



## **ATTORNEY PROGRAM EXAMINING INSTRUCTIONS**

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

Each number on the checklist is cross-referenced in the search package as follows:

#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 and 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 and 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 and 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.