

# Paralegal Focus

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### PLEASE SUPPORT OUR ADVERTISERS!

Paralegal Focus is the quarterly newsletter of the Vermont Paralegal Organization.

Vermont Paralegal Organization is a Member of the National Federation of Paralegal Associations (NFPA).

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## President's Message

*By Lucia White, CP®*

What a great annual meeting! Thank you to those of you who attended – seeing so many of you and spending the day learning together is one of the highlights of my year. Our Annual Meeting couldn't happen without the dedication and hard work of Louise Reese and Carie Tarte, so many thanks to them both. Thank you, also, to Heather Rylant, our Nominations Coordinator.

The Board has seen a few changes since my election in 2017 and I think it's fitting to express my gratitude for those who served during the last two years. Kristin Provost was our Professional Liaison and Pro Bono Chair, Diane Brown served as Finance Chair and Bylaws Chair, and Evelyn Wetzel was our Membership Chair. The VPO wouldn't be what it is today without their contribution. I would also like to thank Karen Farnsworth, former Secretary, who gave up nights and weekends to help. Finally, while Ashley LaRose and Corinne Deering will no longer be NFPA Secondary and NFPA Primary respectively, they will continue to contribute as Certification Ambassador and Website Committee Chair. Their experience and dedication remain essential in driving the organization forward.

I would also like to thank our new Board for volunteering! I am looking forward to working with Tina Wiles and Lisa Pettrey-Gill as NFPA Primary and Secondary. Their experiences and new energy will represent us well with NFPA. I welcome working with Jill Drinkwater, who has already shown her willingness to jump in and help. I am eager to hear the new ideas all three of these Board members will bring to our continuing board members: me, Louise Reese, and Sara Boyden. I appreciate Louise's skills in keeping me on track and helping out with absolutely everything and Sara's diligence in keeping the books and making sure our finances are healthy.

*Continued on Page 2*

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I am also excited that we have an almost full slate of committee leaders. In addition to Ashley and Corinne, we have Robyn Sweet as Membership Chair, Carie Tarte as Professional Liaison, Cassandra Franklin as Pro Bono Chair, and Melinda Siel as Bylaws Chair. We also have a potential candidate for Finance Chair who I hope to announce after our next Board meeting. It is great to have so many voices on the Board, and the new voices combined with the experienced ones will make us a powerhouse organization.

It's inspiring how many of our members are willing to put in the time after work to focus on the mission of advancing the paralegal profession. I am excited to move forward in the next two years with incorporating the VPO, working with external agencies on certification or licensure, and possibly starting some new initiatives like networking lunches. (If you would like to host one, lead one, or would like more information, please let me know.) And as a member-driven organization, if you have other things you would like us to focus on, please let me know: [president@vtparalegal.org](mailto:president@vtparalegal.org).

Congratulations to the 2019-2021 VPO Board! Here's to two great years!

## **Editor's Message**

*By Louise Reese*

During a voting year, the second issue of *Paralegal Focus* becomes a transition issue. We tend to have new board members who have not yet gotten their feet wet. We have a little of the "old" this year and some of the "new." Although Tina Wiles is certainly not new to the VPO, it has been some time since she has been on the Board. Corinne and Ashley have submitted their last NFPA News article, so please get to know your new NFPA Primary Representative a little better by reading Tina Wiles' Member Spotlight.

For those who were not able to make the Annual Meeting and Conference in Middlebury on May 15, we have provided you with some highlights of the event. The support from all of you was phenomenal this year, including your donations to the local food shelf.

Please take a few minutes to review the process for obtaining a Proclamation from the Governor. Carie Tarte expended a lot of time and energy to get May 15, 2019 proclaimed as Paralegal Day in Vermont.

We have some real estate updates provided by Vermont Attorneys Title Corporation, and some recent changes to the Vermont Rules.

Have a great summer!

## Membership News

As of May 31, 2019, we have 79 members: 61 voting; 16 associate; 1 sustaining corporate; and 1 sustaining individual.

Effective March 22, 2019, the mailing address for NFPA Headquarters is 3502 Woodview Trace, Suite 300, Indianapolis, IN 46268

**Be a member. Not just a number**



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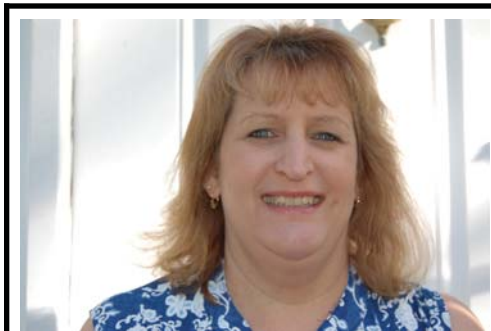
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# Q&A

