

Rates and Rules Filing

State of Wisconsin



ATTORNEYS' TITLE GUARANTY FUND, INC.

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SECTION I: DEFINITIONS, GENERAL PROVISIONS, AND AMOUNT OF INSURANCE

A. Definitions

1. **ALTA** – American Land Title Association
2. **ATG®** – Attorneys' Title Guaranty Fund, Inc.
3. **Bifurcated Owner's and Loan Policy** – This is a buy/sell transaction where the Owner's Policy and Loan Policy are issued by different underwriters authorized to issue title insurance in Wisconsin.
4. **Commitment** – A Commitment of title insurance is a preliminary report outlining the status of a property as of the effective date, which identifies requirements and exceptions to title.
5. **Escrow Agent** – An individual authorized by ATG to issue title insurance and to perform real estate closing services on behalf of ATG.
6. **Junior Loan Policy** – A Junior Loan Policy of title insurance insuring a mortgage securing a loan that is junior or subordinate to another mortgage or loan.
7. **Leasehold Policy** – A Leasehold Owner's Policy insures a tenant's interest in real estate. A Leasehold Loan Policy insures a leasehold mortgage interest securing a tenant's loan. Both the Leasehold Owner's and Leasehold Loan policies are subject to exclusions, exceptions, conditions, stipulations, and endorsements.
8. **Loan Policy** – The Loan Policy insures a mortgage securing a loan subject to exclusions, exceptions, conditions, stipulations, and endorsements. The Loan Policy currently in use was created by ALTA in 1970 and then revised in 1987, 1990, 1992, and 2006.
9. **Master Owner's Policy** – An Owner's Policy of title insurance insuring a parcel of land divided or to be divided into two or more parcels of real estate for subdivision, condominium, or resale by the same individual, corporation, corporation controlled by the same individual, or other legal entity.
10. **Non-Residential Property** – Any type of property that does not meet the definition of Residential Property.
11. **Owner's Policy** – The Owner's Policy insures title to a purchaser subject to exclusions, exceptions, conditions, stipulations, and endorsements. The Owner's Policy currently in use was created by ALTA in 1970 and then revised in 1987, 1990, 1992, and 2006.
12. **Prior Policy** – A policy of title insurance that was issued by ATG or another title insurance company authorized to transact business in Wisconsin, excluding a Short Form Loan Policy. A prior policy insures the same property to be insured under a policy issued or to be issued by ATG. Prior Policy does not include a commitment for title insurance for which no policy or policies have actually been issued.
13. **Purchase Money Mortgage** – A type of mortgage that secures a lien on the real property where all or part of the loan principal is used to acquire the property.
14. **Reinsurance** – Excess insurance in which a reinsurer assumes liability only for an Amount of Insurance that exceeds a specified sum.
15. **Residential Property** – An improved property containing 1-4 family dwelling units, and is further defined to include no more than four vacant lots in a residential subdivision or no more than four undeveloped units in a residential condominium development.
16. **Residential Refinance Loan Policy** – A Loan Policy of title insurance insuring a mortgage, which secures a new loan that is intended to satisfy the balance of an existing loan contract, to the same borrower or land contract purchaser. This definition includes, but is not limited to, a mortgage given to pay off a construction mortgage, a mortgage that is given to refinance an existing mortgage, and a mortgage of property that has no existing open mortgages.
17. **Short Form Residential Loan Policy** – The ATG Short Form Policy is a single-page condensed version of the Residential Refinance Loan Policy. It incorporates, by reference, the insuring provisions, exclusions from coverage, conditions, and stipulations of the Loan Policy. A Short Form Residential Loan policy may only be used in refinance transactions.
18. **Simultaneous Issue** – A Loan Policy or Leasehold Loan Policy of title insurance issued or to be issued as part of the same transaction insuring the same parcel or parcels for which an Owner's Policy or Leasehold Owner's Policy of title insurance has been or will be issued.

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19. **Take-Off Policy** – An Owner's Policy of title insurance insuring one or more parcels for the sale of a real estate lot or condominium unit, which are part of a subdivision or condominium development included in Schedule A of the Master Policy issued by ATG.

