



Title Tip



Red Flags! Red Flags! Identify Red Flags!



In order to avoid delay, examine the preliminary commitment to identify any potential problems prior to closing.



Taxes & Assessments

Be sure to look for an exemption or classification designation that would change the tax amount as a result of the sale or loan, and then disclose this to the buyer.



Vesting

Check to make sure your seller is vested in the property. If they are not in title, look for a real estate contract as an exception. If one does not exist, check the legal description to make sure it is the same as on the purchase and sale agreement.



Deed of Trust

Deeds of trust, which are paid off but not reconveyed, require a reconveyance from the trustee or a court ordered satisfaction to remove it from the record. Upon proof of payment and indemnity, the title company may insure around these encumbrances in certain situations.



Identity Matters

Judgments and liens may be eliminated with an identity affidavit if they do not affect the party in question. If they do affect the party, but have been paid and not satisfied of record, a release may be recorded or filed to eliminate the matters from record. When working with clients that have common names, it is a good idea to get the affidavit completed and submitted to the title company in advance.



Pending Actions

A civil action affecting real property will generally have to be dismissed or settled before title to the land can be insured. A pending divorce may not need to be finalized for a sale or loan to close, however there may be special requirements. A probate may require special handling. Please check with you Lawyers Title Officer for details.



Joint Use Matters

Driveways, party walls and access easements may require a joint maintenance agreement by the lender. The title report will show the agreement if one is recorded.



Extended Coverage Matters

A supplemental will be issued if these matters have been cleared by an inspection of the property. If the supplemental shows a question of encroachment, lien rights or other matters, these must be cleared before the lender will close. If an extended coverage owner's policy is requested, an ALTA/ACSM survey of the property is required on most sales.



Legal Description

The legal description should always be compared to the legal description in the purchase and sale agreement to be sure all property being conveyed has been included and thereby covered in the preliminary commitment.

Contact us!

Rainier Title Customer Service: 1.866.333.2626

One Focus...Your Success!