

**PRESENTED AT**

The University of Texas School of Law  
The Oil, Gas and Energy Resources Law Section of the State Bar of Texas  
2021 Renewable Energy

January 26, 2021

Austin, TX

# Texas vs Other State Title Customs, Requirements and ALTA Title Matters



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## Introductions and Overview



## State Similarities with Texas

- Regulated by Department of Insurance or its equivalent in each state
- Insures valid site control instrument
  - Vesting
  - Authority
  - Correct parties
- Free of title encumbrances except as listed in Schedule B
  - Insurance against search errors and undisclosed unrecorded instruments
- Affirmative coverage through endorsements
- Remedy – Indemnity coverage – notice of claim

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## State Variances from Texas – Premium

- Promulgated Title Insurance Rates
  - Texas Department of Insurance (TDI) promulgates rates mandated for all title insurance companies
  - Same in 2 other states (NM,FL)
- Filed Title Insurance Rates
  - Rating Bureau States – title insurance companies jointly file rates through a rating bureau with the department of insurance (DE, NJ, NY, NC, OH, PA, OR)
  - Filed Rate States – title insurance companies individually file rates with the department of insurance
    - Prior-approval rate system
    - File-and-use rate system
    - Use-and-file rate system

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- Downward Deviation – some states permit downward deviation on a transaction by transaction basis or with a one-off transaction filing
  - Also, some states allow for downward deviation when coverage amount is over a certain threshold
- Variances – some states filed rates vary by zone or region (e.g., Spokane from the rest of WA) or issuer (e.g., in PA, title insurer vs approved attorney issuer)

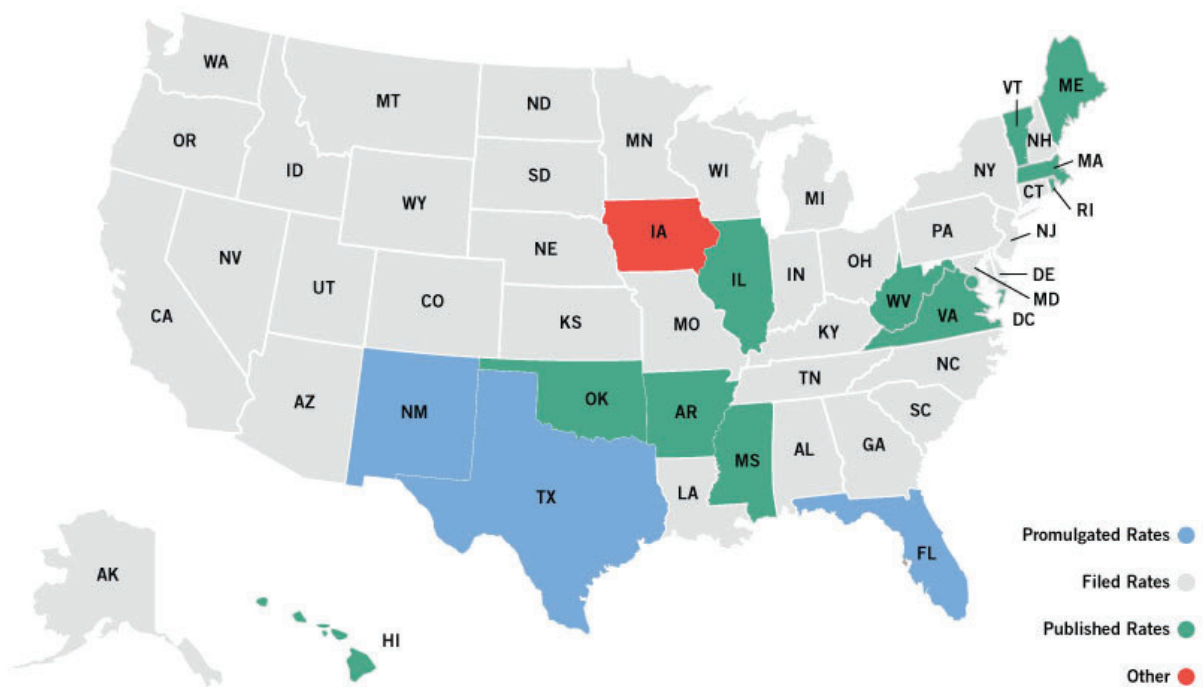
■ **Published Title Insurance Rates**

- Title companies publish rates
- Not filed with the department of insurance
- Rates are subject to negotiation

■ **Iowa Exception**

- Laws of Iowa prohibit the sale of title insurance in Iowa
- AG opinion however permits purchase of title insurance out of state for Iowa property
- Iowa Title Guaranty Certificate

## State Title Insurance Practice - Premium



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Texas vs. Other State Title Customs, Requirements and ALTA Title Matters

Also available as part of the eCourse

[2021 Renewable Energy Law eConference](#)

First appeared as part of the conference materials for the  
16<sup>th</sup> Annual Renewable Energy Law Institute session

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