

September '09 Answer

We received some pretty interesting answers on this one. "Get the executor to sign" is a great answer, except he has already refused. "The deed needs to be released of record." Agreed, but hasn't that occurred?

We took the position that release in the will was an effective release of the deed of trust, and required that a copy of the probated will be recorded in Richmond, and an appropriate reference made in the deed from Babs to Pinto.

We all know that this is a terrible market, and there was one other factor in this decision. The closing agent advised that no other underwriter would insure this without the executor's signature, and that she needed this file to promptly close or she would not be able to afford to feed her baby. That's some pretty heavy stuff for all of us sensitive types at Fidelity and the above solution passed on a 3-2 vote.

Best answers go to Jeff Hall/Network Title, Lisa Lettau/Settlement Group, C&F Title, and Mary Blanton of Roanoke Land Title Corp. Please contact Stacey for your dinner gift certificates. There will not be an October question because I am too busy trying to put together 20 questions for the November seminar. By the way, if you have not made reservations, suggest you do so now since there is only one seat remaining, it is on the front row, and it is a booster seat.