## Tina Wiles Member Spotlight

|   |  |
|---|--|
| <b><i>How old are you?</i></b>  | 51   |
| <b><i>Describe your family?</i></b>   | I am married to my high school sweetheart, Brian. We celebrated 25 years of marriage last year. We have three children: Maria will be a Junior in the nursing program at Florida Southern College; Christina will be Freshman at UVM this Fall and is a member of the Vermont National Guard; and Daniel will be a senior at Middlebury Union High School. |
| <b><i>Town in which you live?</i></b>   | I currently live in Brandon, Vermont but my heart is always in Chittenden County where I was born and raised.  |
| <b><i>What is your favorite food?</i></b>                                       | Chocolate, in any form – but especially as homemade chocolate chip cookies and brownies.   |
| <b><i>Do have any pets? If so, what are they, and what are their names?</i></b> | Our family has a dog named Sandy.  |
| <b><i>What kind of hobbies do you have?</i></b>                                 | I enjoy baking and decorating creative (not simple) cakes for friends and family. I also enjoy a good hike, traveling to new destinations, and time with friends and family.   |
| <b><i>How do you unwind at the end of a long work week?</i></b>                 | Not sure I ever really unwind.   |
| <b><i>What is your educational background?</i></b>                              | I have two degrees from Champlain College – Associates in Legal Administrative Studies and Associates in Paralegal Studies.  |
| <b><i>Where do you work?</i></b>  | I work at the firm of Lynch & Foley, P.C. in Middlebury.   |
| <b><i>When did you first become a paralegal?</i></b>                            | I first became a paralegal in 1992. I have had terrific opportunities working in small and large firms since 1992.   |

|  |   |
|--|---|
| <b><i>What area of law do you work in?</i></b>   | My specialty is all aspects of real estate, but I do dabble in the areas of criminal, civil, corporate, probate and trust matters as time provides.   |
| <b><i>What do you enjoy about working in that area of law?</i></b>   | I enjoy working in real estate because everyone is generally happy about what is transpiring with very little conflict.   |
| <b><i>If you could work in any other area of law, what would it be?</i></b>  | If I could work in any other area of law it would be to assist the children involved with the DCF system and volunteering with the GAL program.   |
| <b><i>What is the one thing about being a paralegal you would change if you could?</i></b>                                     | I'm not sure I would change anything.   |
| <b><i>How or why did you first enter the paralegal field?</i></b>  | I obtained my paralegal degree as an evening student at Champlain College while working a full-time job. I entered the field because it seemed to involve more responsibility and the ability to use additional skills than a legal secretary (now assistant). I'm very analytical and wanted to use those skills.  |
| <b><i>Did you hold other positions, or have a different career, prior to becoming a paralegal, and if so, what was it?</i></b> | I was a legal secretary prior to advancing to a paralegal position. I have also been a Town Zoning Administrator for the Towns of Brandon and Goshen. Post Tropical Storm Irene, I studied for, and earned, the designation of Certified Floodplain Manager, a position that was in conjunction with the zoning administrator duties and allowed me to assist the Town of Brandon in recovery efforts and in obtaining several Hazard Mitigation Project grants for the town. |
| <b><i>What do you love about the paralegal profession?</i></b>   | I love that every day is different but the same. I enjoy the social part of the job and meeting new people. I especially love travelling around the state conducting title searches. The Vermont landscape is a true treasure.  |
| <b><i>What things about the profession do you dislike?</i></b>   | I don't have any dislikes to share.   |
| <b><i>How long have you been a member of the VPO?</i></b>  | I have been a member of the VPO since the summer of 1993.   |

|   |   |
|---|---|
| <b><i>Tell me about the skills or traits you possess that you find most useful in your position?</i></b>      | I have a very analytical, methodical, detail-oriented mindset which serves me well in paralegal tasks. However, I'm sure that some I work with find those same traits annoying.   |
| <b><i>What character oddities or personality traits do you find at odds with your career?</i></b>             | I would say that my personality trait of completing a task and doing it well lends itself to a work-life imbalance on occasion. Sometimes I find that I have to step back and put the project on hold to fulfill other family and volunteer obligations.  |
| <b><i>What brief advice or friendly tip would you offer to someone just entering the paralegal field?</i></b> | The advice I would provide is to ask questions, take notes, never assume anything, and read (don't skim) what is presented to you, and before you turn your finished task over – stop, read it, and read it again, then hand it over. My tip would be to reach out to seasoned paralegals and never stop learning new skills and information. |

