

LIST OF CHAPTERS

VOLUME 1

- Chapter 1 WORKING WITH TITLE INSURANCE COMPANIES**
- Chapter 2 THE TITLE INSURANCE COMMITMENT**
- Chapter 3 THE CLOSING**
- Chapter 4 OWNER’S POLICIES AND GUARANTEES**
- Chapter 5 LENDER’S POLICIES AND GUARANTEES**
- Chapter 6 ENDORSEMENTS**

VOLUME 2

- Chapter 7 ENDORSEMENT FORMS**
- Chapter 8 TITLE INSURANCE CLAIMS**
Robert W. “Rob” Reed, Esq.

APPENDICES

SUBJECT INDEX

TABLE OF CONTENTS

VOLUME 1

Chapter 1 WORKING WITH TITLE INSURANCE COMPANIES

§ 1.1 WHY TITLE INSURANCE?**§ 1.2 HOW TITLE INSURANCE DIFFERS****§ 1.3 SCOPE OF TITLE INSURANCE****§ 1.4 SELECTING A TITLE INSURANCE COMPANY AND A TITLE INSURANCE AGENT**

§ 1.4.1—Title Insurance Companies and Title Insurance Agents

§ 1.4.2—Information on Colorado Experience

§ 1.4.3—Information on Title Plants

§ 1.4.4—Information on Financial Strength

§ 1.4.5—Information on Title Insurance Agents

§ 1.5 CONTROLLED BUSINESS — WHO SELECTS THE TITLE ENTITY?

§ 1.5.1—RESPA

§ 1.5.2—Other

§ 1.6 ORDERING TITLE INSURANCE

§ 1.6.1—Checklist for Ordering Title Insurance

§ 1.6.2—Ownership and Encumbrance Report (O&E)

§ 1.7 OBTAINING A FAVORABLE RATE

§ 1.7.1—Filing of Rates

§ 1.7.2—Information on Rates

§ 1.7.3—Considerations in Rate Shopping

§ 1.8 RATE SCHEDULES AND RATE INFORMATION

§ 1.8.1—Basic Rate

§ 1.8.2—Reissue and Refinancing Rate (Short-Term Rate)

§ 1.8.3—Simultaneous or Concurrent Rate

- § 1.8.4—Subdivision (Wholesale) Rate
- § 1.8.5—Construction Loan Rate
- § 1.8.6—Abstract Surrender Rate
- § 1.8.7—Endorsement Charges
- § 1.8.8—Special Rates and Charges

§ 1.9 LARGE POLICIES

- § 1.9.1—Reinsurance
- § 1.9.2—Coinsurance

Chapter 2 THE TITLE INSURANCE COMMITMENT

§ 2.1 EXAMINING THE TITLE INSURANCE COMMITMENT

**§ 2.2 THE TITLE INSURANCE COMMITMENT AS EVIDENCE OF
TITLE**

§ 2.3 RELIANCE UPON THE TITLE INSURANCE COMMITMENT

**§ 2.4 NEGLIGENCE IN PREPARATION OF THE TITLE INSURANCE
COMMITMENT — SELLER’S REMEDY**

**§ 2.5 FORMAT OF THE TITLE INSURANCE COMMITMENT
(ALTA FORMS)**

§ 2.6 WHAT IS COMMITTED?

- § 2.6.1—The Offer of Insurance
- § 2.6.2—Identity and Amount
- § 2.6.3—Time Limitation and Limitations on Validity of the Title Insurance
Commitment
- § 2.6.4—Sample Policy Form/Pro Forma Policy

§ 2.7 CONDITIONS OF THE TITLE INSURANCE COMMITMENT

- § 2.7.1—Definition
- § 2.7.2—Knowledge of the Insured
- § 2.7.3—Right to Amend
- § 2.7.4—Limitation of Liability
- § 2.7.5—Arbitration

Table of Contents

§ 2.8 SCHEDULE A

- § 2.8.1—Effective Date
- § 2.8.2—Policies to be Issued
- § 2.8.3—Rate and Other Charges
- § 2.8.4—Estate Covered and Title Holder
- § 2.8.5—Legal Description — Compared with Contract and Survey
- § 2.8.6—Legal Description — Used in Preparing Conveyance
- § 2.8.7—Legal Description — Insuring Easements
- § 2.8.8—Legal Description — Water Rights
- § 2.8.9—Legal Description — Minerals

§ 2.9 SCHEDULE B

- § 2.9.1—Payment Required
- § 2.9.2—Recording Required
- § 2.9.3—Payment of Taxes Required

