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In Brief...

A quarterly newsletter brought to you by the Massachusetts Laborers' Legal Services Fund

Information On Purchasing A New Home

The following is a continuation of the discussion of home purchase issues from the last newsletter. The Purchase and Sales Agreement should contain a "mortgage contingency clause". The purpose of this clause is to entitle a buyer to the return of the deposit if a "mortgage commitment" cannot be obtained from a lender by a specified date, known as the "commitment date." Great care should be taken in drafting this language, as the lender's commitment may contain conditions that leave a buyer without a mortgage if the conditions are not satisfied. **A Massachusetts Laborers' Legal Services attorney can help with this.**

After the buyer receives a mortgage commitment, the loan is assigned to a "closing attorney." This attorney is selected by the bank or lender, but is paid by the buyer. The closing attorney will make sure the title to the property is satisfactory. The closing attorney may use a separate "title examiner" to provide a "title exam". Even after a title exam some defects, such as mortgages that have not been discharged, may not be discovered. We recommend that you as the buyer purchase owners' "title insurance" at the closing. This is a one time fee and the insurance is good as long as you own the home.

Massachusetts Laborers' Legal Services Fund cannot act as the "closing attorney", but offers a **one-time only** real estate reimbursement of up to five hundred dollars toward the cost of the closing attorney. Of course, you are entitled to an attorney from the Fund to assist you in the purchase (or sale) of your primary home.

The closing occurs when all the documents are signed to



complete the loan and obtain a deed from the seller. The closing is conducted by the bank and lender's attorney either at their office or at the Registry of Deeds. If scheduling allows, a Massachusetts Laborers' Legal Services attorney can attend the closing. Even if we cannot attend, we will review the settlement statement ("HUD"), containing all the closing figures if it is provided by the closing attorney before closing.

"Going on record" means that the deed and mortgage, and any other documents needed to "perfect" the title are recorded at the Registry of Deeds in the county where the property is located. The closing attorney takes care of recording the documents. Once "on record", the buyer is the new legal owner of the property.

Information On Identity Theft

With increased use of the web and debit and credit cards, identity theft has become a major concern. It is a serious crime that occurs when another individual obtains and uses your personal information (i.e. name, address, social security number) in a criminal or fraudulent way. There is a long list of ways that individuals can obtain your personal information including, but not limited to, hacking into business and employee records, stealing your information from their place of work, going through your trash, stealing your mail and credit cards and posing as a creditor to obtain your information.

Identity theft can affect you in numerous ways once someone has your personal information. It can be used to obtain credit cards, bank accounts and telephone



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accounts. Identity thieves have also filed for bankruptcy, obtained drivers licenses, applied for and gained employment, filed fraudulent tax returns, used their victims' names when arrested and made numerous purchases of goods. A victim's personal and financial reputation is greatly affected by identity theft.

It is impossible for an individual to control whether or not they become a victim of identity theft; however there are precautions that can be taken to prevent identity thieves from obtaining your information.

The Federal Trade Commission and the Massachusetts Attorney General's Office suggest that individuals take the following precautions to prevent becoming a victim of identity theft:

1. Never give out personal information, such as your Social Security number, bank or credit account information, to anyone unless you've initiated the contact and know who you are dealing with;
2. Do not respond to phone calls, emails or mail solicitations from people and businesses that ask to confirm you personal information or offer things that seem too good to be true;
3. Tear up credit applications you receive through the mail that contain your personal information before disposing of them;
4. Beware when you give out personal information such as your name, your address or social security number;
5. Review your monthly statements and report unauthorized charges and/or transactions right away; and



6. Monitor your credit reports for suspicious activity.

Note: Massachusetts residents are entitled to one free credit report every year from one of the three major credit reporting agencies (Equifax, Transunion and Experian).

REMINDER TO INDIVIDUALS USING THE FUND

On November 1, 2006, the new Massachusetts Laborers' Benefits Fund website became operational. This website provides members with an efficient way to check on the status of all union benefits, not just legal benefits. Notices have been sent to the eligible members describing how to use this new website. Please feel free to call the Legal Services Fund office if you need assistance in accessing your information. The website address is www.mlbf.org

Also, a questionnaire is sent to members at the conclusion of each client's case. It is important for clients

to complete this brief form with comments about their satisfaction or dissatisfaction with the representation record. By doing so, the Legal Fund will be able to address any problems or give recognition to an attorney whose work was appreciated.

THIS NEWSLETTER IS INTENDED AS INFORMATION ONLY NOT SPECIFIC LEGAL ADVICE.

Statements or questions please contact us at:
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Declaraciones o preguntas por favor contactenos:
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