



UNDERWRITING BULLETIN

To: All Florida Agents of WFG National Title Insurance Company

From: WFG Florida Agency Department

Date: June 20, 2014

Bulletin No.: FL 2014-12

Re:

1. Endorsement 9-06 Restrictions, Easements, Minerals (Florida modified 12/1/13)
2. Endorsement 9.1-06 Restrictions, Encroachments, Minerals-Owner's Policy- Unimproved Land (Florida modified 12/1/13)
3. Endorsement 9.2-06 Restrictions, Encroachments, Minerals – Owner's Policy- Improved Land (Florida modified 12/1/13)
4. Endorsement 14-06 Future Advance – Priority (Florida modified 12/01/13)
5. Endorsement 14.2-06 Future Advance – Letter of Credit (Florida modified 12/01/13)
6. Endorsement 14.3-06 Future Advance – Reverse Mortgage (Florida modified 12/01/13)
7. ALTA Endorsement 10-06 (Assignment) Revised 02-03-10 (Florida modified 12/01/13)
8. ALTA United States Of America Policy (9/28/91) Revised 12/03/12
9. Schedule A to ALTA United States Of America Policy (9/28/91) Revised 12/03/12
10. Schedule B to ALTA United States Of America Policy (9/28/91) Revised 12/03/12

On May 19, 2014, the Office of Insurance Regulation ("OIR") approved for use revised versions of Endorsements 9-06, 9.1-06, 9.2-06, 14-06, 14.2-06, 14.3-06, 10-06, and the USA Policy.

Endorsements 9-06, 9.1-06, and 9.2-06 were revised to address the holding in the case of *Nationwide Life Insurance Company v. Commonwealth Land Title Insurance Company*, 579 F.3d 304 (3d Cir. 2009), and 687 F.3d 620 (3rd Cir. 2012). The *Nationwide* case held that coverage under an ALTA Form 9 at 1(b)(2) was not limited to the restrictions set forth in the subparagraphs of 1(b)(2). The *Nationwide* court concluded that all restrictions contained within a set of restrictions, which are listed as an exception in the policy, are covered by the Form 9 unless, of course, the policy contains separate exceptions for those additional restrictions. The title industry's position is that coverage under an ALTA Form 9 at 1(b)(2) and other subparagraphs of the Endorsement is limited to the restrictions and other matters set forth in those subparagraphs. Endorsements 9-06, 9.1-06, and 9.2-06 were revised to add a clause expressing that limitation of coverage.

Endorsements 14-06, 14.2-06, and 14.3-06 were revised to address the limitation on future advances contained in Florida Statute 697.04. That Section provides future advances with priority as of the date of the mortgage as long as the mortgage contains an appropriate future advance clause. However, F.S. 697.04 limits that priority to advances made within 20 years from the date of the mortgage. Endorsements 14-06, 14.2-06, and 14.3-06 were revised to include that 20-year limitation.

The ALTA 10-06 Assignment of Mortgage Endorsement was revised to add an Exclusion from coverage for any claim that the Assignment of Mortgage is invalid under Bankruptcy law or State insolvency or creditors' rights laws.

The prior versions of these Endorsements and the USA policy should not be issued. Please update your software to replace the prior versions of these Endorsements and the USA policy with the revised versions.

Copies of the revised Endorsements and the USA policy are attached hereto.

[Endorsement 09 1-06 Restrictions Encroachments Minerals-Owners-Unimproved Lands FL Mod 12-1-13](#)
[Endorsement 09 2-06 Restrictions, Encroachments, Minerals - Owner's Policy- Improved Land FL Mod 12-1-13](#)

[Endorsement 09-06 Restrictions Easements, Minerals - Loan Policy FL Mod 12-1-13](#)

[Endorsement 10-06 Assignment FL Mod 12-1-13](#)

[Endorsement 14 2-06 Future Advance-Letter of Credit FL Mod 12-1-13](#)

[Endorsement 14 3-06 Future Advance-Reverse Mortgage FL Mod 12-1-13](#)

[Endorsement 14-06 Future Advance-Priority FL Mod 12-1-13](#)

[WFG FL ALTA US Policy 1991 Revised 12-03-12 Schedule A](#)

[WFG FL ALTA US Policy 1991 Revised 12-03-12 Schedule B](#)

[WFG FL ALTA US Policy 1991 Revised 12-03-12](#)



JOSEPH J. TSCHIDA, VP State Counsel
400 International Parkway, Ste. 160
Lake Mary, FL 32746

D: (407) 792-1094 | C: (407) 399-7553 | Web: www.wfgnationaltitle.com

DISCLAIMER:

This message is intended for the sole use of the addressee, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.