

## WFG Underwriting Bulletin



To: All Indiana Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: January 25, 2019  
Bulletin No.: IN 2019-01  
Subject: Easements Depicted on Survey

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### STANDARD

To All Indiana Policy Issuing Agents,

**Purpose:** To advise our Agents of the need to state in a particular manner in Schedule B of a policy, recorded easements depicted on a survey.

**Background:** In *Lawyers Title Insurance Corporation v. Doubletree Partners, L.P.*, 739 F.3d 848 (2014), the U.S. Fifth Circuit Court of Appeals held a title insurer liable for the inaccurate depiction of recorded easements on a survey. To the exceptions in Schedule B of its policy were added the fairly customary clause stating "... and **as shown** on survey by ...".

**Standard:** In a case where you may be requested to add such a clause to exceptions to recorded easements, state it only as "... **and referenced** on survey by ...", **and not** "... **as shown** on survey by..." or any other variant of it.

If you have any questions or need any additional information, please contact WFG Indiana Underwriting Counsel, Stanley J. Czaja, at (773) 706-3779 or via email at [SCzaja@wfgnationaltitle.com](mailto:SCzaja@wfgnationaltitle.com).

**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.**