B. General Provisions

1. **Downward deviations are not permitted.** The rates contained in this manual are not subject to downward deviations. ATG agents are required to charge a premium amount that is required pursuant to the terms of this rate and rule filing.
2. **Underwriting co-examination and rate approval needed prior to issuance of Commitments in excess of \$1,500,000.** Proposed Commitments in excess of \$1,500,000 require underwriting co-examination and rate approval from the ATG Wisconsin office. The complete search, including recorded documents and prior policy, if available, must be submitted for underwriting review.
3. **Multiple parcels, single policy.** Policies that insure two or more parcels shall be subject to additional charges for search and examination. The Amount of Insurance will be based on the Insured's estimate of the total value of the multiple parcels.
4. **Additional Charges.** ATG reserves the right to make additional charges, as needed, to properly compensate ATG and/or its agents for unusual circumstances, additional work, or extraordinary risk. The additional charge will give due consideration to loss and expense experience, character of risk assumed, and other relevant factors.
5. **Binding obligation to issue policy.** ATG has a binding obligation to issue a policy when the requirements of the Commitment have been fulfilled and all appropriate fees have been collected.
6. **Policy coverage.** A policy that insures an amount other than an even thousand dollars of coverage shall be charged at the rate applicable for the next higher \$1,000 of coverage.
7. **Reinsurance Charges.** If a policy issued by ATG in which a portion of the risk is ceded to a reinsurer, ATG reserves the right to charge premiums equal to the reinsurance premium charged to ATG for that reinsurance in addition to the premium rates filed herein. Such reinsurance premiums may include charges imposed by the reinsurer for endorsement coverages.
8. **Calculation of Title Premium.** Liability amounts shall be rounded up to the nearest \$1,000 of title insurance. All rates and charges shall be rounded up to the nearest whole dollar at the final calculation.

C. Amount of Insurance

1. **Owner's Policy** – An Owner's Policy, whether insuring a fee simple estate or an interest in a land contract, must be insured for not less than its fair market value. In a buy/sell transaction to a bona fide purchaser, the fair market value shall be the full amount of the consideration paid to the seller, including any encumbrances being assumed by the buyer. Lesser estates insured by an Owner's Policy, such as easements, must be insured for not less than the fair market value of the lesser estate.
2. **Loan Policy** – A Loan Policy, Junior Loan Policy, Residential Refinance Loan Policy, Short Form Loan Residential Policy, and Leasehold Loan Policy shall be issued for not less than the lesser of:
 - a. The fair market value of the insured property; or,
 - b. The full amount of the loan as stated in the proposed mortgage related to the insured property.
3. **Leasehold Owner's Policy** – A Leasehold Owner's Policy shall be issued for not less than the lesser of:
 - a. The aggregate rentals payable under the lease or leases; or,
 - b. The appraised value of the property or leasehold estate (comparative sales method).


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SECTION II: RATES

A. Original Policy Rate

The Original Policy Rate shall apply to the Owner's Policy, Leasehold Owner's Policy, Residential and Non-Residential Loan Policy, and Leasehold Loan Policy. The Original Policy Rate does not apply to:

- Residential Refinance Loan Policy (Section II, paragraph C)
- Residential Construction Loan Policy Rate (Section II, paragraph D)
- Residential New Construction Refinance Rate (Section II, paragraph E)
- Residential Bifurcated Loan Policy Rate (Section II, paragraph G)
- ALA Residential Limited Coverage Junior Loan Policy (Section II, paragraph I)

All original policy rates include an easement and restriction search. The Reissue credit is not available for the base rate of \$475.

The minimum and maximum rates that may be charged are as follows:

	Amount of Insurance	Minimum Rate	Maximum Rate
First	\$15,000	\$475.00	\$475.00
Next	\$85,000 (\$100,000)	\$2.00 per thousand	\$3.00 per thousand
Next	\$400,000 (\$500,000)	\$1.25 per thousand	\$2.00 per thousand
Next	\$500,000 (\$1,000,000)	\$0.75 per thousand	\$1.00 per thousand
Next	\$4,000,000 (\$5,000,000)	\$0.75 per thousand	\$0.75 per thousand
	\$5,000,000 to \$50,000,000	\$0.65 per thousand	\$0.65 per thousand

The first \$1,500,000 of the original policy rate for minimum and maximum charges are set forth in the attached Appendix A.

Prior to issuance of any commitment in excess of \$1,500,000, the title agent must obtain written approval from the Wisconsin office. See Section I, Paragraph B(2). The title agent must submit a "Request for Authorization to Issue" form and, upon written approval, the agent will be authorized to issue the commitment.

