



Rubino Law Group, LLC

ATTORNEYS AT LAW

NEWS

JULY 2009

Countrywide Home Loans Loses Rights To Property – BEWARE OF THE MIS-INDEXED DEED

The Rubino Law Group, LLC recently won a case on appeal on behalf of its client, the Casino Reinvestment Development Authority ("CRDA"), which divested Countrywide of any interest it had in property, despite its outstanding mortgage. The CRDA is a State entity charged with the redevelopment of Atlantic City. In order to revitalize certain areas, the CRDA must sometimes exercise the power of eminent domain. In this case, it filed a condemnation action against the owner of record, Mr. Angueira, as shown by a title search. As it turned out, Mr. Angueira had sold the property to Ms. Roman, who had purchased it with a mortgage loan from Countrywide. However, due to the mis-spelling of a name in the deed, it was mis-indexed (i.e., not recorded properly in the County recording office). Therefore, the deed did not appear in a title search. To the outside world, it appeared that Mr. Angueira still owned the property. Neither Ms. Roman nor Countrywide ensured that the deed from Angueira to Roman was properly recorded.

Under New Jersey's Recording Statutes, the consequence for not ensuring that your deed is properly indexed is that you may lose all interest in your property. Although the trial court ruled against the CRDA and dismissed the condemnation action, the Appellate Division reversed and held that under the Recording Act, neither Countrywide nor Roman had any interest in the property as against the CRDA – a subsequent purchaser without knowledge of the previous transaction.

The moral of this story for commercial and residential property owners alike, is to make certain your deed is properly recorded. After the closing takes place, be sure to contact your lawyer or title company and have them check with the County Clerk's office to ensure your deed was indexed properly. If there was a mistake, you can file a corrective deed and avoid future disasters like the one above. You can read the Appellate Division's full decision on our website, www.rubinoesq.com.

Firm News

The Rubino Law Group, LLC Certified By The Women's Business Enterprise National Council

JUNE 2009: The Rubino Law Group, LLC has been certified by the Women's Business Enterprise National Council (WBENC). The WBENC Certification for woman-owned businesses is one of the most widely recognized certifications in the Nation. It is accepted by thousands of corporations within the Country, as well as a number of Federal and Government agencies. You can learn more about WBENC by going to www.wbenc.org.

