stewart title guaranty company

Discharge from Non-Record Holder of Mortgage (**Note Holder**)

(where "supporting documents" under §55(b) do not accompany discharge)

- 1 to 4 residential family
  - No backup documents
    - Current owner
      - Mortgagor
        - Affidavit by mortgagor affirming (1) inability to get backup documents (2) payments made and why payments made
        - **Attached . . .**
          1. One or more billing statements; or
          2. Written payment history; or
          3. Annual principal and interest statement; or
          4. Other acknowledgment of payment
      - Where mortgagor cannot be located and is no longer owner of property, subsequent owner of more than one year whose deed does not mention mortgage outstanding
        - Affidavit by subsequent owner that:
          1. Bought in good faith that mortgage not outstanding
          2. Subsequent owner made no payment on mortgage
          3. No claims made under mortgage
    - Affidavit by Mass. attorney who either (1) paid mortgage per payoff statement or (2) ascertained payment was made per written payoff statement issued to another closing attorney or settlement agent:
      1. That no backup documents or discharge from mortgagee received despite written demand to servicer/note holder and mortgagee at least 30 days prior by certified or regular mail
      2. That demand described circumstances of the outstanding balance paid per payoff statement
      3. That demand informed that absent objection by certified mail within 30 days this affidavit and affidavit from mortgagor or subsequent owner would be recorded and would conclusively discharge mortgage
      4. That no written objection received in 30-day period
  - Backup documents
    - Note (all necessary endorsements required)
      - **If Copy . . .** Record with discharge or attached to 5B affidavit and marginally referenced to discharge
        - **Attached…** Executed and acknowledged certificate by note holder that it is true copy of original
          - or -
          affidavit by Mass. attorney who has seen original that it is true copy
      - **If Original . . .** Record with discharge or attached to 5B affidavit and marginally referenced to discharge
- Non-1 to 4 residential family (Traditional Documentation)

Record

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