## Paralegal Day in Vermont

By Louise Reese and Carie Tarte, RP®

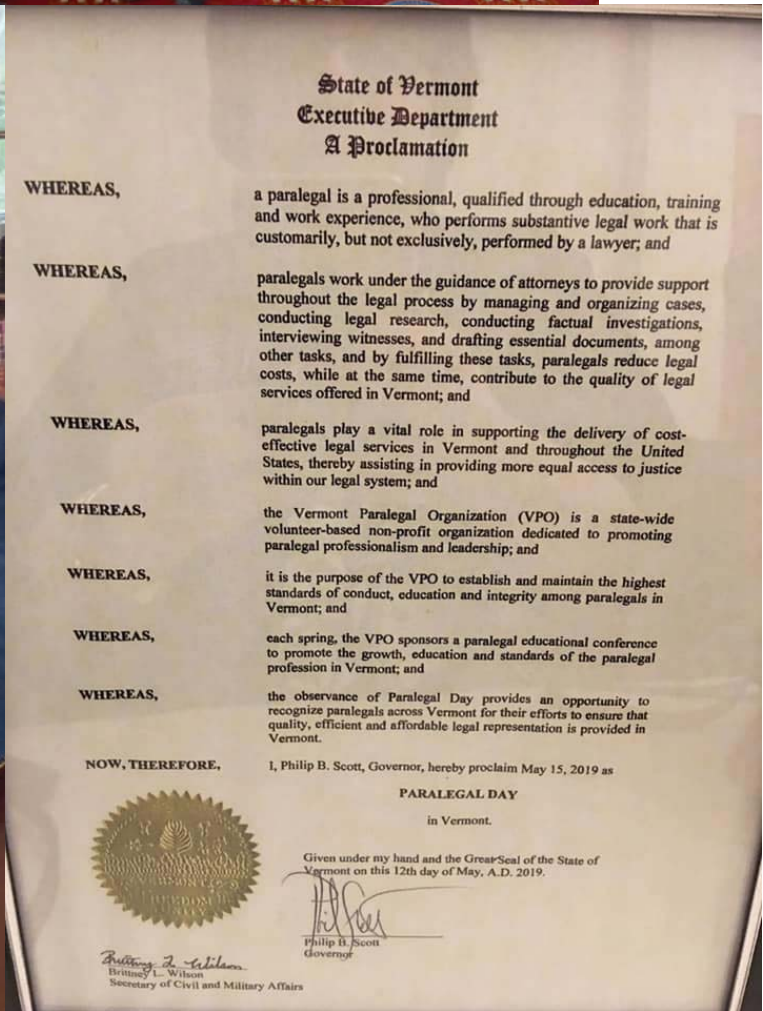
Carie Tarte, RP® was committed to making sure we got our Proclamation for Paralegal Day in Vermont. Here is what it is all about: Proclamations are official recognitions issued by the Governor to call attention to specific causes or events in an effort to raise public awareness. A formal request for a proclamation is made to the Governor, who reviews the request and makes his determination as to whether or not to grant the request and make an official proclamation.

In January of this year, the Vermont Paralegal Organization submitted a request to Governor Phil Scott requesting he proclaim May 15, 2019, the day of the VPO Annual Meeting, as Paralegal Day in Vermont.

On May 14, 2019, Governor Phil Scott granted our request and designated May 15, 2019 as Paralegal Day in Vermont, “celebrating the important work of Vermont’s paralegal community.” The proclamation reads, in part: “paralegals play a vital role in supporting the delivery of cost-effective legal services in Vermont and throughout the United States, thereby assisting in providing more equal access to justice within our legal system.” To see the full proclamation go to: <https://governor.vermont.gov/content/paralegal-day-proclamation-19-058>

The VPO will renew its request next year for formal recognition of Vermont paralegals on or around the third Wednesday of May to coincide with our annual meeting.

I like the idea from one member on Facebook that we should now get that day off. I agree, but Carie probably has to work a lot harder to get it recognized as a holiday.



## 2019 VPO Annual Meeting and Conference

*By Louise Reese*

It had been 10 years since we last held the VPO Annual Meeting and Conference in Middlebury, and we are extremely grateful for the support of our members and other paralegals in the community. We had 42 early registrations and 2 walk-ins. Of those in attendance, 10 were non-members, although a few have shown interest in becoming members. A special thanks to those members who brought non-member guests.

We also had 7 presenters, none of which had presented for the VPO in the past. It was a pleasure to welcome the following presenters to the VPO CLE roster: Erin Gilmore, Esq. from Ryan Smith & Carbine in Rutland; Jill Spinelli, Esq. from Stewart Title Guaranty Company; Stephanie Foley, Esq. from Lynch & Foley; Benj Deppman, Esq. from Deppman Law in Middlebury; Kevin Brennan, Esq. from Brennan Punderson & Donahue in Monkton; James Swift, Esq. from Langrock Sperry & Wool in Middlebury; and Joshua Leckey, Esq. from Downs Rachlin Martin in Burlington. This powerful roster and the CLE topics were created with help from VPO Members Tina Wiles, Lynn Wdowiak, Corinne Deering, Amanda Tucker, and Robyn Sweet.

We were also honored to have our Region V Director, Josie Estes, make the trip over from New Hampshire. Member Heather Rylant acted as our voting coordinator, and we have some new faces on the Board for the 2019-2021 term. It was a busy day, but considered a great success due to the support of all of you and our legal community.