**§ 2.10 TITLE INSURANCE COMMITMENT EXCEPTIONS:
SCHEDULE B**

**§ 2.11 TITLE INSURANCE COMMITMENT EXCEPTION NO. 1 —
RIGHTS OF PARTIES IN POSSESSION**

**§ 2.12 TITLE INSURANCE COMMITMENT EXCEPTION NO. 2 —
EASEMENTS**

**§ 2.13 TITLE INSURANCE COMMITMENT EXCEPTION NO. 3 —
SURVEYS**

**§ 2.14 TITLE INSURANCE COMMITMENT EXCEPTION NO. 4 —
MECHANICS' LIENS**

- § 2.14.1—Mechanics' Liens — The Secret Lien
- § 2.14.2—Title Insurance Company Protected
- § 2.14.3—Protecting the Insured — First Stage: No Work Within Four Months
- § 2.14.4—Protecting the Insured — Second Stage: Construction Completed Within Four Months
- § 2.14.5—Protecting the Insured Owner — Third Stage: Construction Underway
- § 2.14.6—Protecting the Insured Lender — Third Stage: Construction Underway
- § 2.14.7—Protecting the Insured — Recorded Mechanics' Lien

**§ 2.15 TITLE INSURANCE COMMITMENT EXCEPTION NO. 5 —
SUBSEQUENTLY ATTACHING DEFECTS — THE “GAP”**

§ 2.15.1—Title Insurance Company Protected — The Insurance Contract

§ 2.15.2—Protecting the Insured — Insurance Regulations

§ 2.15.3—Protecting the Insured — Insuring the “Gap”

§ 2.15.4—Protecting the Insured — Closing Protection Letter

§ 2.15.5—Protecting the Insured — The Policy

**§ 2.16 TITLE INSURANCE COMMITMENT EXCEPTION NO. 6 —
MINING CLAIMS, PATENTS, AND WATER RIGHTS**

**§ 2.17 TITLE INSURANCE COMMITMENT EXCEPTION NO. 7 —
SPECIAL DISTRICT LIENS**

**§ 2.18 TITLE INSURANCE COMMITMENT EXCEPTION NO. 8 —
REAL ESTATE TAXES**

§ 2.18.1—Protecting the Insured — Policy Language

§ 2.18.2—Protecting the Insured — Certificate of Taxes Due

§ 2.18.3—Protecting the Insured — Other Taxes

**§ 2.19 TITLE INSURANCE COMMITMENT EXCEPTIONS —
NON-STANDARD**

**§ 2.20 TITLE INSURANCE COMMITMENT EXCEPTIONS —
DELETION OF — INSURING OVER**

FORMS

Form 2A—ALTA Commitment Form (Adopted 6-17-06)

Form 2B—ALTA Commitment Form (Adopted 6-17-06,
Revised 08-01-2016)

Form 2C—ALTA Plain Language Commitment Form (Adopted 6-17-06)

Form 2D—ALTA Short Form Commitment (Revised 10-16-08)

Chapter 3 THE CLOSING

§ 3.1 WHO DRAFTS THE DOCUMENTS?

§ 3.2 PREPARATIONS FOR CLOSING

§ 3.2.1—Examine the Commitment

§ 3.2.2—Examine Original Instruments

§ 3.2.3—Determine Title Status Before Drafting Contract

Table of Contents

- § 3.2.4—Suggested Contract Clauses for Title Insurance
- § 3.2.5—Get It in Writing
- § 3.2.6—Closing Instructions
- § 3.2.7—If the Deal Collapses — Cancellation of the Commitment
- § 3.2.8—The “Gap”

§ 3.3 POST-CLOSING RESPONSIBILITIES

Chapter 4 OWNER’S POLICIES AND GUARANTEES

§ 4.1 TYPES OF OWNER’S POLICIES AND GUARANTEES

§ 4.2 ALTA OWNER’S POLICY

§ 4.3 COMPARISON OF THE ALTA FORMS WITH OTHER FORMS

§ 4.4 2006 ALTA OWNER’S POLICY (6-17-06)

- § 4.4.1—What is Insured? — Covered Risks
- § 4.4.2—What is Not Insured? — Exclusions from Coverage
- § 4.4.3—Schedule A
- § 4.4.4—Schedule B
- § 4.4.5—Conditions

§ 4.5 ALTA RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)

- § 4.5.1—Residential Title Insurance Policy — What is Insured? Affirmative Coverage
- § 4.5.2—Residential Title Insurance Policy — What is Not Insured? Exclusions
- § 4.5.3—Residential Title Insurance Policy — Conditions
- § 4.5.4—Schedule A
- § 4.5.5—Schedule B — Exceptions

§ 4.6 ALTA HOMEOWNER’S POLICY OF TITLE INSURANCE (12-02-13)

- § 4.6.1—Homeowner’s Policy — What is Insured? Affirmative Coverages
- § 4.6.2—Homeowner’s Policy — What is Not Insured? Exclusions
- § 4.6.3—Homeowner’s Policy — Conditions
- § 4.6.4—Schedule A
- § 4.6.5—Schedule B — Exceptions

