



**DELETING STANDARD EXCEPTIONS**  
FOR THE STATE OF  
**INDIANA**  
EFFECTIVE SEPTEMBER 1, 2016

1. **Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.**

(Note to Agent: This exception shall only appear on Commitments to Insure.)

**Deletion:** This Exception is deleted from all policies when issued. You must update title prior to disbursing/recording to narrow the gap between the Date of Commitment and the Date of Policy.

2. **Any rights, interests or claims of parties in possession not shown by the public records.**

**Deletion:** This Exception may be deleted from all policies upon request of the proposed insured, provided you have obtained a standard seller/buyer affidavit. This affidavit should recite the affiant has no knowledge of any boundary line disputes, encroachments, or disputes over ownership of the land. A survey or GIS map showing improvements and lot lines is required, along with the affidavit, in order to delete this exception.

3. **Any encroachment, encumbrance, violation, variation, or adverse circumstance or other matter affecting the Land that would be disclosed by an accurate and complete survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments on the Land of existing improvements located on adjoining land.**

**Deletion:** Generally, there are three types of surveys, and the difference between them is largely one of cost, accuracy and who can rely on them.

- 1) *Mortgage location surveys* are less accurate and can be relied upon by a title insurer and a lender.
- 2) *boundary line survey* is more accurate, as the surveyor will set corners within a defined measure of accuracy. In addition to a title insurer and lender, an owner of real estate may rely on a boundary line survey.
- 3) *ALTA/ACSM surveys:* Additionally, the ALTA and ACSM have developed an expanded boundary line survey, commonly known as an "ALTA/ACSM survey" and are used for commercial real estate, but you may rely upon a mortgage location survey to delete this Exception for commercial real estate when the transaction being insured is \$2,000,000 or less.

The Company will accept the following as evidence of survey:

- **New Survey:** The surveyor or engineer must certify the survey to WFG National Title Insurance Company.

- **Prior Survey:** Must be dated within the last 10 years provided the seller/borrower provides you with an “Affidavit of No Change” attesting that there have been no improvements constructed since the date of the survey nor any additional matters that would be disclosed by a new survey. You must verify the accuracy of the statements made in the affidavit by comparing the survey to a county GIS map or aerial photo showing improvements and lot lines. Alternatively, you may type the property address into Google and select “Satellite View”.
- **Condominiums:** No survey is required for Condominium units. The drawings included as part of the Condominium Declaration serve in lieu of any a new survey or a prior survey.
- **Unimproved Land:** For metes and bounds legal descriptions, you may rely upon a county GIS map/aerial photograph. For platted lots, you may rely upon the plat and either a county GIS map/aerial photograph or Google’s “Satellite View”.

4. **Easements or claims of easements not shown by the public records.**

**Deletion:** This may be deleted with a borrower/seller affidavit referenced above and attached to a survey (mortgage location, boundary line or ALTA/ACSM). Examples of this risk include, but are not limited to, shared driveways drives/paths/etc. crossing the property and used by adjoining owners.

5. **Any lien, or right to a lien, for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the Public Records.**

**Deletion:** Agents must exercise great care when deleting this Exception due to the extra-hazardous risk.

To delete this Exception, please follow these guidelines:

- 1-4 Family Real Estate: You must take steps to verify that no construction has been started, labor performed or materials/construction equipment delivered within 60 days prior to your closing date.
- Multi-family Residential/Commercial Real Estate: You must take steps to verify that no construction has been started, labor performed, or materials/construction equipment delivered within 90 days prior to your closing date.

A surveyor’s inspection is the most commonly used verification method for both.

6. **Taxes or special assessments assessed, but not shown as a lien in the Public Records, at Date of Policy.**

**Deletion:** This exception may be deleted upon making an inquiry of all governmental departments/bodies that can make special assessments to determine any assessments that have been assessed, but do not yet appear in the Auditor’s Records. This includes, but is not limited to: School Board (School Levies), Water/Sewer Departments, Street Departments, Parks and Recreations Departments, etc.

7. **Oil, natural gas, coal or other minerals previously conveyed, leased or retained by prior owners.**

**Deletion:** This Exception may be deleted with the approval of Underwriting Counsel for the Company.

Depending on the location and type of real estate, the Company may require an extended search of the public records dating back to a warranty deed for value recorded prior to 1850.

Searches of this nature are extremely difficult and should only be undertaken by examiners with experience searching the older records. Many of these older records were not kept in the same manner/place where we would find such records today due to changes to Indiana’s statutes.