Carie and I also had the great opportunity to recognize Corinne Deering for her many years of leadership with the VPO. For those of you who missed the event, I have included my meager introductory speech, the criteria for NFPA's Outstanding Local Lead Award, and the nomination letter submitted by me and Carie in 2018.

### Introductory speech:

The VPO has some very strong leaders in its membership, but Carie and I wanted to acknowledge the tireless hours and commitment of one particular individual. This person has held multiple board positions over the years, but regardless of any particular position, this person has always offered to lend a hand where needed. She is also the resident photographer of many VPO events, and often refers various information or materials to me to include in the newsletter. She is terming out as a NFPA representative, but we hope she will continue to be a "historical guide" for the Board. Because of this and more, Carie and I nominated this individual for NFPA's Outstanding Local Leader Award in three separate years. Here are the purpose and criteria for this award:

**Purpose:** This award recognizes an individual NFPA member for outstanding leadership contributions to his/her local association.

**Criteria:** Nominees for this award must be a member of a NFPA member association and must be nominated by a member association or individual member of the same association. The nominee will have demonstrated influential behavior in the paralegal profession, promoted interest and active participation in the activities of his/her local association, motivated others to work toward establishing and carrying out professional goals, and will have been recognized by the legal community as a committed professional dedicated to the advancement of the legal profession.



This person meets those criteria, but chooses to remain behind the scenes working her magic like the powerful Oz. I would now like to read you our nomination letter from 2018.

|   |   |
|---|---|
| <i>Louise C. Reese</i>  | <i>Carie A. Tarte, AIC, RP®</i>   |
| <i>83 Fairmont Place</i>                                      | <i>18 Bowman Road</i>   |
| <i>Burlington, VT 05408</i>                                   | <i>Vergennes, VT 05491</i>  |
| <i>(802) 859-7063 day</i>                                     | <i>(802) 489-5258 (day)</i>   |
| <a href="mailto:lreese@dinse.com"><u>lreese@dinse.com</u></a> | <a href="mailto:carie@maleyandmaley.com"><u>carie@maleyandmaley.com</u></a> |

*May 31, 2018*

*National Federation of Paralegal Associations  
9100 Purdue Road, Suite 200  
Indianapolis, IN 46268*

*Re: Nomination for Outstanding Local Leader Award*

*To Whom It May Concern:*

*We would like to nominate Corinne Deering, RP®, for the Outstanding Local Leader Award. We have been members of the Vermont Paralegal Organization (VPO) since 1998, and have both held several positions in the organization such as President, NFPA Primary, Scholarship Chair, CLE Chair, and Membership chairperson. We both currently serve on the CLE committee and Louise Reese is Editor of our quarterly newsletter, Paralegal Focus. In all of these positions, we have seen and benefited from Corinne's dedication to the organization and the advancement of the paralegal profession.*

*Corinne has been a good-standing member of the VPO for over 25 years, and she has held many vital roles in the past, including Vice President, NFPA Secondary Representative, Paralegal Certification Ambassador, and currently, NFPA Primary Representative and Website Chairperson. She is also a current associate member of the Vermont Bar Association. Regardless of her title, Corinne contributes where there is a need, and she does so without hesitation or expectation of anything in return.*

*Corinne has a great deal of historical knowledge of the VPO, and has been an invaluable mentor to the board and committee members over the years. Her dedication, work ethic and reliability are second to none. If there is a task that needs to be completed, Corinne will ensure it is done, both efficiently and completely. Despite this fact, you won't find her name or face plastered in local newspapers or certificates in recognition of her efforts, and this is because Corinne selflessly donates countless hours of her time and energy behind the scenes to the VPO and the paralegal profession in general, and she expects nothing in return. She does not wait to be asked, but instead volunteers or just jumps in to make any VPO event a success. Corinne is one of the unsung heroes of our organization, and she genuinely loves sharing her skills and knowledge with others.*

*Corinne obtained her designation as a RP® in 2000—one of the first in Vermont. Rather than be content with being one of the first people in Vermont to obtain the RP® designation, Corinne became the local PACE Coordinator (now Paralegal Certification Ambassador) and worked over the next 12 years in that role to inspire and encourage other paralegals to obtain the RP® designation. Vermont now has twelve RP®s, six of whom obtained their designation during Corinne's leadership.*

*Corinne's commitment to the VPO and the paralegal profession couldn't be more obvious than with her efforts surrounding the 2016 NFP A Convention. Corinne had single-handedly obtained a copier donation, lanyard donation, welcome bag sponsor, signage sponsor, countless door prizes and auction items, and because of her connections, Corinne secured printing of the convention brochure for free, and the creation of the 2016 convention logo. She spent countless hours of her own personal time attending local business expos and chamber of commerce meetings to find and speak with potential donors and sponsors for convention. It can honestly be said that without Corinne's willingness to take the lead on soliciting vendors and sponsors, keeping track of our efforts, and keeping our subcommittees on task, the VPO would not have been able to host a national convention.*

