

## WFG Informational Bulletin

To: All Indiana Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: August 21, 2018  
Bulletin No.: IN 2018-01  
Subject: Notable Changes and Features to the ALTA 2016 Commitment

---

To all of our Indiana agents,

As you know, the new 2016 ALTA Commitment for Title Insurance dated 08-01-16 is now available for use in Indiana. The effective date for use of the new 2016 ALTA Commitment was **Monday, September 18, 2017**. This informational bulletin is intended to provide a summary of the notable changes to and features of the new 2016 ALTA Commitment.

The new 2016 ALTA Commitment updates and consolidates the ALTA Commitment Form (6-17-06) and the ALTA Plain Language Commitment Form (6-17-06).

The 2016 ALTA Commitment contains the following **significant** changes and features:

- (1) Adds a Notice at the top of the Commitment emphasizing that the Commitment **is an offer** to issue a title insurance policy or policies, and **is not an abstract or opinion of title**, and limits the Company's potential liability to the proposed insured;
- (2) Clarifies the Company's right to amend the Commitment at any time and the limitations on the Company's liability relating to an amendment (Commitment Conditions 4 and 5);
- (3) Improves readability by adding and revising headings and reordering certain Commitment Conditions;
- (4) Adds certain definitions consistent with the ALTA Owner's Policy 2006 and the ALTA Loan Policy 2006 (Commitment Conditions 1);
- (5) Clarifies that the deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage for that item (Commitment Conditions 6(d));
- (6) Adds a new section reiterating that an issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. Also, states that the issuing agent is not the Company's agent for the purpose of providing closing or settlement services (Commitment Conditions 7);

- (7) Adds a new section emphasizing that, if a **pro forma policy** is provided to a proposed insured, it **does not reflect the current status of title** and does not constitute a commitment to insure (Commitment Conditions 8);
- (8) Adds an **optional** section preceding Schedule A to insert Transaction Identification Data (Issuing Agent, Issuing Office, ALTA Universal ID, Loan ID Number, Commitment Number, Issuing Office File Number, Property Address, Revision Number), all for reference only. Liability for this data is also limited by Commitment Condition 5(e);
- (9) Adds a notice to Schedule B, Part II - Exceptions stating that the Commitment does not republish any covenant, condition, restriction, or limitation contained in any document to the extent that the covenant, condition, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin; and
- (10) Adds an introductory clause to Schedule B, Part II - Exceptions stating that the Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A.

As a reminder, other forms should not be used if a comparable ALTA version is available. If a comparable ALTA version is available, the most current version of the ALTA form available in each state should be used, unless approved by a WFG underwriter.

Should you have any questions, please contact your Indiana state underwriter, Stanley J. Czaja, at (773) 706-3779 or via email at [SCzaja@wfgnationaltitle.com](mailto:SCzaja@wfgnationaltitle.com).

*Information Bulletins are designed to provide our agents with information we think will help in managing their business or just being better title professionals, but which does not rise to the level of being an underwriting mandate and are not within the scope of the agency agreement.*