§ 4.7 OWNER’S POLICY INSURING A CONTRACT

§ 4.8 OWNER’S POLICY INSURING AN OPTION

- § 4.9 ALTA LEASEHOLD OWNER'S POLICY (10-17-92)
- § 4.10 ALTA UNITED STATES OWNER'S POLICY (12-03-12)
- § 4.11 LITIGATION GUARANTEE
- § 4.12 SUBDIVISION GUARANTEE
- § 4.13 ALTA RECORDED DOCUMENT CERTIFICATE AND RECORDED DOCUMENT GUARANTEE
- § 4.14 CHAIN OF TITLE GUARANTEE

FORMS

- Form 4A—ALTA Owner's Policy (6-17-06)
- Form 4B—ALTA Residential Title Insurance Policy (6-1-87)
- Form 4C—ALTA Homeowner's Policy (Revised 12-03-13)
- Form 4D—ALTA Owner's Policy (10-17-92)
- Form 4E—ALTA Owner's Policy Form B 1970 (Revised 10-17-70 and 10-17-84)
- Form 4F—ALTA Leasehold Owner's Policy (10-17-92)
- Form 4G—ALTA United States Policy Form 9-28-91 (Revised 12-03-12)
- Form 4H—Litigation Guarantee
- Form 4I—Subdivision Guarantee
- Form 4J—ALTA Recorded Document Certificate (10-3-90)
- Form 4K—ALTA Recorded Document Guarantee (10-3-90)
- Form 4L—Chain of Title Guarantee

Chapter 5 LENDER'S POLICIES AND GUARANTEES

- § 5.1 TYPES OF LENDER'S POLICIES AND GUARANTEES
- § 5.2 2006 ALTA LOAN POLICY (6-17-06)
 - § 5.2.1—What is Insured? — Covered Risks
 - § 5.2.2—What is Not Insured? — Exclusions from Coverage
 - § 5.2.3—Schedule A
 - § 5.2.4—Schedule B
 - § 5.2.5—Conditions
- § 5.3 ALTA CONSTRUCTION LOAN POLICY (10-17-92)
- § 5.4 ALTA LEASEHOLD LOAN POLICY (10-17-92)

Table of Contents

- § 5.5 ALTA SHORT FORM RESIDENTIAL LOAN POLICY (12-03-12)
- § 5.6 ALTA SHORT FORM RESIDENTIAL LOAN POLICY — CURRENT VIOLATIONS (04-02-15)
- § 5.7 ALTA RESIDENTIAL LIMITED COVERAGE JUNIOR LOAN POLICY (8-1-12)
- § 5.8 SHORT FORM RESIDENTIAL LIMITED COVERAGE JUNIOR LOAN POLICY (04-02-2013)
- § 5.9 EXPANDED COVERAGE RESIDENTIAL LOAN POLICY — ASSESSMENTS PRIORITY (04-02-15)
- § 5.10 SHORT FORM EXPANDED COVERAGE RESIDENTIAL LOAN POLICY — ASSESSMENTS PRIORITY (04-02-15)
- § 5.11 EXPANDED COVERAGE RESIDENTIAL LOAN POLICY — CURRENT ASSESSMENTS (04-02-15) AND SHORT FORM EXPANDED COVERAGE RESIDENTIAL LOAN POLICY — CURRENT ASSESSMENTS (04-02-15)
- § 5.12 RESIDENTIAL LIMITED COVERAGE MORTGAGE MODIFICATION POLICY (12-01-14)
- § 5.13 LIMITED PRE-FORECLOSURE POLICY (12-03-12)
- § 5.14 PUBLIC TRUSTEE’S SALE GUARANTEE
- § 5.15 FORECLOSURE CERTIFICATE/GUARANTEE/COMMITMENT
 - § 5.15.1—Foreclosure Certificate
 - § 5.15.2—Foreclosure Guarantee
 - § 5.15.3—Foreclosure Commitment

FORMS

- Form 5A—ALTA Loan Policy (Adopted 6-17-06)
- Form 5B—ALTA Loan Policy (10-17-92)
- Form 5C—ALTA Loan Policy 1970
- Form 5D—ALTA Construction Loan Policy (10-17-92)
- Form 5E—ALTA Leasehold Loan Policy (10-17-92)
- Form 5F—ALTA Short Form Residential Loan Policy (Revised 12-03-12)
- Form 5G—ALTA Short Form Residential Loan Policy – Current Violations (04-02-15)