*In addition, Corinne has essentially single-handedly switched the VPO website to a new platform, painstakingly updating all of the individual pages and links. She has also become our local Wild Apricot guru, and is working tirelessly to move the VPO from a Yahoo listserv to using Wild Apricot for our membership communications. Corinne has the desire and know-how to make things happen, and the VPO is a better organization because of it.*

*Corinne carries a great deal of pride for the VPO, and treats its members like family. She embodies all that an Outstanding Local Leader can represent, and we cannot think of a better person to receive this award.*

*We have included a photograph and brief bio from the website of Corinne's employer, Paul Frank + Collins, P.C, articles that Corinne regularly writes for our quarterly newsletter, Paralegal Focus, and documentation of her work on the VPO website and with Wild Apricot*

*Thank you for your consideration. Although the nomination is being submitted by us individually, we have the unanimous support of the VPO's Board of Directors.*

*Sincerely,*

*Louise C. Reese    Carie A. Tarte, RP®*

We presented Corinne with a Certificate of Appreciation as well as an inscribed clock that read:

**The Essence of Leadership – Leadership captures the imagination and enthusiasm of others. It is a beacon that cuts through the fog and shines the light of clarity on the path towards the ultimate success. For all of those that are willing to follow, our leaders will light the way.**

The personalized inscription on the right side read:

**Corinne Deering, RP**  
**Thank you for being our beacon.**

## The VPO Board



And last, but definitely not least, I was pleasantly overwhelmed with the donations for the local food shelf. Attendees donated over 74 pounds of food and other items to Hope. Lucia White brought them to Melinda Siel who delivered them to Hope during a busy week preparing for trial. Thank you, ladies, for your donations and delivery! If we are going to leave a mark on a community, it is not a bad mark to leave.



*Thank you!*

Friends,

Thank you so much for your generous donation of 74 pounds of food to help fill our food shelf. Because of your efforts, many local households in need are able to provide nutritious meals for their families. We truly appreciate your support of HOPE. Thanks again!

Cheryl

## NFPA News

By Corinne Deering, RP® and Ashley LaRose RP®



At the close of our tenure as NFPA representatives, Ashley and I attended the Spring Region V meeting over the weekend of May 4, 2019 in Manchester, New Hampshire. The Paralegal Association of New Hampshire (PANH) hosted the meeting at the office of McLane Middleton in downtown Manchester. We started the weekend networking with some of PANH members at Friday's dinner with the NFPA delegates who were able to arrive on Friday evening.

On Saturday, we briefly reviewed the package of documents and reference materials that our Region V Director, Josie Estes, provided to us. We were reminded of the resources on the NFPA website for delegates, and advised to make sure that membership numbers are continually updated on the membership database. The delegates briefly discussed the status of NFPA moving forward with a new membership database platform, Fonteva, as well as NFPA's membership benefits.

We also reviewed key deadlines and events in connection with the 2019 Convention in Rochester, New York: Agenda topics due August 9, early registration rate by August 10, convention bids by September 10, and submitting credentialing information by August 31. We were reminded of deadlines and formatting requirements for submitting Association Inside Reports, and the availability on the website leaders' page of Inside Reports, submitted by coordinators, board members, and other associations, which can be a wealth of information. We also reviewed the deadline dates for submission of interest forms for NFPA volunteers and coordinators, and the process by which a volunteer gets on the NFPA advisory council and the vetting process.

Several associations shared pro bono and community services activities in which they are actively involved. The delegates also briefly discussed CLE ideas and professional development webinars. We were reminded to make sure that each association had signed the NFPA Trademark Agreement. The new format for the Paralegal Reporter was briefly discussed and delegates were encouraged to reach out to members for substantive articles.

Delegates further discussed NFPA Board positions up for election at the 2019 Convention and the deadline dates for nominations. Positions open this year are Vice President & Director of Profession Development, Vice President & Director of Membership, Vice President & Director of Marketing, and Treasurer & Director of Finance. In addition, the position of ABA Approval Commission Representative is also open for election. Our Region Director, Josie Estes, will also term out at the 2019 Convention. Two delegates expressed interest in running for Region V Director.

Discussions among the delegates then turned to use of newsletters, social media, affiliations with other national associations and bar associations, access to justice movements, marketing the paralegal profession, association websites, marketing to students and other professionals that may wish to transition to the paralegal field, events held to increase membership, and dissemination of information to membership. We had an open discussion where any delegates who had questions could ask the other delegates for advice. Later Saturday afternoon, we began discussing possible convention agenda topics.

The Saturday meeting closed a little early, so that delegates could attend a brief reception and private tour of the Millyard Museum in New Hampshire set up by PANH's board. One of the members of PANH actually obtained a license to serve us wine and beer! We had a wonderful and informative tour of the Millyard Museum, followed by a delicious Italian dinner at Fratello's.

