

Title Examining Checklist

File Reference Number: _____

**Other File information or
comments:** _____

1. Title Vesting:

Title is vested in the name(s) of or indicate Document number of vesting deed:

2. Open Mortgage Information:

1st Mortgage (if any)

Mortgagor: _____

Mortgagee: _____

Date of Instrument: _____

Date of Recording: _____

Recorded Document
Number: _____

Assignment of Mortgage (if any)

Assigned to: _____

Date of Recording: _____

Document Number: _____

2nd Mortgage/Equity Line (if any)

Mortgagor: _____

Mortgagee: _____

Date of Instrument: _____

Date of Recording: _____

Recorded Document Number: _____

Assignment of Mortgage (if any)

Assigned to: _____

Date of Recording: _____

Document Number: _____

3rd Mortgage/Equity Line (if any)

Mortgagor: _____

Mortgagee: _____

Date of Instrument: _____

Date of Recording: _____

Recorded Document Number: _____

3. Tax/Pin Information:

Property Identification Number (PIN): _____

Tax Information:

Year: _____ Installment: _____ Amount: _____
Year: _____ Installment: _____ Amount: _____

2nd PIN Number (if any): _____

Tax Information:

Year: _____ Installment: _____ Amount: _____
Year: _____ Installment: _____ Amount: _____

Are there any outstanding special assessments? Yes or No

If yes, payable to :

Year (s): _____ Amounts: \$ _____

4. Building Lines and Easements:

Are there building lines or easements of record? Yes or No

If Yes, the building line is located _____ feet from the _____ lot line as shown on the plat
of subdivision recorded as Document Number _____ or as contained in (Deed or Declaration)
recorded as Document Number _____

The easements are located _____ feet from the _____ lot line and _____ feet from the _____
lot line.

5. Covenants, Conditions and Restrictions:

Are there covenants, conditions and restrictions (CCR's) of record? Yes or No

If Yes:

Type of Document: _____

Date of Document: _____

Recorded Document Number: _____

List specifics of the CCR: _____

6. Judgments and Liens:

Are there any possible judgments or liens against the Seller? Yes or No

If Yes, list Name that Judgment/Lien is against: _____

Are there any possible judgments or liens against the Buyer? Yes or No

If Yes, list Name that Judgment/Lien is against: _____

7. Municipal Stamps and Inspections:

Is the Property located within a municipality that requires Transfer Stamps or an Inspection? Yes or No

If Yes, list Name of Municipality? _____

Party responsible for Transfer Stamps? Buyer or Seller \$ _____ Per thousand

8. Condominiums:

Is this Property a Condominium Unit? Yes or No

If Yes, the Recorded Condo Declaration Number is: _____

Is the Condominium subject to an assessment for which the Condominium Association will complete a Paid Assessment Letter and a Right of First Refusal? Yes or No

9. Planned Unit Development:

Is this property part of a Planned Unit Development? Yes or No

If there a Recorded Declaration, the Document Number is _____

Is said property part of an Association that requires an Assessment Letter? Yes or No

10. Drainage Districts and Special Service Areas:

Is this property in Lake County? Yes or No

If Yes, is the property serviced by the North Shore Sanitary District? Yes or No

Is this property part of any other Sanitary and/or Drainage District? Yes or No

If Yes, the Name of the Sanitary and/or Drainage District is: _____

Are there outstanding fees due for a Special Service Area? Yes or No

What is the name or number of the Special Service Area? _____

Amount Due: \$ _____

11. Marital Status

Is the Seller married? Yes or No

Is the Buyer married? Yes or No

Are there outstanding Homestead Rights for either party? Yes or No

12. Leases

Does the Seller live at the property? Yes or No

If no, are there any leases either recorded or unrecorded? Yes or No

13. Probate Exceptions

Is there a Title holder of Record who may be deceased? Yes or No

If Yes, list name of surviving spouse or heir: _____

Is there a Probate case pending, with regard to the deceased individual? Yes or No

Indicate Probate Case Number: _____

14. Effective Date

What is the effective date of this commitment? _____

15. I have examined the search packet on File Number _____ and hereby authorize Heritage Title Services, Authorized Servicing Agent to type a Title Commitment using the information set forth above.

