 1980]
- 9-15. Old Age Assistance Lien. The old age assistance lien applies both to the property of the recipient and his or her spouse. This lien may attach to after-acquired property. RSA 167:14. [1963, 1974]
- 9-16. Lien for Interest and Dividends Income Tax. RSA 77:22-a, which provided for a lien upon recording notice at the Registry of Deeds, with no stated expiration date, was repealed effective May 27, 1991, and was replaced by RSA 21-J:28-c, which provides for a lien arising upon recording of notice at the Registry of Deeds and expiring six years thereafter (or when paid, if earlier). [1974, 1997]
- 9-17. Lien for Business Profits Tax. RSA 77-A:19, which provided for a lien upon recording notice at the Registry of Deeds, with no stated expiration date, was repealed effective May 27, 1991, and was replaced by RSA 21-J:28-c, which provides for a lien arising upon recording of notice at the Registry of Deeds and expiring six years thereafter (or when paid, if earlier). [1974, 1997]

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9-18. Lien for Support to Poor Person. Recording of notice of this lien is discretionary with the appropriate municipal officials. RSA 165:28, 30. [1974, 1980]

9-19. Lien for Support of County Pauper. Recording of notice of this lien is discretionary with the county commissioners. RSA 166:20, 22. [1974, 1980]

9-20. An examiner may rely on a tax deed with no apparent defects which has been on record for ten years or more. RSA 80:39, 78. [1954, 1974, 1980, 1988, 1990]

9-21. Mechanic's Liens. Mechanic's liens must be perfected by recording in the appropriate Registry of Deeds within 120 days after the last non-inconsequential performance of work or supplying of material or supplies by the laborer or supplier. [1980]

9-22. Mechanic's Liens must be recorded pursuant to RSA 447:10. However, the lien exists prior to recording under certain circumstances. See Standard 9-21. [1980]

9-23. Attachments. If a suit on a writ in which a real estate attachment has been made has gone to judgment and six years from the date of judgment have elapsed without execution, the real estate affected by the original real estate attachment is released from that attachment. RSA 511:55, I. [1954, 1963, 1974, 1980]

9-24. Attachments. A real estate attachment recorded after January 1, 1976, based upon an action in which no judgment has been entered expires ten years from the date of recording the attachment in the Registry of Deeds. RSA 511:55, II. Attachments recorded prior to January 1, 1976, shall expire on July 1, 1988, unless renewed of record prior to that date. Laws 1987, 45:1. [1980, 1988]

9-25. Attachments. Where a real estate attachment has been made and the writ has not been entered by the return date, a purchaser acquiring title subsequent to the return day but prior to the entry of the writ acquires title free of the attachment. [1954, 1963, 1974]

9-26. Attachments. Where a real estate attachment has been made and a purchaser acquires title after the attachment but before the return day, the subsequent failure to file the writ on the return day may not extinguish the attachment. [1980]

9-27. A revision in 1973 of the law concerning attachments requires a prior hearing in some cases. The effective date of the lien may relate back to the date of service on the defendant or the Court's order. See RSA 511-A. [1980]

9-28. State Insolvency Proceedings. Attachments, encumbrances, and other types of conveyances of the debtor's property within three months of the beginning of proceedings in insolvency may for specified reasons be declared dissolved. RSA 568:27. [1980]

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9-29. Current Use Assessment. There is a lien for the land use change tax that may be assessed pursuant to RSA 79-A:7. [1980]

9-29A. Conservation Restriction Assessment. There is a lien under RSA 79-B:9 for the inconsistent use penalty that may be assessed pursuant to RSA 79-B:6. [1997]

9-30. Discharge or Release of Attachment. A discharge of an attachment shall identify the attachment to which it applies and shall be signed by the plaintiff or plaintiff's attorney. [1988]

9-31. Hazardous Waste Liens. During the period from June 23, 1981, through January 1, 1987, the lien of the State of New Hampshire for hazardous waste clean-up costs pursuant to RSA 147-B:10 took priority over all other claims and attached to all property of the person against whom the lien was asserted regardless of whether the property was affected by the hazardous waste and regardless of where the property was located in the State.

From and after January 1, 1987, the "super priority" of this lien applies only to the property affected by the hazardous waste (excepting residential property, from June 18, 1989, onward) and the State's lien as to other property of the affected party takes priority from the date and time of recording of a lien notice by the State. See RSA 147-B:10-b, III. [1988, 1997]

9-32. Hazardous Waste Liens. There is a federal lien which is effective upon recording in the Registry of Deeds. See 42 U.S.C. § 9601 et seq.; RSA 454-B. [1988, 1997]

9-33. Child Support Lien. There is a lien for the collection of child support. RSA 161-C:10 et seq. [1988]

### **ARTICLE X. PLANS**

10-1. Those matters shown, or not shown, on recorded plans may affect the title (e.g., drainage easements, absence of subdivision approval, lot line adjustments). [1988]

10-2. A deed which refers to an unrecorded plan may be defective if there is no metes and bounds description or no evidence of compliance with subdivision regulations. [1988]