Sunday we discussed Region V associations submitting bids to host the next spring region meeting, and then continued further discussions of possible convention agenda topics, the next step for the Marketing the Paralegal Profession Committee, and possible topics that may return from last year's convention.

At the May NFPA Board Meeting, VPO member, Robyn Sweet, CRP, was appointed Advertising/Public Relations Coordinator. It was reported that Joint Conference was successful and coordinators received a lot of positive feedback. It was also reported that it may be next year before NFPA hears anything back from the ABA in response to NFPA's request to remove the description "legal assistant" from the ABA's definition of a paralegal. The ABA is apparently doing further research and will likely vote on the request at next year's ABA Meeting on February 17, 2020. The ABA received approximately 1,700 responses to their survey but still has substantive questions and will be reaching out to NALA and looking at the geographic distribution of the use of the "legal assistant" terminology.

The Marketing Committee is working on NFPA 45th Anniversary logo items and convention events related to the 45th anniversary of NFPA. In addition, NFPA is continuing to work on the transition to a new membership platform and website platform. The next NFPA Board meeting (in-person) will be in Indianapolis on July 12th and NFPA will be skipping the June telephone board meeting.

As we pass the torch to our new NFPA representatives, Tina Wiles and Lisa Pettrey-Gill, RP, I wanted to thank the VPO Board for its support, and especially thank Ashley LaRose, RP, for being my trusty sidekick for the past four years. Ashley's assistance at conventions and region meetings was invaluable and I could always trust her opinion. Her levelheaded thinking was an asset at the convention policy table, and I enjoyed all of our NFPA adventures together. Missing a connecting flight was more fun when there was the two of us! We will be passing along our NFPA knowledge, tips and tricks to Tina and Lisa, and will support them during their transition to being our new NFPA representatives.

As always, the VPO Board encourages member involvement in the VPO and in NFPA, and value your input, suggestions, and assistance. We represent Vermont paralegals and want to represent your interests and move the profession forward. In order to do this, we need to hear from you!



## THE REAL ESTATE CORNER

Vermont Attorneys Title Corporation has given us permission to reprint the following information from its March, April and May 2019 newsletters.

### **Lau's Corner & Title Tips**

#### ***Pre-Closing Title Updates***

The "Gap Period" is the time between your title search and the date document are recorded). Risk arises during the Gap Period. In order to reduce or eliminate that risk and thus the possibility of a title claim, an in-person pre-closing title update should be conducted within 3 days of closing and evidence of your visit should be documented in your file.

Why? Well, if a short form policy was issued, the risk during the Gap Period is borne by CATIC. If a Commitment was issued, the risk during the Gap Period is borne by the insured lender and/or the insured buyer. Regardless of whether a Commitment or SF policy was issued, all of the foregoing parties want their risk reduced or eliminated.

**Reminder:** If you are issuing a Commitment, please make sure that the "Commitment Date" on Schedule A reflects the date of your most recent title search or title update.

#### ***Notice of Availability Form***

Are you discussing the availability of an Owner policy with your client(s)? If they decline coverage, are you asking them to sign the Notice of Availability form?

While many clients might remember declining coverage, Andy Mikell suggests that some clients will either forget the discussion or will have "selective recall". They may assert (AFTER a title issue has arisen) that an attorney was negligent for not informing them that title insurance was available.

Accordingly, when a client declines title insurance, it is best to have the client memorialize their decision by signing the NOA and keeping the form in your file. The NOA form is available in PrepExpress Online®, E-Closing and can potentially be added to other third party software vendors.

#### ***Notary Act (Simplified)***

Remember that the full effect of the Notary Act does not kick in until 7/1/19. So, until then, nothing has changed except for commission expiration date which is now 1/31/21.

After 7/1 we strongly recommend that everyone always use an ink stamp. We recommend putting "all available information" on your stamp including the last 7 digits of your Credential number. Andy Mikell's Credential Number is 157.0000773. Here is what Andy's stamp looks like:

**Andrew D. Mikell**  
**Notary Public - State of Vermont**  
**Commission Expires: 1/31/2021**  
**Commission #: 0000773**

After 7/1/19, as far as acknowledgement of land record instruments go, Andy Mikell and Liz Smith believe that the version of the jurat in common use is just fine. It is really the same as the required Short Form Certificate. Use of the phrase "free act and deed" is fine but - if it's omitted - that's fine, too. There is leeway in the statute.

### ***Changes To WW/WS Rules Now In Effect***

Revised Wastewater System and Potable Water Supply Rules became effective on Friday, April 12.

Yes, clean slate still exists - it even has its own section now! See §1-303 "Clean Slate" Permit Exemption.

Other changes include new definitions, new provisions related to existing systems and water supplies, and designated activities that are deemed to not increase design flow.

### ***Short Form Loan Policies***

There has been push back from the Secondary Market about inserting "self-removing" Schedule B, Exceptions on Short Form policies for mortgages that need to be discharged. Some investors are requiring post-closing endorsements to remove the Exception (even though it was "self-removing!").

