

BULLETIN

FLORIDA BULLETIN 01-02

TO: ALL AGENTS AND TITLE PLANT OPERATIONS
FROM: UNDERWRITING DEPARTMENT
DATE: JANUARY 30, 2001
RE: SURVEY EXCEPTION

Old Republic National Title Insurance Company's Florida Bulletin 99-1 (Survey Exception in Refinance Transactions) addressed the issue of using old, but existing, surveys as the basis for deleting the standard survey exception on residential refinance transactions. After careful study, Old Republic has decided to expand our agents' ability to delete the survey exception in additional situations, to include sales transactions. The following guidelines apply to **residential** (1-4 family) transactions where the amount of insurance is **\$1 million or less, AND** where the lands to be insured are part of a **recorded plat**.

The standard survey exception may now be deleted on either an Owner's or Mortgagee's policy, or both, provided you **retain for your file either a policy** (original or copy) providing survey coverage to the current owner or one of his lenders, **or a survey** (original or copy), regardless of age and to whom it was certified, as long as it was certified to someone in your chain of title.

In either instance you must:

1. Obtain an Affidavit from the current owner, similar in form and content to the one attached hereto as Exhibit "A" and previously furnished to you with Bulletin 99-1; **AND**
2. Make exception for survey-related matters from the prior policy or revealed by the survey. Your examination of the title must not disclose any matter(s) not shown on the old survey or title policy relied upon, such as easements, rights-of-way, etc. Of course, the legal description on the survey or policy relied upon must be the same as the record description.

When a lender requires a new survey in the current transaction, we will rely only on the new survey, and the provisions of this Bulletin will not apply.

As always, should you have any questions, please feel free to contact the Underwriting Department at (800)342-5957 or (813)228-0555.

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF _____)

Before me, the undersigned authority, personally appeared _____ who, being duly sworn, depose(s) and say(s):

1. Affiant(s) herein reside(s) at _____, and is/are the present owner(s) of:

_____ which are the same lands described in that certain survey certified to _____, dated _____, by _____, a registered and licensed Florida land surveyor, attached hereto and made a part hereof as Exhibit "A";
2. Affiant(s) has/have examined said survey;
3. As the owner(s) of the land described in said survey, Affiant(s) is/are familiar with the land, building(s) and other improvements located upon said land;
4. Affiant(s) know(s) that no buildings, fences, driveways or other improvements have been constructed upon the land that are not shown on the aforesaid survey and that to the best of Affiant's belief and knowledge, there has/have been no buildings, fences, driveways or other improvements constructed upon adjoining land since the date of the aforesaid survey;
5. Affiant(s) has/have not granted or caused to be granted any easement of any nature across, above or beneath the aforesaid land; has/have not granted or caused to be granted any license to use or any right to enter upon said land; and has/have not entered into or caused to be entered into any contract or other agreement affecting said land;
6. Affiant(s) further state that they are each familiar with the nature of an oath and with the penalties as provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature. Affiant(s) further certify that they have read, or have had read to them, the full facts of this Affidavit, and understand its context.

7. This Affidavit is given to induce _____
(Agency Name)
and Old Republic National Title Insurance Company to issue its policy or policies of title insurance covering the above-described premises.

Further Affiant(s) saith not.

(SIGNATURE)

(PRINTED NAME & ADDRESS)

(SIGNATURE)

(PRINTED NAME & ADDRESS)

The foregoing was sworn to and subscribed before me this ____ day of _____, 20____, by _____, who is/are personally known to me or who has/have produced _____ as identification and who did/did not take an oath.

(SEAL)

(SIGNATURE & PRINTED NAME)

MY COMMISSION EXPIRES:

NOTARY PUBLIC