



Uniform Minimum Search Standards for Indiana

Effective: March 20, 2018

YOU HAVE THE OPTION OF CONDUCTING AN ABBREVIATED SEARCH RATHER THAN A FULL SEARCH (SEE PARAGRAPH III FOR DEFINITION OF FULL SEARCH) PURSUANT TO THE FOLLOWING GUIDELINES:

I. **Residential Sale, Platted Subdivision, with a One-to-Four Family structure in place. [no vacant lots]**

1. Search from the recording date of the plat in order to find and review any easements, restrictions, and any other encumbrances affecting the lot to be insured contained in instruments independent of the deeds in the chain of title.
- AND
2. Search the **Owner** from the date of acquisition, starting with a general Warranty Deed [not a re-recorded deed] that is accompanied by an institutional purchase money mortgage. ("Point of Good Title"). If no such general Warranty Deed with institutional purchase money mortgage exists, the deed where the subdivider/developer acquires title will be your Point of Good Title and you will search forward to current date from there.
3. Specific Exceptions: Show specific exceptions for any items that you find in your searches in Paragraphs 1 and 2 above. No generic exceptions will be used.
4. Examine the plat. Show CCR's and all items disclosed by the plat using formats similar to the following:
 - i. If CCR's are set out on the plat: Covenants, conditions, restrictions, easements and building lines as shown in the plat of [INSERT NAME] Subdivision recorded in Plat Book _____, Page _____ as amended by [INSERT NAME OF DOCUMENT] recorded in Plat Book _____, Page _____.

- ii. If CCR's and Plat are set out in a separate instruments:
Covenants, conditions, and restrictions as shown in [INSERT NAME OF DOCUMENT] recorded in [INSERT RECORDING INFORMATION] as amended by [INSERT NAME OF DOCUMENT] recorded in Plat Book _____, Page _____." AND

Easements and building lines as shown in the plat of [INSERT NAME] Subdivision recorded in Plat Book _____, Page _____ as amended by [INSERT NAME OF DOCUMENT] recorded [INSERT DATE] in Plat Book _____, Page _____."

- iii. For condominiums ONLY you do not need to show all amendments unless requested by customer. You may use a format similar to the following:
Covenants, conditions, restrictions and easements as shown in the Declaration of [INSERT NAME OF DOCUMENT] recorded [INSERT RECORDING INFORMATION], and in a Supplemental Declaration recorded [INSERT RECORDING INFORMATION] (creates unit to be insured) and any supplemental amendments thereto.

5. Taxes and Special Assessments: Search the current owner's name for all parcels on the tax duplicates for current taxes and assessments, including any portion of the tax duplicate that would indicate a tax sale. If a new tax parcel has been created within the previous two years, you must confirm that any prior delinquent taxes on the parent parcel have been paid and were not apportioned to the new tax parcel affecting the land to be insured. Raise all appropriate tax and assessment exceptions.

6. Liens and Judgments:

- A. **Owner:** Perform a "general name index" search on **Owner at the Point of Good Title and any other grantees of deeds or land contract purchasers after the Point of Good Title for ten years last past to the date of search** as to the following matters: Federal tax liens, state tax liens, judgment liens, other liens, bankruptcy, and OFAC list (formerly Patriot Act).

Note: You have the option not to show judgments which total less than \$1,000 in the aggregate.

- B. **Owner and Buyer:** Perform a search on the **Owner at the Point of Good Title and any other grantees of deeds or land contract purchasers after the Point of Good Title AND Buyer for 20 years last past to date of search** to include recorded federal non-tax liens and federal judgments.

C. **Buyer:** Perform a search **on the buyer for 10 years last past to date** to include bankruptcy, guardianship, and OFAC list (formerly Patriot Act).

Note: A bankruptcy search need only be conducted if there is a bankruptcy court in the county in which the land is located. Federal non-tax liens, federal tax liens and federal judgments must be recorded rather than entered in the clerk's office.

7. Prior Title: If you are provided with a prior Owner's Policy with a full Schedule B – no generics – you may rely on that Owner's Policy as a starter. However you will still need to perform the lien searches (#6) listed above on all parties.

