

WFG Underwriting Bulletin



To: All Florida Policy Issuing Agents of WFG National Title Insurance Company

From: WFG Underwriting Department

Date: July 2, 2020

Bulletin No.: FL 2020-17

Subject: Supplement to Bulletin FL 2020-16 Regarding Curative Notice Procedure For Errors in Deeds

This is a Supplement to our prior Bulletin, Number [FL 2020-16](#), regarding the Curative Notice procedure under new Florida Statute 689.041. That curative procedure can be used to cure a single scrivener's error in the legal description in a deed in situations that would normally require a corrective deed.

The purpose of this Supplemental Bulletin is to explain how WFG's commitments will handle situations where a corrective deed is needed to cure an error in the legal description in a deed in the chain of title. WFG's commitments will continue to make a requirement for a corrective deed but the requirement will include an Alternative to use a Curative Notice to correct the error if the statutory conditions to use a Curative Notice are met. Additionally, the Alternative requirement will advise you that WFG's examination of the title has determined that the conditions in F.S. 689.041 to use a Curative Notice to cure the legal description error have been satisfied. The Alternative requirement will require the title agent to sign and record a Curative Notice based upon WFG's confirmation, as stated in the Alternative requirement, that all of the conditions in F.S. 689.041 to use a Curative Notice have been satisfied. The requirement will look like this:

“Corrective deed from _____ to _____ regarding the deed recorded in O.R. Book _____ Page _____ Public Records of _____, County, Florida. The Corrective deed is necessary because the subject deed contained an error in the legal description as follows [describe error]:

As an ALTERNATIVE to the corrective deed, record a Curative Notice under Florida Statute 689.041 signed by the title agent. WFG's examination of the title has determined that the conditions required under F.S. 689.041 to cure the error in the subject deed(s) with a Curative Notice are satisfied and a Curative Notice is appropriate.”

If a Curative Notice is not an appropriate alternative because the conditions of F.S. 689.041 cannot be met, the requirement for a corrective deed will look like this:

*“Corrective deed from _____ to _____ regarding the deed recorded in O.R. Book _____ Page _____ Public Records of _____, County, Florida. The Corrective deed is necessary because the subject deed contained an error in the legal description as follows [describe error]:
NOTE: The corrective deed requirement does not meet the conditions required under F.S. 689.041 for a Curative Notice.”*

To use this Alternative requirement where WFG confirms that the conditions of F.S. 689.041 to use a Curative Notice have been met, **do not use** the Curative Notice Form provided with our prior Bulletin. That prior Form should only be used if the person who signs the Curative Notice performed the title search and examination and determined that the conditions of F.S. 689.041 have been met. An alternative Curative Notice Form is attached hereto at the link below. The alternative Curative Notice Form states that the signor of the Curative Notice performed the examination of title **or had someone else perform that examination of title** – in this case WFG. The alternative Curative Notice Form should be used with the above Alternative requirement.

[Click on this link for the alternative Curative Notice Form](#)

NOTE: The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company's Underwriting Department.
The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.