- Form 5H—ALTA Residential Limited Coverage Junior Loan Policy
(Revised 8-1-12)
- Form 5I—ALTA Short Form Residential Limited Coverage Junior Loan
Policy (Revised 04-02-2013)
- Form 5J—ALTA Expanded Coverage Residential Loan Policy —
Assessments Priority (04-02-15)
- Form 5K—ALTA Short Form Expanded Coverage Residential Loan Policy
— Assessments Priority (04-02-15)
- Form 5L—ALTA Expanded Coverage Residential Loan Policy —
Current Assessments (04-02-15)
- Form 5M—ALTA Short Form Expanded Coverage Residential Loan Policy
— Current Assessments (04-02-15)
- Form 5N—Residential Limited Coverage Mortgage Modification Policy
(12-01-14)
- Form 5O—ALTA Limited Pre-Foreclosure Policy (Adopted 12-03-12)
- Form 5P—Public Trustee’s Sale Guarantee
- Form 5Q—Foreclosure Certificate
- Form 5R—Foreclosure Guarantee

Chapter 6 ENDORSEMENTS

§ 6.1 GENERAL — COVERAGE AFFORDED BY ENDORSEMENT

§ 6.2 ENDORSEMENT FORMS

§ 6.2.1—Colorado Endorsement Forms

§ 6.2.2—ALTA Endorsement Forms

§ 6.3 COST OF AND REQUIREMENTS FOR ENDORSEMENTS

§ 6.4 ENDORSEMENT BOILERPLATE

§ 6.4.1—Colorado Endorsement Forms

§ 6.4.2—ALTA Endorsement Forms

§ 6.4.3—Future Protection

DISCUSSION OF ENDORSEMENT FORMS BY SUBJECT

§ 6.5 ACCESS

§ 6.6 ADVANCES (INCLUDING FUTURE ADVANCES)

§ 6.6.1—Advances that Increase the Policy Amount

§ 6.6.2—Advances that Do Not Increase the Policy Amount

Table of Contents

§ 6.7 ADVERSE POSSESSION

§ 6.8 ARBITRATION

§ 6.9 ASSIGNMENT OF MORTGAGES AND POLICIES

§ 6.10 ASSOCIATIONS (PROPERTY OWNERS)

§ 6.11 CHANGE IN RATE OF INTEREST

§ 6.12 CO-INSURANCE

§ 6.13 COMMITMENT CHANGES/CORRECTIONS/EXTENSIONS

§ 6.14 CONDOMINIUMS

§ 6.15 CREDITORS' RIGHTS

§ 6.16 DOING BUSINESS RESTRICTIONS

§ 6.17 EASEMENTS

§ 6.18 ENERGY PROJECTS

§ 6.19 ENCROACHMENTS

§ 6.20 ENVIRONMENTAL PROTECTION

§ 6.21 *FAIRWAY* PROTECTION

§ 6.22 FIRST LOSS PAYABLE

§ 6.23 FUTURE INSURANCE

§ 6.24 "GAP" COVERAGE

§ 6.25 INCREASED POLICY AMOUNT/INFLATION

§ 6.26 INTEREST RATE SWAPS

§ 6.27 KNOWLEDGE, IMPUTATION OF

§ 6.28 LAST DOLLAR

§ 6.29 LEASEHOLD, CONVERSION OF POLICY

- § 6.30 **MANUFACTURED HOUSING**
- § 6.31 **MECHANICS' LIENS**
- § 6.32 **MEZZANINE FINANCING**
- § 6.33 **MINERALS**
 - § 6.33.1—Severed Mineral Estate
 - § 6.33.2—Mineral Leasehold Estate
 - § 6.33.3—Mineral-Related Endorsements
- § 6.34 **MODIFICATION OF MORTGAGE**
- § 6.35 **MORTGAGES, PARTIAL RELEASE**
- § 6.36 **MORTGAGES, RECORDING**
- § 6.37 **OPTIONS**
- § 6.38 **POLICY CHANGES**
 - § 6.38.1—Additional Insured
 - § 6.38.2—Corrections to Policies
 - § 6.38.3—Change Effective Date
 - § 6.38.4—Delete/Insure Over Exceptions
 - § 6.38.5—Electronic Signatures
- § 6.39 **PUD (PLANNED UNIT DEVELOPMENT)**
- § 6.40 **RESCISSION (TRUTH IN LENDING)**
- § 6.41 **RESTRICTIONS, COVENANTS, AND REVERTERS**
- § 6.42 **SEVERABLE IMPROVEMENTS**
- § 6.43 **SURVEY MATTERS, INCLUDING SUBDIVISION OF LAND**
- § 6.44 **TAXES AND ASSESSMENTS**
- § 6.45 **USURY**
- § 6.46 **WATER EXTRACTION/DEVELOPMENT**
- § 6.47 **WATER RIGHTS — VALUE**