10-3. The filing or recording of a plat of a subdivision without the requisite approval of the planning board, or which has not been prepared and certified by a licensed land surveyor, shall be void. Prior to June 29, 1988, a plat of a subdivision was not required by statute to be prepared and certified by a licensed land surveyor. RSA 674:37. See, also, Standard 5-14. [1990]

## *Title Examination Standards*

### **ARTICLE XI. CONDOMINIUMS**

11-1. For condominiums established under RSA Chapter 356-B (effective September 10, 1977), absence of any of the following will normally render title to a unit unmarketable:

- (a) Recorded Declaration and By-Laws (and/or amendments thereto) which submit the land under the unit to the condominium regime, declare the existence of the particular unit (either expressly or impliedly, e.g., by reference to the Site and/or Floor Plans), assign to the unit an undivided interest in the common area and a designated number of votes in the unit owners' association, and otherwise substantially comply with RSA Chapter 356-B.
- (b) Recorded Site and Floor Plans which show the particular unit and assign an identifying number to it, contain the required certifications, and otherwise substantially comply with RSA Chapter 356-B. [1997]

### **ARTICLE XII. BANK FAILURES**

12-1. Upon the appointment of either the Federal Deposit Insurance Corporation ("FDIC") or the Resolution Trust Corporation ("RTC") as receiver of a failed bank or savings and loan association, title to the assets of the failed institution vests in the FDIC or RTC as Receiver by operation of law (12 U.S.C. §§ 1821(d)(2) and 1441a(b)(3) and (4)). The FDIC or RTC as receiver typically sells and assigns all of the "good" loans to an "assuming" institution (which may be newly created or preexisting) by unrecorded agreement, often without recording assignments of the individual mortgages. A recital by such an assuming institution, contained in a discharge or assignment of mortgage or in a foreclosure deed or affidavit, to the effect that the assuming institution holds the mortgage by assignment from the FDIC or RTC, may be relied on in the absence of conflicting evidence, provided that the document containing the recital clearly identifies the failed institution, and the appointment of the FDIC or RTC as receiver of that institution appears of record (which may be in the form of an affidavit or a recital in an acknowledged instrument). As to the "bad" loans and the real property standing in the name of the failed institution as of the date of its closure, the FDIC or RTC as receiver typically executes one or more powers of attorney to entities (which may or not be banks) with whom it has contracted to handle foreclosures and sales of such loans and property on behalf of the FDIC or RTC. For any such foreclosure or conveyance to be treated as valid, the conveyancing document must recite that it is executed on behalf of the FDIC or RTC as receiver of the failed institution, the appointment of the FDIC or RTC as receiver of the failed institution must appear of record (which maybe in the form of an affidavit or a recital in an acknowledged instrument), and an appropriate power of attorney must be recorded (which may be a master power of attorney recorded only once). [1997]

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12-2. Where the Federal Deposit Insurance Corporation (“FDIC”) or the Resolution Trust Corporation (“RTC”) is appointed conservator of a bank, the bank is not dissolved (as in a receivership), but may continue to act in its own name. Accordingly, instruments executed on behalf of such a bank may be recognized as valid and effective if either executed by the bank by an executive officer, or executed by the FDIC or RTC (or by an attorney-in-fact for the FDIC or RTC acting under a recorded power of attorney) on behalf of the bank. [1997]

### **ARTICLE XIII. ABTRACTOR’S CERTIFICATE**

13-1. The Certificate of the abstractor should state that a careful examination of the records in the Registry of Deeds and the Registry of Probate (and of the Superior Court, when applicable) has been made insofar as they relate to the title to the land in question, and that the abstract contains all conveyances and other instruments of record properly indexed affecting this title for the period covered by the examination.

N.B. The following suggested Abstractor’s Certificate is not to be interpreted as an opinion on the title. It is merely a certification as to the factual record of matters that affect the title. An attorney may review the information given in the abstract to which this certificate is attached, and relating that information to an interpretation of the law, may be able to give an opinion on the title.

## *Title Examination Standards*

(Suggested Abstractor's Certificate)

Date and hour \_\_\_\_\_.

The Undersigned certifies that the records at the \_\_\_\_\_ Registries of Deeds and Probate, and at the \_\_\_\_\_ County Superior Court, when applicable, have been carefully searched, and the following (abstract) (title report) sets forth all matters pertaining to the title to the premises in caption which were properly indexed therein from \_\_\_\_\_, 19\_\_\_\_, to the above day and hour. Unless otherwise noted herein, all conveyances were properly signed, sealed, witnessed and acknowledged and dower, curtesy and homestead were properly released. The (abstract) (title report) was prepared for the sole use and benefit of \_\_\_\_\_, with the understanding that the undersigned reserves and retains the sole right to reproduce the same. Inquiry should be made as to the existence of possible liens, rights and encumbrances which may not appear of record in the records searched.

This (abstract) (title report) does not constitute a guaranty or opinion of title.

(Description of Property Searched)

[1980]

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## *Title Examination Standards*

*New Hampshire Bar Association*