So, in order to reduce post-closing file touches, we are changing our policy preparation procedures such that you no longer need to insert "self-removing" Exceptions for existing mortgages on Short Form policies. We are crossing our fingers and hoping that mortgages will be paid off at closing and that discharges will be obtained and recorded.

Note: This applies to Short Form policies only so if you are issuing a Policy Commitment, please continue to list ALL undischarged mortgages on Schedule B, Part I Requirements.

Note: If your office is not the Settlement Agent, please ensure that the acting Settlement Agent has knowledge of all existing Mortgages. Disclosure could be by: title report, cover letter or email transmission.

## **Jim Knapp, Esq., of First American Title Insurance Company has provided us with the following updates:**

### **ADVISORY**

Changes to Town Clerk Recording Fees;  
Changes to the Current Use Lien.

Item A. – **Changes to Town Clerk Recording Fees** – Act No. \_\_\_\_ (H.526) (the “Act”).

Effective July 1, 2019, recording fees will increase as follows:

1. Per page recording fee will increase from \$10.00 per page to **\$15.00 per page.**
2. Vermont Property Transfer Tax Return will increase from \$10.00 per return to **\$15.00 per return.**
3. Recording fees for mylars (maps & surveys) will increase from \$15.00 per page to \$25.00 per page.

Note: When recording a mortgage discharge, mortgage amendment, assignments of leases, and any other document which amends, modifies, discharges or changes **more than one prior recorded instrument**, the recording fee is \$15.00 per instrument affected. For example, if you record a discharge of mortgages that has the effect of discharging four (4) mortgages, the recording fee is \$60.00 even if the discharge is only one page in length. If you record a mortgage modification that is three (3) pages long and affects two (2) prior recorded mortgages, it is believed the recording fee would be \$75.00, \$15.00 for each of the two mortgages affected plus 3 pages at \$15.00 each. In either case, we recommend you confirm the fee with the Municipal Clerk as local nuances may impact the calculation.

There are provisions of the Act that affect requirements related to recording maps and surveys as well as instruments which create boundary adjustments. After January 1, 2020, when a:

1. survey is recorded, the surveyor is required to submit a copy of the survey to the Vermont Center for Geographic Information; and,
2. survey that maps a subdivision or change in a parcel’s boundary is recorded, the surveyor is required to submit a copy of the survey to the Vermont Center for Geographic Information.

There are additional provisions in the Act that: (a) define the time when a document is deemed recorded, and (b) define when a tax lien is deemed recorded.

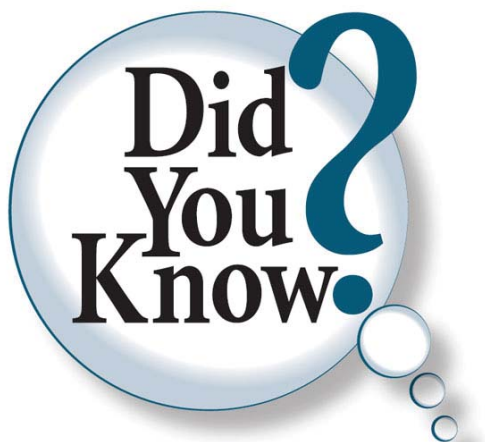
Item B. **Changes to Current Use – Land Use Change Tax Lien.** Act No. \_\_\_\_ (S.154)

Effective July 1, 2019, the lien imposed upon enrollment of land in the Current Use program is now a contingent lien, which imparts actual notice that a lien will be imposed on the land in the future when a determination of development of some or all of the enrolled land occurs. The enrollment by itself no longer creates the current lien as under the prior law. All prior recorded enrollments will be converted to contingent liens as of July 1, 2019.



For title examination and title insurance purposes, all agents should continue to note in Schedule B I of the Policy that the land has been enrolled in the Current Use Program and is subject to the burdens and obligations imposed by enrollment. The recording of the Notice of Enrollment without the recording of a Determination of Development does not create a lien that would have to be discharged to clear title.

If a search discloses that the Determination of Development has been recorded, the land described in the Notice of Determination of Development is subject to a lien that must be discharged to clear the title.



*Order Promulgating Amendments to the Vermont Rules of Civil Procedure, the Vermont Rules for Family Proceedings, and the Vermont Rules of Probate Procedure:*

**This Order was promulgated on May 1, 2019; effective August 5, 2019.**

The addition of V.R.C.P. 43.1 provides a uniform procedure and standards for video or audio conference participation of parties and other necessary persons, as well as testimony of witnesses, in civil actions and in the civil division of the superior court. The rule sets the terms on which video or audio conferencing may be employed, including time lines and factors to be considered. The intent is to favor the use of video or audio conferencing when it will advance disposition of a proceeding as long as technical standards are satisfied and there is no countervailing circumstance in the particular situation.