§ 6.48 ZONING

EXHIBIT

Exhibit 6A—Colorado and ALTA Endorsement Forms Arranged by Subject

VOLUME 2

Chapter 7 ENDORSEMENT FORMS

ALTA Construction Loan Policy Endorsement A — Mechanics' Lien (Decertified)
ALTA Construction Loan Policy Endorsement B — Mechanics' Lien (Decertified)
ALTA Construction Loan Policy Endorsement C — Mechanics' Lien (Decertified)
ALTA Construction Loan Policy Endorsement D — Mechanics' Lien (Decertified)
Colorado Endorsement F — Partnership Dissolution (*Fairway*)
Colorado Endorsement GE-1 — Gap Coverage
Colorado Endorsement I — Inflation
ALTA Endorsement JR 1 — Supplemental Coverage
ALTA Endorsement JR 2 — Future Advance
Colorado Endorsement L — Leasehold (Owner's)
Colorado Endorsement L — Leasehold (Loan)
Colorado Endorsement LD — Last Dollar
Colorado Endorsement U — Usury
Colorado Endorsement W — Water Rights — Value
ALTA Endorsement 1-06 (Street Assessments)
ALTA Endorsement 2-06 (Truth in Lending) (Decertified)
ALTA Endorsement 3-06 (Zoning)
ALTA Endorsement 3.1-06 (Zoning — Completed Structure)
ALTA Endorsement 3.2-06 (Zoning — Land Under Development)
ALTA Endorsement 4-06 (Condominium — Assessments Priority)
ALTA Endorsement 4.1-06 (Condominium — Current Assessments)
ALTA Endorsement 5-06 (Planned Unit Development — Assessments Priority)
ALTA Endorsement 5.1-06 (Planned Unit Development — Current Assessments)
ALTA Endorsement 6-06 (Variable Rate Mortgage)
ALTA Endorsement 6.2-06 (Variable Rate Mortgage — Negative Amortization)
ALTA Endorsement 7-06 (Manufactured Housing Unit)
ALTA Endorsement 7.1-06 (Manufactured Housing — Conversion; Loan)
ALTA Endorsement 7.2-06 (Manufactured Housing — Conversion; Owners)
ALTA Endorsement 8.1-06 (Environmental Protection Lien)
ALTA Endorsement 8.2-06 (Commercial Environmental Protection Lien)
ALTA Endorsement 9-06 (Restrictions, Encroachments, Minerals — Loan Policy)
ALTA Endorsement 9.1-06 (Covenants, Conditions, and Restrictions —
Unimproved Land — Owner's Policy)

ALTA Endorsement 9.2-06 (Covenants, Conditions, and Restrictions — Improved Land — Owner’s Policy)
ALTA Endorsement 9.3-06 (Covenants, Conditions, and Restrictions — Loan Policy)
ALTA Endorsement 9.6-06 (Private Rights — Loan Policy)
ALTA Endorsement 9.6.1-06 (Private Rights — Current Assessments — Loan Policy)
ALTA Endorsement 9.7-06 (Restrictions, Encroachments, Minerals — Land Under Development — Loan Policy)
ALTA Endorsement 9.8-06 (Covenants Conditions and Restrictions — Land Under Development — Owner’s Policy)
ALTA Endorsement 9.9-06 (Private Rights — Owner’s Policy)
ALTA Endorsement 9.10-06 (Restrictions, Encroachments, Minerals — Current Violations — Loan Policy)
ALTA Endorsement 10-06 (Assignment)
ALTA Endorsement 10.1-06 (Assignment and Date Down)
ALTA Endorsement 11-06 (Mortgage Modification)
ALTA Endorsement 11.1-06 (Mortgage Modification with Subordination)
ALTA Endorsement 11.2-06 (Mortgage Modification with Additional Amount of Insurance)
ALTA Endorsement 12-06 (Aggregation — Loan)
ALTA Endorsement 12.1-06 (Aggregation — State Limits — Loan)
ALTA Endorsement 13-06 (Leasehold — Owner’s)
ALTA Endorsement 13.1-06 (Leasehold — Loan)
ALTA Endorsement 14-06 (Future Advance — Priority)
ALTA Endorsement 14.1-06 (Future Advance — Knowledge)
ALTA Endorsement 14.2-06 (Future Advance — Letter of Credit)
ALTA Endorsement 14.3-06 (Future Advance — Reverse Mortgage)
Colorado Endorsement 15 — Assignment of Policy
ALTA Endorsement 15-06 (Nonimputation — Full Equity Transfer)
ALTA Endorsement 15.1-06 (Nonimputation — Additional Insured)
ALTA Endorsement 15.2-06 (Nonimputation — Partial Equity Transfer)
ALTA Endorsement 16-06 (Mezzanine Financing)
ALTA Endorsement 17-06 (Access and Entry)
ALTA Endorsement 17.1-06 (Indirect Access and Entry)
ALTA Endorsement 17.2-06 (Utility Access)
ALTA Endorsement 18-06 (Single Tax Parcel)
ALTA Endorsement 18.1-06 (Multiple Tax Parcel — Easements)
ALTA Endorsement 18.2-06 (Multiple Tax Parcel)
ALTA Endorsement 19-06 (Contiguity — Multiple Parcels)
ALTA Endorsement 19.1-06 (Contiguity — Single Parcel)
ALTA Endorsement 19.2-06 (Contiguity — Specified Parcels)
ALTA Endorsement 20-06 (First Loss — Multiple Parcel Transactions)
ALTA Endorsement 21-06 — Creditor’s Rights (Decertified 2-3-2010)
ALTA Endorsement 22-06 (Location)
ALTA Endorsement 22.1-06 (Location and Map)
ALTA Endorsement 23-06 (Co-Insurance — Single Policy)
ALTA Endorsement 23.1-06 (Co-Insurance — Multiple Policies)

