

FORGERY—EXISTING OWNER’S CERTIFICATE RESIDENTIAL

ALTA ENDORSEMENT 49.1

Explanation:

The Forgery—Existing Owner’s Certificate—Residential Endorsement may be added to an existing Owner’s Certificate. This endorsement guarantees against loss or damage sustained or incurred by the Guaranteed by reason of a defect in the Title caused by a forgery of a deed or Mortgage recorded in the Public Records after the Endorsement is issued in which the Guaranteed was impersonated as the grantor.

	Lender First Certificate	Lender Junior Certificate	Owner Certificate
Endorsement Available	No	No	Yes
Underwriting Required	-	-	Yes

Non-record Requirements:

1. Review the Public Records from the Date of Certificate of the existing Owner’s Certificate to the requested Date of Endorsement.
2. Based upon the review of the Public Records, confirm:
 - a. The parties named in Item 1 of Schedule A appear of record as owner(s) of the Land;
 - b. No liens, either in the County Recorder’s office, Clerk of Court, or MNLR, have been entered against the Property that indicate a claim of ownership to the Land by someone other than those stated in Schedule A;
 - c. If a lien appears in the Public Records purported to be given by the parties named in Item 1 of Schedule A, confirm with those parties that they granted the lien themselves or aware of the lien; and
 - d. The County Treasurer’s office does not indicate a claim of ownership to the Land by someone other than those stated in Schedule A.
3. Confirm there has been no full or partial conveyance of the Land. If such a conveyance has been made, coverage under this endorsement must be limited to the property presently owned.
4. Confirm the presence of an existing one-to-four family residence by reviewing a current appraisal, survey, real property inspection report, or county assessor’s report.
5. Confirm each party named in Item 1 of Schedule A of the Owner’s Certificate is a Natural Person or Estate Planning Entity, from the trust agreement, operating agreement, or other company documentation evidencing the purpose for the entity is for estate planning. For purposes of this endorsement, the following terms mean:
 - a. “Estate Planning Entity”: A legal entity, a trust, or a trustee of a trust, if the entity or trust is established by a Natural Person for the purpose of planning the disposition of that person’s estate.
 - b. “Natural Person”: A human being, not a commercial or legal organization or entity.

6. Obtain the applicable county property fraud notification system, commonly known as a Property Fraud Alert (“PFA”), online subscription service from a participating County Recorder’s office to confirm:
 - a. The monitored parties appear to match each party named in Item 1 of Schedule A of the Owner’s Certificate. They must make individual subscription entries for each person;
 - b. Make sure they enter the last name spelling exactly; and
 - c. If an entity or trust name could contain a name variation, make an additional subscription entry with that variation.
7. Obtain a completed, signed, and notarized ITG Application and Affidavit for ALTA 49.1 and review all new unresolved matters to verify it does not indicate the parties are aware of the possibility someone else claims to have a right affecting the Land.

Additional Guidance:

1. This endorsement may not be issued if the property is bare land.
2. This endorsement is available to an Estate Planning Entity or Natural Person. This Endorsement shall not be issued when the purpose of the entity or trust that has fee title to the property is not established by a Natural Person for the purpose of planning the disposition of that person’s estate as determined at the Date of Endorsement.
3. This endorsement is issued to the Owner’s *existing* ITG Owner’s Certificate.

Drafting Instructions:

1. Complete Date of Endorsement (Variable 1) with the date through which the search of the Public Records was complete.