

# **Title Law: A to Z**

## **Agenda**

### **Day 1: Understanding Title Insurance**

- I. Understanding Title Insurance**  
*9:00 - 10:00, John T. Banjak*
  - A. Components of the Title
  - B. Risks Inherent in Public Land Records
  - C. Structuring of ALTA Policies
- II. Endorsements and Exclusions to Policies**  
*10:15 - 11:15, Nathaniel S. Walsh*
  - A. When to Use Endorsements
  - B. State Rules for Filing Endorsements
  - C. Owners' Policy vs. Loan Policy Endorsements
  - D. Commercial vs. Residential Endorsements
  - E. Standard ALTA Endorsements
  - F. Commercial ALTA Endorsements
  - G. Exclusions/Exceptions to Policies
- III. Negotiating Title Insurance Endorsements**  
*11:15 - 12:15, Nathaniel S. Walsh*
  - A. Term of Coverage
  - B. Endorsement Costs
  - C. Extent of Coverage
  - D. Other Issues to Negotiate
- IV. Obtaining Additional Coverage**  
*1:15 - 2:15, Nathaniel S. Walsh*
  - A. Affirmative Coverage to Suit the Situation
  - B. Non-ALTA Endorsements
- V. The Commitment and Closing Letters**  
*2:15 - 3:15, John T. Banjak*
  - A. Commitment vs. the Underlying Title
  - B. Insurer's Obligations
  - C. Review and Negotiation Tips
  - D. The Jacket (with Examples)
  - E. Schedule A, B-1 and B-2
  - F. Affirmative Coverage
  - G. Mortgagee's and Lender's Title Policy
  - H. Gap Coverage
  - I. Opinion Letters
- VI. Ethical Considerations**  
*3:30 - 4:30, Ryan S. Shaughnessy*
  - A. Conflicts of Interest

- B. Disclosure of Defects in Property
- C. Liability in Title Examination

## **Day 2: How to Cure Common Title Defects**

### **VII. How Title Examiners Analyze and Cure Defects**

*9:00 - 10:00, John T. Banjak*

- A. Breaks in Chain of Title and Estate Issues
- B. Rights of Third Parties/Missing Interests
- C. Foreclosure and Mortgage-Related Issues
- D. Tax Liens
- E. Bankruptcy
- F. Mechanic's Liens and Other Liens
- G. Judgments
- H. Encumbrances and Encroachments
- I. Boundary and Zoning Issues
- J. Prescriptive Easements and Adverse Possession
- K. Legal Description Errors
- L. Unpaid Taxes
- M. Mineral and Water Rights
- N. Curing Fraud and Forgery Defects

### **VIII. Title Objections: When and How to Make Them**

*10:15 - 11:15, Ryan S. Shaughnessy*

- A. Top Issues to Object
- B. Objections After Review Periods
- C. Lenders and Title Objections
- D. Drafting Title Objection Letters

### **IX. Drafting Documents to Cure Defects**

*11:15 - 12:15, Scott B. Mueller*

- A. Easements
- B. Corrective Deeds/New Deeds
- C. Releases and Satisfactions of Mortgages
- D. Affidavits of Facts
- E. Monetary Settlement and Escrow Agreements
- F. Additional Curative Instruments

### **X. Reading Surveys, Descriptions and Plats**

*1:15 - 2:15, Mark W. Wiley*

- A. Reading the Survey into the Commitment
- B. ALTA/NSPS Land Title Surveys
- C. Survey Review Process, Elements and Symbols
- D. Finding Boundaries That Tie to Meander Lines
- E. Inaccurate Surveys and Surveyor Reports
- F. Standards Used by the Surveyor
- G. Preparation of the Boundary Survey
- H. Survey Coverage
- I. How to Read Descriptions

- J. Inappropriate Use of Tax Parcels and Addresses
- K. Identifying Typographical Errors
- L. Handling Vague, Inaccurate and Conflicting Descriptions
- M. How to Read Plat Maps Like a Surveyor

XI. **Quiet Title Actions**

*2:15 - 3:15, Scott B. Mueller*

- A. Grounds for a Quiet Title Action
- B. Initiating a Quiet Title Action - State Procedures
- C. Quiet Title Action vs. Other Curative Measures
- D. Identifying Interested Parties and Locating Records
- E. Quiet Title Action Mechanics 101

XII. **Insuring Construction Loans**

*3:30 - 4:30, Ryan S. Shaughnessy*

- A. Construction Lien Act
- B. Legislation Update (State)
- C. Pending Disbursement Coverage
- D. "When the Lien Hits"