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BARRISTERS TITLE

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The Quill – May 2022



THE QUILL ARTICLE

The Intersectionality of Real Property Law and Estate Law

A majority of the underwriting questions we receive involve estates and/or estate administration. As such, we will devote the articles and/or tips in the next several newsletters to this area of the law and its intersectionality with real property law. In today's article, I will share with you a fact pattern from a recent commercial transaction our office insured. In subsequent articles, I will unpack the various estate related issues we faced with this transaction and the requirements that needed to be satisfied to insure the new buyer and lender. I will also include tips associated with estates and estate administration.

Fact Pattern:

In 2020, our office insured a commercial transaction which included a small tract of land owned by 50 heirs. Yes, you read that correctly...50 heirs! The land was previously owned by husband and wife who had 12 children. The husband and one child predeceased the wife. The wife died in 1968. By the time the property was sold in 2020, 10 of the 12 children and several of the children's heirs (grandchildren) had passed away. All of the deceased parties died intestate. Three grandchildren died within two years of the date of closing. One passed away in another state. Finally, several heirs were divorced and one of the grandchildren had an estranged spouse whom no one in the family had spoken with in many years and no one knew where he lived or if he was still alive.

To determine the appropriate requirements to include in the title commitment, we asked seller's counsel to provide a detailed family tree, satisfactory to the Company, including dates of death of all deceased parties and dates of divorce, if applicable. In addition to the finalized family tree, which took months to assemble, seller's counsel also produced copies of death certificates and divorce decrees, where applicable. This information was extremely helpful and necessary to establish which requirements we needed to include in the title commitment.

Stay Tuned:

Next month, we will discuss the underwriting decisions we made for this transaction and the estate related requirements included in the title commitment.

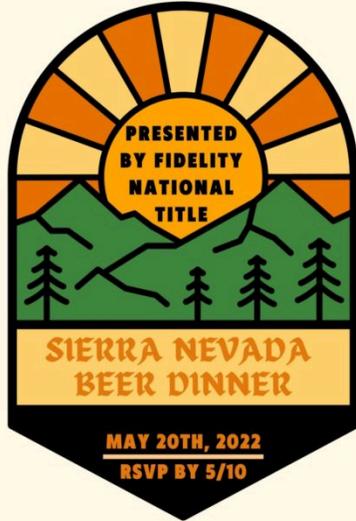
Natasha

THE QUILL TIP

Did you know an estate is not a legal entity that can hold title to real property in North Carolina? Pursuant to NCGS 28A-15-2(b), at the time/date of death, real property owned by the decedent is vested in the intestate heirs, subject to the rights of the personal representative. If the decedent had a will, real property is vested in the devisee(s) once a valid will is probated in the county where the property lies. The vesting relates back to the date of death, subject to the provisions of NCGS 31-39.

SIERRA NEVADA BEER DINNER INVITATION

PLEASE JOIN US FOR A CHEF-PREPARED BEER
PAIRING DINNER IN SIERRA NEVADA'S
BEAUTIFUL HIGH GRAVITY ROOM.



*RSVP no later than Tuesday, May 10th.

Shuttles from the Renaissance Asheville Hotel leave **PROMPTLY
at 6pm and 6:15pm. Please be in the lobby no later than 5:45pm.

**Return shuttles leaving between 9pm - 9:30pm.



100 SIERRA NEVADA WAY
MILLS RIVER, NC 28732



If you are planning to attend the RPS Annual Meeting, please join us at Sierra Nevada for an event hosted by Fidelity National Title on Friday, May 20th. If you would like to RSVP for this event, you can email Summer Hogan at Summer.Hogan@fnf.com.

If you would like to register for the CLE program, click [here](#) to register!

MEET THE FAMILY

Chris Eimer,
Residential
Underwriting Manager

We would like to introduce another member to our Barristers family, Chris Eimer!

Chris has been in the title industry since 1988, initiating his career in Florida. As an Underwriter currently licensed in both North Carolina & South Carolina, he enjoys the challenge of analyzing complex problems and developing solutions to meet the needs of customers and maintaining a healthy business relationship.



Chris enjoys target practice and time outside with his family, especially fishing at the beach. You can reach Chris at chris.eimer@fnf.com.



RECIPE OF THE MONTH:

Katie's Tomato Pie

- 1 9-inch deep-dish pie shell unbaked
- 5 large tomatoes, peeled and thickly sliced
- ½ teaspoon salt
- ½ teaspoon pepper
- 3 teaspoons dried basil
- Garlic powder to taste
- ¾ cup mayonnaise
- 1 ¼ cups grated cheddar cheese

Bake pie shell 10 minutes at 375 degrees. Remove from oven. Layer tomatoes in shell sprinkling each layer with salt, pepper, basil and garlic powder. Combine mayonnaise and cheese. Spread over tomatoes. Bake at 350 degrees for 35 minutes or until browned and bubbly. Let stand 5 minutes before serving. Serves 6 to 8.

THE QUILL MEME

HAPPY MOTHER'S DAY TO ALL
YOU AMAZING MOTHERS!



Barristers Title Services underwrites for Fidelity National Title and First American Title.

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