

ATTORNEYS'
TITLE
GUARANTY
FUND,
INC.

TO: All Wisconsin members
FROM: Anne Blood, Managing Attorney, Wisconsin Operations
DATE: December 18, 2003
RE: Loss of records by the Recorder of Deeds, Brown County

In early October 2003 a number of images that represented real estate documents recorded between June 27, 2003, and September 30, 2003, were lost from the electronic files in Brown County. This loss occurred due to an error on the part of the software vendor that the county used to change its computer system.

I spoke with the Recorder of Deeds today, and she assured me that all documents were properly receipted, indexed, and posted to the official tract index prior to the images being lost. There is an exact list of all documents (including portions of documents) that were lost. This list is available in my office, and has also been sent to the Wisconsin Land Title Association for posting on its web site, www.wlta.org. All parties identified in the "mail to" portion of the documents were notified by mail in November 2003, and given instructions on how to remedy the recording issues. All conveyances have been recovered; this only affects other documents such as mortgages, releases, satisfactions, etc. At this time, there are 915 affected documents; while there is a complete chain of title, images of these documents are not available.

Until this situation is remedied, we recommend you use the attached "Lost Documents Affidavit and Indemnity" to attempt to determine any liens against properties affected by this unfortunate event in Brown County.

As always, if you have any questions, please feel free to contact me.

Sincerely,


Anne Blood

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OFFICES IN CHAMPAIGN, CHICAGO, HOMEWOOD, LIBERTYVILLE,
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ATTORNEYS' TITLE GUARANTY FUND, INC.

LOST DOCUMENTS AFFIDAVIT AND INDEMNITY

STATE OF WISCONSIN)
) SS
COUNTY OF BROWN)

1. The undersigned is the owner of premises located at _____
("Property") and described in the ATG Commitment for Title Insurance No. _____ ("Commitment").
2. The undersigned has been informed that Attorneys' Title Guaranty Fund, Inc., (ATG) has reviewed a search and examination of the public land records maintained by the Office of the Register of Deeds for all liens and encumbrances that affect the title to the property, including but not limited to deeds, mortgages, easements, and restrictive covenants ("Documents").
3. The undersigned has also been informed that the staff of the office of the Brown County Register of Deeds has, through error or inadvertence, irretrievably lost, misplaced, or destroyed certain public Documents, so that the Documents can no longer be found from a search and examination, no matter how thorough, of the records of the office of the Register of Deeds.
4. The undersigned understands that though these Documents have been irretrievably lost or destroyed, the rights created by or under these Documents may remain valid and enforceable against the Property and against the persons and entities who purchase or lenders who grant mortgage loans.
5. The undersigned also understands that ATG, by having relied on the records of the Office of the Register of Deeds, because they have been lost or destroyed, may not have become aware of all the Documents that affect or encumber the title to the property, and that there may exist unpaid mortgages and liens that, but for disclosure by the undersigned, could not be ascertained from a search of the records of the Office of the Register of Deeds.
6. The undersigned hereby agrees to make a complete and full disclosure of all Documents that affect the title to the property, including, but not limited to, all mortgages, deeds, easements, and restrictive covenants that may have been lost or destroyed.
7. The undersigned hereby agrees, in addition to disclosing all Documents the undersigned knows to affect the title, to make a complete and full disclosure of all outstanding and unpaid loans, including any open line of credit, so that ATG can investigate whether they are secured by a mortgage against the property.
8. The undersigned understands that ATG and anyone purchasing or granting a mortgage loan for this Property have no choice but to rely upon this affidavit, and that any errors, omissions, or misrepresentations in this disclosure may cause such persons financial loss for which the undersigned will be held personally liable.
9. There are presently no defects in or liens, encumbrances, or other claims against the title to the Property described in the Commitment other than as disclosed in said Commitment, nor any unpaid loans, other than the following:
 - a. _____
 - b. _____
 - c. _____
10. The undersigned hereby indemnifies Attorneys' Title Guaranty Fund, Inc., and agrees to hold it harmless against any loss which the Company may suffer by virtue of any claim made based on the existence of any defects in or liens, encumbrances, rights, or claims against or with respect to the title to the Property which was not disclosed above but which should have been so disclosed in order to make all statements above true and correct. The undersigned understands such losses may include court costs and attorneys' fees expended by ATG in defending the title or interest of the Insured against such liens, encumbrances, rights, or claims. The undersigned further agrees to pay all court costs and reasonable attorneys' fees that ATG may expend in enforcing the terms of this indemnity agreement.
11. The undersigned makes these statements and gives the aforesaid indemnity for the purpose of inducing ATG to issue a Policy of Title Insurance without exception for Documents lost or destroyed by the Register of Deeds.

Dated this _____ day of _____, _____
(Day) (Month) (Year) (Name of Affiant and Indemnitor)

(Signature of Affiant and Indemnitor)

Subscribed and sworn (or affirmed) to before me this

_____ day of _____, _____
(Day) (Month) (Year)

(Notary Public)

My commission expires: _____