The amendment to V.R.C.P. 43(a) reflects the fact that new Rule 43.1 and simultaneous amendments to the family and probate rules, permit testimony to be presented by video or audio conference in appropriate circumstances.

Rule 43.1 also applies so far as applicable in small claims actions by virtue of V.R.S.C.P. 6(a) and 13 and in the Environmental Division to the extent provided in V.R.E.C.P. 3, 4(a), and 5(a)(2). The simultaneous amendment to V.R.F.P. 17 makes the rule applicable in family division proceedings, other than juvenile proceedings under V.R.F.P. 1, subject to specific provisions for certain statutory mental-health and guardianship proceedings.

The amendment to V.R.P.P. 43(b) reflects the addition of new V.R.P.P. 43.1, promulgated simultaneously, which permits testimony to be presented by video or audio conference in appropriate circumstances. New V.R.P.P. 43.1 basically adopts the procedures of V.R.C.P. 43.1 with minor changes in terminology and timing to better reflect probate practice.

*Order Promulgating Administrative Order No. 47*

**This Order was promulgated on May 1, 2019; effective August 5, 2019.**

Administrative Order No. 47 is adopted to implement V.R.P.P. 43.1 and V.R.C.P. 43.1 and related rules that are simultaneously promulgated to provide for video and audio conference participation of parties and other necessary persons, as well as testimony of witnesses, in actions in the civil, environmental, family, and probate divisions of the superior court. See V.R.C.P. 43.1(e), V.R.P.P. 43.1 and Reporter's Notes to simultaneous adoption of V.R.C.P. 43.1, and simultaneous amendments of V.R.F.P. 17 and V.R.P.P. 43(b). The technical standards are adopted by Administrative Order rather than by Rule to permit more rapid and flexible change as necessary to take advantage of changing technological capabilities.

Sections 1(a)-(c) of the order require that, for video conferencing to be used, both remote participants and those in the courtroom must have visual and aural access to all aspects of the proceedings comparable to that which they would have if the entire proceeding was occurring, and all participants were present, in the courtroom. Sections 1(d)-(f) address the necessary capabilities that the video conference system to be used must have to ensure that those requirements are met. Section 1(g) is intended to ensure that the use of video conference does not in any way diminish a remote party's ability to communicate confidentially with counsel and to have timely access to any documentary material that may be necessary for full participation in the proceeding.

Sections 2(a)-(f) of the order are intended to adapt the provisions of Section 1 to the circumstances of audio conference and participation.

*Order Promulgating Amendments to V.R.C.P. 26(b)(A)(i)*

**This Order was promulgated on May 1, 2019; effective July 1, 2019.**

The amendment to Rule 26(b)(5)(A)(i) adapts the language of F.R.C.P. 26(a)(2)(A) for the provision of the Vermont Rule identifying expert witnesses whose identity must be disclosed in response to an interrogatory. The amended rule applies to "each person" who may be used at trial to present expert testimony under Vermont Rules of Evidence 702, 703, and 705. To remove uncertainty regarding whether this requirement applies to witnesses whose testimony falls within those Evidence Rules but who were not specially retained to develop their opinions, the proposed amendment makes clear that Rule 26(b)(5) applies "whether or not the witness may also testify from personal knowledge as to any fact in issue in the case."

*Order Abrogating and Replacing the Vermont Rules for Public Access to Court Records and Abrogating the Rules Governing Dissemination of Electronic Case Records*

**This Order was promulgated on May 1, 2019; effective July 1, 2019.**

This order abrogates and replaces the Vermont Rules for Public Access to Court Records and abrogates the Rules Governing Dissemination of Electronic Case Records, which are incorporated into the new public access rules. The rules cover records in both physical and electronic form and their adoption is timed to coincide with the implementation of a new case-management system that will eventually support electronic filing and electronic case files in all dockets and all courts. In many parts, these rules retain the content of the former rules. In other parts, they amend the prior version or adopt entirely new content because of the shift to electronic case records.

Rule 1 contains a scope, purpose, and construction statement, explaining the joint responsibility of providing public access while protecting confidentiality. Rule 2 contains definitions. Rule 3 provides a general policy to grant access and delineates the custodian of records. Rule 4 provides the means of access to physical and electronic case and administrative records. Rule 5 sets out specific rights of access and includes an appendix listing the statutes and court rules providing specific rights of access. Rule 6 sets forth the exceptions to public access for case records, the inspection procedure, denial procedure, grievances, access during appeals, and access to statistical reports. The appendix to Rule 6 lists the statutes and court rules providing restrictions or prohibitions to public access. Rule 7 relates to filing of case records and states the responsibilities of the filer and the Judiciary. Rule 8 is about administrative records. Rule 9 sets out exceptions to the general access policy and contains the method and standards for granting access, sealing, or redacting records. Rules 10-13 are adopted from the Rules Governing Dissemination of Electronic Case Records. They contain provisions on electronic-case-record compilations, electronic-case-record reports, and electronic-data-dissemination contracts.



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