Table of Contents

ALTA Endorsement 24-06 (Doing Business)
ALTA Endorsement 25-06 (Same as Survey)
ALTA Endorsement 25.1-06 (Same as Portion of Survey)
ALTA Endorsement 26-06 (Subdivision)
ALTA Endorsement 27-06 (Usury)
ALTA Endorsement 28-06 (Easement — Damage or Enforced Removal)
ALTA Endorsement 28.1-06 (Encroachments — Boundaries and Easements)
ALTA Endorsement 28.2-06 (Encroachments — Boundaries and Easements —
Described Improvements)
ALTA Endorsement 28.3-06 (Encroachments — Boundaries and Easements —
Described Improvements and Land Under Development)
ALTA Endorsement 29-06 (Interest Rate Swap Endorsement — Direct Obligation)
ALTA Endorsement 29.1-06 (Interest Rate Swap Endorsement — Additional Interest)
ALTA Endorsement 29.2-06 (Interest Rate Swap Endorsement — Direct Obligation —
Defined Amount)
ALTA Endorsement 29.3-06 (Interest Rate Swap Endorsement —
Additional Interest — Defined Amount)
ALTA Endorsement 30-06 (Shared Appreciation Mortgage)
ALTA Endorsement 30.1-06 (Commercial Participation Interest)
ALTA Endorsement 31-06 (Severable Improvements)
ALTA Endorsement 32-06 (Construction Loan — Loss of Priority)
ALTA Endorsement 32.1-06 (Construction Loan — Loss of Priority —
Direct Payment)
ALTA Endorsement 32.2-06 (Construction Loan — Loss of Priority —
Insured's Direct Payment)
ALTA Endorsement 33-06 (Disbursement)
ALTA Endorsement 34-06 (Identified Risk Coverage)
ALTA Endorsement 35-06 (Minerals and Other Subsurface Substances — Buildings)
ALTA Endorsement 35.1-06 (Minerals and Other Subsurface Substances —
Improvements)
ALTA Endorsement 35.2-06 (Minerals and Other Subsurface Substances —
Described Improvements)
ALTA Endorsement 35.3-06 (Minerals and Other Subsurface Substances —
Land Under Development)
ALTA Endorsement 36-06 (Energy Project — Leasehold/Easement — Owner's)
ALTA Endorsement 36.1-06 (Energy Project — Leasehold/Easement — Loan)
ALTA Endorsement 36.2-06 (Energy Project — Leasehold — Owner's)
ALTA Endorsement 36.3-06 (Energy Project — Leasehold — Loan)
ALTA Endorsement 36.4-06 (Energy Project — Covenants, Conditions and
Restrictions — Land Under Development — Owner's)
ALTA Endorsement 36.5-06 (Energy Project — Covenants, Conditions and
Restrictions — Land Under Development — Loan)
ALTA Endorsement 36.6-06 (Energy Project — Encroachments)
ALTA Endorsement 36.7-06 (Energy Project — Fee Estate — Owner's Policy)
ALTA Endorsement 36.8-06 (Energy Project — Fee Estate — Loan Policy)
ALTA Endorsement 37-06 (Assignment of Rents or Leases)

