

## WFG Underwriting Bulletin



To: All Louisiana Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: September 10, 2021  
Bulletin No. LA 2021-07  
Subject: Hurricane Ida Update No. 3

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This bulletin replaces prior bulletin: LA 2021-06. In an effort to assist the recovery following Hurricane Ida, we have revised our guidelines for insuring transactions in parishes where the clerk's office remains closed, eliminating the requirement for a special exception related to the closures on loan policies. If you have a transaction in a parish where the clerk's office has resumed normal operations, or will do so prior to your closing, the guidelines provided below do not apply.

If you have a transaction in any parish in which the clerk of court is closed or otherwise suspends recording, you may proceed subject to all of the following requirements:

1. An owner's policy must contain the exception stated below. You must insert the last effective date of the commitment (i.e., most recent update or records certification date) where indicated. If the commitment was previously issued, a revised commitment with the exception listed on Schedule B-II must be issued to the buyer prior to closing. You may note that the exception applies to the owner's policy only. No homeowner's policies may be issued.

"Any defect, lien, encumbrance, adverse claim, or other matter created by or arising out of the closure of the Office of the Clerk of Court or other recording office in the parish where the Land is located, including, but not limited to, (i) an inability to search the Public Records after [*insert last effective date of the commitment*], or (ii) any delay in recordation of the deed or other instrument vesting title in the Insured in the Public Records."

2. All sellers in a sale transaction and all borrowers in a refinance transaction must execute the standard [Seller/Borrower Affidavit and Indemnity Agreement](#).
3. All parties (sellers and buyers, or borrowers) must sign the [Clerk's Office Closure Affidavit and Indemnification](#).
4. Execution of Clerk's Office Closure Affidavit and Indemnification must be listed as a requirement on Schedule B-I of the commitment. If the commitment was issued previously, a revised commitment with this requirement must be issued prior to closing.

**NOTE:** This Bulletin is for the sole purpose of establishing underwriting positions and policies reflecting WFG National Title Insurance Company's best business judgment. 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.**

5. The lender must acknowledge in writing that it understands the clerk's office is not currently recording documents and that neither you nor WFG can certify when the mortgage or other documents will be recorded. This written acknowledgement must be retained in your closing file.
6. Review closing instructions carefully. If they require "prompt" recording, recording within a certain period of time or prior to disbursement, do not close without an amendment to permit recording after the clerk's office resumes normal operations.
7. You may not close without specific written underwriting approval if your transaction involves any of the following:
  - a. construction or renovation financing
  - b. a non-traditional or non-institutional lender
  - c. judgments, liens, more than 2 mortgages, tax sales, notice of bankruptcy or notice of seizure against the seller or borrower
8. If you are unable to obtain a payoff or satisfy minimum statutory search and exam standards with public records certified within 30 days of closing, you may not close without specific underwriting approval.
9. You must safeguard the original executed documents and record them as quickly as possible when the clerk's office resumes normal operations.
10. After the clerk's office reopens and the documents have been recorded, you must update your title search. If the exam reflects any unpermitted encumbrances, transactions or other adverse matters which could affect the insured title, please notify underwriting counsel immediately.

Jefferson Parish ransomware attack:

The Jefferson Parish Clerk of Court has been targeted by a ransomware attack and has shut down access to its Jeffnet system. There is currently no e-recording or search capability in Jefferson Parish. If you have a recent search based upon records certified within 30 days of closing, you may insure based upon the above guidelines prior to Jeffnet access being restored. However, older transactions without recent updates and new orders without searches cannot proceed until this situation has been resolved.

Please discuss these requirements with your parties, including lender, as early as possible and prior to closing. We will consider deviations to these requirements on a case by case basis. Additional guidance will be provided as necessary. We urge you to keep in communication with your local clerks of court. If you have any questions or concerns, please contact underwriting counsel.

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