Attorney Agent - Authorized Supported Agent

Date

UPON COMPLETION OF THIS CHECKLIST, PLEASE FAX TO

815-479-0811

ATTORNEY PROGRAM EXAMINING INSTRUCTIONS

Please use the enclosed Title Examining Checklist and Search Packet to complete the preliminary title commitment.

#1. – Title vesting: The information and document number will appear on the chain sheet and you will be provided with a copy of the document. Please show the exact names as shown on the copy of the Warranty Deed. Check the names as they appear on the mortgage and if the names appear to be different (spellings or middle initials) the vesting should include an a/k/a.

#2. – Open Mortgage Information: The information and document number will appear on the chain sheet and you will be provided with a copy of the document. All information should be taken directly from the copies of the recorded mortgage and assignment documents.

#3. - Tax/PIN information: The PIN number should be taken from the search. Check the previous deed and mortgage to make sure that the numbers match. If the property is a condominium unit that has recently been assigned a permanent tax number, use the number that is reflected on our search. Enter the tax information for each installment. If there is a special assessment for this property, enter the amount, year and payee.

#4. – Building Lines and Easements: This information will be written on the search or a copy of the plat of subdivision will be attached, if any exist.

#5. – Covenants, Conditions and Restrictions (CCR'S): If there are covenants, conditions or restrictions, the chain of title will include either a document or declaration number and the type of restrictions disclosed. If the search does not contain any information, then there are no CCR'S recorded on the property.

#6. - Judgment and Liens: The searcher will indicate that the names are clear if there are no judgments of record. If the name is common they may indicate that we should raise possible judgments because of the name. If there is an actual judgment against either the Seller or Purchaser there should be a copy attached and this should be raised as a separate exception on the title commitment.

#7. – Municipal Stamps and Inspections: Please check the enclosed list of municipalities to see if the property requires transfer stamps or an inspection. If stamps are required it must be stated on Schedule B and the party responsible and amount of stamps should be noted.

#8. – Condominiums: If the property is a condominium unit – the recorded condo declaration number will appear in the legal description. If the property is subject to an Association or the association has the right of first refusal, the proper exceptions must be raised on Schedule B of the commitment asking for a paid association letter & a statement that the Association either does not have or has waived the right of first refusal.

#9. – Planned Unit Development: If this property is part of a Planned Unit Development there may be a recorded declaration. If there is a declaration, raise the appropriate exception. If the property is subject to an assessment there should be an exception raised asking for a paid assessment letter.

#10. – Drainage Districts & Special Service Areas: If the property is in Lake County it may be part of the North Shore Sanitary District. The search will indicate if it is in the District. If it is, raise the appropriate exception, which will ask for a final amount due at closing. Certain properties are part of Sanitary Districts, which will be indicated on the search. Sanitary District fees are generally paid with the tax bill and should be noted as an exception on the commitment. The searcher will indicate if it is not paid with the tax bill. If the property is in a Special Service Area this will also be noted on the search & the appropriate exception must be raised.

#11. – Marital Status: If the Seller took title as a single individual, an exception must be raised in the event that they are now married and there are outstanding homestead rights for a spouse. If the Purchaser appears on the application for title insurance as a single individual, an exception must be raised in the event that there is a spouse who must waive their homestead rights on the mortgage.

#12. – Leases: If the Seller does not live at the property and there are either recorded or unrecorded leases, an exception must be raised stating that the property is subject to leases and any interest that a lessee may have.

#13. – Probate Exceptions: if any current title holder is now deceased, title should be vested in the name of the surviving spouse or heir. If there is a probate case pending, it should be noted as a separate exception on Schedule B and it should be stated as to what is needed for title clearance (examples: Death Certificate, Will, Affidavit of Heirship, etc.).

#14. – Effective Date: Please indicate the effective date shown on the search.

LEGAL BULLETIN

An information bulletin
for the LandAmerica
family of companies and agent
partners

No. 08-80

DATE: August 25, 2008
FROM: Samuel A. Shiel, Illinois State Counsel
RE: Payoffs – Equity Line/Future Advance/Revolving Line of Credit

In an effort to curtail the high incidence of claims in the area of equity line and related mortgage loan payoffs, the company has developed a more detailed and stringent procedure. *This self-explanatory procedure is embodied in a new requirement that, effective immediately, must be included in every commitment* that involves an open equity line, future advance, or revolving line of credit mortgage that must be paid-off. Please note that the two new forms called for by the requirement are included herein following the requirement itself.