ALTA Endorsement 38-06 (Mortgage Tax)
ALTA Endorsement 39-06 (Policy Authentication)
ALTA Endorsement 40-06 (Tax Credit — Owner's Policy)
ALTA Endorsement 40.1-06 (Tax Credit — Defined Amount — Owner's Policy)
ALTA Endorsement 41-06 (Water — Buildings)
ALTA Endorsement 41.1-06 (Water — Improvements)
ALTA Endorsement 41.2-06 (Water — Described Improvements)
ALTA Endorsement 41.3-06 (Water — Land Under Development)
ALTA Endorsement 42-06 (Commercial Lender Group Endorsement)
ALTA Endorsement 43-06 (Anti-Taint)
ALTA Endorsement 44-06 (Insured Mortgage Recording — Loan)
ALTA Endorsement 45-06 (Pari Passu Mortgage — Loan Policy)
ALTA Endorsement 46-06 (Option)
Colorado Endorsement 100 — Restrictions, Easement, Encroachment
Colorado Endorsement 100.1 — Restrictions, Encroachment
Colorado Endorsement 100.2 — Restrictions, Encroachment
Colorado Endorsement 100.3 — Restrictions, Easement, Encroachment, Minerals
Colorado Endorsement 100.4 — Restrictions
Colorado Endorsement 100.5 — Restrictions
Colorado Endorsement 100.6 — Restrictions
Colorado Endorsement 100.11 — Liquor Reverter
Colorado Endorsement 100.12 — Reverter
Colorado Endorsement 100.13 — Assessment Lien, Associations, Condominiums
Colorado Endorsement 100.16 — Associations
Colorado Endorsement 100.18 — Restrictions — Reverter
Colorado Endorsement 100.20 — Restrictions
Colorado Endorsement 100.23 — Minerals, Lease
Colorado Endorsement 100.24 — Minerals, Lease
Colorado Endorsement 100.26 — Minerals, FHA
Colorado Endorsement 100.29 — Minerals
Colorado Endorsement 100.30 — Minerals
Colorado Endorsement 100.31 — Minerals
Colorado Endorsement 100.32 — Minerals
Colorado Endorsement 101 — Mechanics' Lien
Colorado Endorsement 101.1 — Mechanics' Lien
Colorado Endorsement 101.2 — Mechanics' Lien
Colorado Endorsement 101.2A — Mechanics' Lien
Colorado Endorsement 101.3 — Mechanics' Lien
Colorado Endorsement 102.4 — Encroachment, Restrictions
Colorado Endorsement 102.5 — Encroachment, Easement, Restrictions
Colorado Endorsement 102.6 — Encroachment, Foundations
Colorado Endorsement 102.7 — Encroachment, Foundations
Colorado Endorsement 103.1 — Easement
Colorado Endorsement 103.2 — Encroachment
Colorado Endorsement 103.3 — Encroachment, Easement
Colorado Endorsement 103.6 — Encroachment, Easement

Table of Contents

Colorado Endorsement 103.7 — Access
Colorado Endorsement 103.8 — Encroachment, Adjoining Improvements
Colorado Endorsement 104 — Assignment of Mortgage
Colorado Endorsement 104.1 — Assignment of Mortgage
Colorado Endorsement 104.2 — Assignment of Mortgage, Policy Change:
 Effective Date
Colorado Endorsement 104.3 — Assignment, Collateral
Colorado Endorsement 104.4 — Assignment, Collateral
Colorado Endorsement 104.8 — Assignment of Mortgage
Colorado Endorsement 104.10 — Assignment of Mortgage
Colorado Endorsement 107.2 — Policy Change: Increased Amount, Advances
Colorado Endorsement 107.3 — Policy Change: Increased Amount, Advances
Colorado Endorsement 107.6 — Knowledge
Colorado Endorsement 107.7 — Knowledge
Colorado Endorsement 107.9 — Policy Change: Additional Insured
Colorado Endorsement 107.10 — Policy Change: Additional Insured
Colorado Endorsement 107.11 — Policy Change: Effective Date
Colorado Endorsement 107.12 — Policy Change: Effective Date
Colorado Endorsement 108.8 — Policy Change: Increased Amount, Advances
Colorado Endorsement 110.1 — Policy Change: Delete Exception
Colorado Endorsement 110.2 — Policy Change: Insure Exception
Colorado Endorsement 110.3 — Policy Change: Extension
Colorado Endorsement 110.4 — Mortgage Modification
Colorado Endorsement 110.5 — Mortgage Modification
Colorado Endorsement 110.6 — Change in Rate
Colorado Endorsement 110.7 — Change in Rate
Colorado Endorsement 110.7A — Advances, Change in Rate
Colorado Endorsement 110.7B — Advances
Colorado Endorsement 110.8 — Change in Rate
Colorado Endorsement 110.9 — Change in Rate
Colorado Endorsement 110.9A — Change in Rate
Colorado Endorsement 110.10 — Change in Rate
Colorado Endorsement 111 — Partial Release
Colorado Endorsement 111.3 — Partial Release, Encroachment
Colorado Endorsement 111.4 — Partial Release
Colorado Endorsement 111.7 — Advances
Colorado Endorsement 112.1 — Bond Holders
Colorado Endorsement 115 — Condominium
Colorado Endorsement 115.1 — Condominium, Encroachment, Restrictions
Colorado Endorsement 115.2 — PUD, Easement, Encroachment, Restrictions
Colorado Endorsement 115.3 — Manufactured Housing
Colorado Endorsement 116 — Survey
Colorado Endorsement 116.1 — Survey
Colorado Endorsement 116.2 — Condominium, Encroachment
Colorado Endorsement 116.4 — Survey Contiguity
Colorado Endorsement 116.5 — Manufactured Housing, Survey