II. **Residential Refinances and Residential Second Mortgage [platted and metes and bounds]**

1. Point of Good Title: Title must be searched from the date of acquisition to current date, starting with a general Warranty Deed [not a re-recorded deed] that is accompanied by an institutional purchase money mortgage ("Point of Good Title")
2. Taxes and Assessments: Search the current owner's name for all parcels on the tax duplicates for current taxes and assessments, including any portion of the tax duplicate that would indicate a tax sale. If a new tax parcel has been created within the previous two years, you must confirm that any prior delinquent taxes on the parent parcel have been paid and were not apportioned to the new tax parcel affecting the land to be insured.
3. Liens and Judgments:
 - A. **Owner:** Perform a "general name index" search on the Owner at the Point of Good Title and any grantees on deeds or land contract purchasers **AFTER** the Point of Good Title **for ten years last past to the date of search** as to the following matters: Federal tax liens, state tax liens, judgment liens, other liens, bankruptcy, and OFAC list (formerly Patriot Act).

Note: You have the option not to show judgments which total less than \$1,000 in the aggregate.
 - B. **Owner:** Perform a search on the Owner at the Point of Good Title and any grantees on deeds or land contract purchasers **AFTER** the Owner at the Point of Good Title **for twenty years last past to the date of search** as to the following matters: recorded federal non-tax liens and federal judgments

Note: A bankruptcy search need only be conducted if there is a bankruptcy court in the county in which the land is located. Federal non-tax liens, federal tax liens and federal judgments must be recorded rather than entered in the clerk's office.

4. Generic Exceptions:

For a refinance or second mortgage policy, it is not necessary to search for, or raise a specific exception for, easements, restrictions, and outstanding oil, gas and mineral rights.

Instead **raise the following Schedule B generic exceptions:**

Easement or servitudes, if any, appearing in the public records.

Covenants, conditions, or restrictions, if any, appearing in the public records.

Leases, grants, exceptions, or reservations of mineral or mineral rights, if any, appearing in the public record.

For platted property, add the following specific exceptions:

Assessments for homeowner's association, if any, appearing in the public records.

Building lines, if any, as set forth on the plat.

For metes and bounds property, add the following specific exceptions:

Rights of the public, State of Indiana, County of _____ and the municipality in and to that part of the premises taken or used for road purposes.

Rights of way for drainage tiles, feeders and laterals, if any.

5. Specific Exceptions:

Show specific exceptions for any items discovered in your search from Point of Good Title which do not fall within the scope of the generic exceptions listed above.

6. Prior Title: If you are provided with a prior Owner's Policy from an existing underwriter you may rely on that Owner's Policy as a starter. However you will still need to perform the lien searches listed above (#3) on all parties.

III. All Other Transactions–

1. Full Search

You must search far enough back to satisfy the Indiana Marketable Title Act which means finding the first general warranty deed in your chain of title that is at least 50 years old. ("Marketable Title Search") The recording date of that deed would be your Point of Good Title for a Marketable Title Search. If you have knowledge in your county that easements or leases could have been created prior to the Point of Good Title, you should search the requisite time period in which you will most likely discover the easements or leases. Do not simply search forward from the recording date of the plat.

2. Specific Exceptions:

Show specific exceptions for any items discovered in your Marketable Title Search. No generic exceptions should be used. If you are working with metes and bounds property, don't forget to add the following two exceptions:

Rights of the public, State of Indiana, County of _____ and the municipality in and to that part of the premises taken or used for road purposes.

Rights of way for drainage tiles, feeders and laterals, if any.

3. Taxes and Assessments: Search the current owner's name for all parcels on the tax duplicates for current taxes and assessments, including any portion of the tax duplicate that would indicate a tax sale. If a new tax parcel has been created within the previous two years, you must confirm that any prior delinquent taxes on the parent parcel have been paid and were not apportioned to the new tax parcel affecting the land to be insured.

4. Liens and Judgments:

- A. **Title Holders:** Perform a "general name index" search on the parties in title and contract purchasers ("Title Holders") **for ten years last past to the date of search** as to the following matters: Federal tax liens, state tax liens, judgment liens, other liens, bankruptcy, and OFAC list (formerly Patriot Act).

Note: You have the option not to show judgments which total less than \$1,000 in the aggregate.

B. Title Holders and Buyer: Perform a search on the Title Holders AND Buyer **for 20 years last past to date of search** to include recorded federal non-tax liens and federal judgments

C. Buyer: Perform a search **on the buyer for 10 years last past to date** to include bankruptcy, guardianship, and OFAC list (formerly Patriot Act).

Note: A bankruptcy search need only be conducted if there is a bankruptcy court in the county in which the land is located. Federal non-tax liens, federal tax liens and federal judgments must be recorded rather than entered in the clerk's office.

5. Prior Title: If you are provided with a prior Owner's Policy with a full Schedule B – no generics – from an existing underwriter you may rely on that Owner's Policy as a starter. However you will still need to perform the lien searches listed above (#4) on all parties.