REQUIREMENT FOR TITLE COMMITMENT

Discharge of the equity line/future advance/revolving line of credit mortgage executed by _____ to _____, dated _____, recorded _____, as document number _____, in the original amount of _____.

NOTE: RELATIVE TO THE ABOVE-IDENTIFIED MORTGAGE, THE DISCHARGE OF SAME MAY BE PRESENTED AT CLOSING, OR, IN LIEU THEREOF, ALL OF THE FOLLOWING ACTIONS MUST BE PERFORMED:

Pre-Closing

- a) Execution by the subject borrower of an “EquityLine/Future Advance/Revolving Line of Credit Mortgage – Notice of Account Suspension and Request for Payoff Statement” form (“**Account Suspension/Payoff**” form) at least five (5) business days before the closing date.
- b) Delivery by the Company of the executed Account Suspension/Payoff form to the current mortgagee at least five (5) business days before the closing date by telecopier.
- c) Retention by the Company of a copy of the Account Suspension/Payoff form delivered to the current mortgagee and a copy of the telecopier “confirmation”.
- d) Receipt by the Company of the Payoff Statement from the current mortgagee.

Closing

- e) Execution by the subject borrower of an “Equity Line/Future Advance/Revolving Line of Credit Mortgage – Notice of Account Closure and Request for Discharge of Mortgage form (“**Account Closure/Discharge**” form).
- f) Delivery by the Company of the executed Account Closure/Discharge form to the current mortgagee by:
 - i) telecopier, at the time of disbursement and
 - ii) overnight mail, immediately following disbursement.
- g) Retention by the Company of a copy of the Account Closure/Discharge form delivered to the current mortgagee and a copy of the telecopier “confirmation”.

Should you have any questions please do not hesitate to contact me at (312)553-8613 or via email at sshiel@landam.com.

**EQUITY LINE/FUTURE ADVANCE/REVOLVING LINE OF
CREDIT MORTGAGE**

**NOTICE OF ACCOUNT SUSPENSION AND REQUEST FOR
PAYOFF STATEMENT**

Date:

To: (lender/address)

Re: Borrower(s):

Loan No.

Company Commitment No.

To Whom It May Concern:

The undersigned borrower(s) hereby demands the following:

- a. Immediate suspension of the above-identified loan account such that there shall be no further disbursement of funds for or on account of borrower(s), and
- b. Immediate issuance of a payoff statement.

Please immediately contact the undersigned if anything further is required in this regard.

(borrower)

(borrower)

**EQUITY LINE/FUTURE ADVANCE/REVOLVING LINE OF
CREDIT MORTGAGE**

**NOTICE OF ACCOUNT CLOSURE AND REQUEST FOR
DISCHARGE OF MORTGAGE**

Date:

To: (lender/address)

Re: Borrower(s):

Loan No.

Company Commitment No.

To Whom It May Concern:

The undersigned borrower(s) hereby demands the following:

- a. Immediate closure of the above-identified loan account, and
- b. Immediate issuance and recordation of a properly executed Discharge of Mortgage.

Please immediately contact the undersigned if anything further is required in this regard.

(borrower)

(borrower)

LEGAL BULLETIN

An information bulletin
for the LandAmerica
family of companies

No. 06-8

DATE: February 24, 2006
TO: All Illinois Retail and Agency Offices
FROM: Samuel A. Shiel, Illinois Agency Underwriting Counsel
RE: Name searches for buyers

LandAmerica will no longer require that a name search be conducted on buyers regarding liens, judgments and bankruptcy matters. We have determined that there is low risk of any losses that may result from not doing name searches on buyers.

For those of you who order your searches through TitleWave please be advised that our production office will not longer do name searches for buyers on orders placed in TitleWave. Name searches will still be done on sellers and borrowers on refinances.

Name searches for liens, judgments and bankruptcy matters will still be required on sellers and borrowers in refinance transactions.

If you have any questions please contact me at (312) 553-8613 or by email at sshiel@landam.com.