Colorado Endorsement 116.6 — Survey
Colorado Endorsement 116.7 — Name Variance
Colorado Endorsement 122 — Advances
Colorado Endorsement 122.1 — Advances
Colorado Endorsement 122.2 — Advances
Colorado Endorsement 122.3 — Advances, Change in Rate
Colorado Endorsement 122.4 — Advances, Change in Rate
Colorado Endorsement 122.5 — Advances, Change in Rate, Usury
Colorado Endorsement 122.6 — Advances
Colorado Endorsement 122.8 — Balloon Mortgage
Colorado Endorsement 122.9 — Advances
Colorado Endorsement 122.10 — Change in Rate
Colorado Endorsement 122.11 — Change in Rate
Colorado Endorsement 123.1 — Zoning
Colorado Endorsement 123.2 — Zoning
Colorado Endorsement 125 — Rescission — Truth in Lending
Colorado Endorsement 130 — Adverse Possession, Easement, Encroachment,
Mechanics' Lien, Restrictions, Zoning
Colorado Endorsement 130C — Adverse Possession, Easement, Encroachment,
Mechanics' Lien, Restrictions, Zoning
Colorado Endorsement 130.1 — Inflation
Colorado Endorsement 130.2 — Policy Change: Delete Exception, Gap Coverage,
Inflation
Colorado Endorsement 130.3 — Inflation
Colorado Endorsement 150 — Arbitration
Colorado Endorsement 150.1 — Arbitration
Future Policy Endorsement

Chapter 8 TITLE INSURANCE CLAIMS

§ 8.1 INTRODUCTION

§ 8.2 PRELIMINARY QUESTIONS

§ 8.2.1—Who is Insured?

§ 8.2.2—What Property is Insured?

§ 8.3 DETERMINING WHETHER THERE IS COVERAGE

§ 8.3.1—Review Policy Form, Endorsements, and Exceptions

§ 8.3.2—Where to Make the Claim

§ 8.3.3—What to Say in a Claim Letter

Table of Contents

§ 8.4 WHAT TO EXPECT IN RESPONSE TO A CLAIM

- § 8.4.1—Acknowledgment of Claim
- § 8.4.2—Anti-fraud Warning
- § 8.4.3—A Determination of Coverage

§ 8.5 ACCEPTED CLAIMS (INCLUDING ACCEPTANCE UNDER RESERVATION OF RIGHTS)

- § 8.5.1—Title Insurance Company's Options
- § 8.5.2—Calculation of Loss
- § 8.5.3—Time of Payment
- § 8.5.4—Insured's Duty to Cooperate

§ 8.6 IF COVERAGE IS DENIED

- § 8.6.1—Straight Denial
- § 8.6.2—Declaratory Relief, Reformation, or Rescission
- § 8.6.3—Test for Proper Denial
- § 8.6.4—Bad Faith
- § 8.6.5—Economic Loss Rule

§ 8.7 LITIGATION OF COVERED MATTERS

- § 8.7.1—Prosecution or Defense of Actions
- § 8.7.2—Additional Insurance
- § 8.7.3—Fees

§ 8.8 SUBROGATION

§ 8.9 NON-POLICY CLAIMS

- § 8.9.1—Ownership and Encumbrance Reports
- § 8.9.2—Foreclosure Guarantees and Litigation Guarantees

§ 8.10 TERMINATION OF COVERAGE/PAYMENT OF CLAIMS

§ 8.11 ADDITIONAL RESOURCES

APPENDICES

- Appendix 1. Colorado Premiums Written and Direct Losses Paid
- Appendix 2. SKLD Plant Information

Colorado Title Insurance Practice

- Appendix 3. Colorado Division of Insurance Regulations 8-1-1, 8-1-2, 8-1-3, 8-1-4, and 8-1-5
- Appendix 4. ALTA Facultative Reinsurance Agreement
- Appendix 5. Direct Access Agreement
- Appendix 6. Sample Letter to Title Company Disclosing Actual Knowledge of the Proposed Insured of Some Defect, Lien, Encumbrance, Adverse Claim, or Other Matter Not Shown on Schedule B of the Commitment
- Appendix 7. Survey Matters
1. Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys
 2. Sample Certificates of Survey
 3. Survey Definitions in Colorado Statutes
- Appendix 8. Mechanics' Lien Affidavits
- Appendix 9. ALTA Closing Protection Letters, Authorized for Use in Colorado by Division of Insurance Bulletin B-5.31
- Appendix 10. Colorado Board of Land Commissioners Long-Term Agreement to Restrict Mineral Development
- Appendix 11. ALTA Title Insurance Arbitration Rules
- Appendix 12. Colorado Real Estate Commission Closing Instructions
- Appendix 13. Bibliography
- Appendix 14. Sample Reservation of Rights Letter

SUBJECT INDEX