B. Reissue Rate

The Reissue Rate can be used in conjunction with a prior Abstract or a Policy of Title Insurance, be it an Owner's Policy, Bifurcated Owner's Policy, Leasehold Owner's Policy, Leasehold Loan Policy, or Residential or Non-Residential Loan Policy. The Reissue Rate can also be used with a prior Commitment, provided there is evidence that the proposed Insured named therein was entitled to a policy. It is not available for use with the Residential Refinance Loan Policy Rate or with the Simultaneous Rate. A copy of the prior Policy, Abstract, or Commitment, for which the reissue rate was determined appropriate, must be maintained in the issuing agent's office. The Reissue Rate is calculated at 80% of the original policy rate. The minimum premium shall not be less than \$475. This Reissue Rate shall not be applied in addition to any other discount.

C. Residential Refinance Loan Policy Rate

1. Expedited Searches

A Residential Refinance Loan Policy Rate (expedited search) is available for residential refinances of an existing mortgage debt with the same or different lender, a junior mortgage that is a Purchase Money Mortgage, or for a mortgage on a lien-free residential property. The premium shall be charged at the following rate where the search is expedited:

	Amount of Insurance	Expedited Search Rate
First	\$350,000	\$375.00
Over	\$350,000	Add \$1.00 per thousand

An expedited search does not include a search of easements and restrictions. The Loan Policy must include a general exception as to the lack of coverage for easements and restrictions of record.

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2. Full Searches

A Residential Refinance Loan Policy Rate (full search) is available for residential refinances of an existing mortgage debt with the same or different lender, a residential junior mortgage, or for a mortgage on a lien-free residential property. The premium shall be charged at the following rate where a full search is completed:

Amount of Insurance		Full Search Rate Range	
First	\$350,000		\$500.00
Over	\$350,000	Add	\$1.00 per thousand

A full search includes a search of easements and restrictions of record and must be raised in Schedule B-II as an exception, unless insured over.

The Reissue Rate is not available for a Residential Refinance Loan Policy on expedited and full searches.

The Residential Refinance Loan Policy Rate is not available for the following residential Loan Policies:

- Residential Construction Loan Policy Rate (Section II, paragraph D)
- Residential New Construction Refinance Rate (Section II, paragraph E)
- Simultaneous Rate (Section II, paragraph F)
- Bifurcated Owner's and Loan Policy Rate (Section II, paragraph G)
- ALTA Residential Limited Coverage Junior Loan Policy Rate (Section II, paragraph I)

D. Residential Construction Loan Policy Rate

The Residential Construction Loan Policy Rate is available for Loan Policies that insure a mortgage on residential property given to pay for new construction when no Owner's Policy will be issued. This rate is available when a full search of the property is completed, which includes a search of the easements and restrictions of record. The rate is also available when a prior Owner's Policy is provided at the time of ordering the Construction Loan Policy and a full search is made updating the prior policy. The title premium shall be:

Amount of Insurance		Full Search Rate	
First	\$350,000		\$675.00
Over	\$350,000	Add	\$1.00 per thousand

The Reissue Rate is not available when a Loan Policy is the only policy being issued for a residential construction loan product. However, in situations where an Owner's and Loan Policy or Policies will be issued simultaneously, the premium shall be based on the Original Policy Rate, Reissue Rate, and Simultaneous Issue Rate, as applicable.

E. Residential New Construction Refinance Rate

A Residential New Construction Refinance Rate should be used when a construction loan is being refinanced into permanent financing with the same lender that financed the construction loan. A new Policy may be issued by the same issuing office to insure the Mortgage securing the permanent financing for a premium of \$200 up to the construction loan amount. If the permanent financing exceeds the amount of the construction loan, additional insurance will be provided at the Original Policy Rate set forth in Section II, paragraph A.

F. Simultaneous Rate

1. Owner's Policy

When two Owner's Policies are issued concurrently to different Insureds, each covering an interest in identical land, the rate for the Owner's Policy with the larger liability amount shall be the Scheduled Charge, and the rate for the Owner's Policy with the smaller liability amount shall be 30% of the Basic Rate.

2. Loan Policy

The simultaneous rate shall apply to Loan Policies issued concurrently with an Owner's Policy covering the same Land and bearing the same Effective Date, where the date of the mortgage is no more than 60 days later than the date of the deed to the mortgager.

The rate for the Loan Policy or Loan Policies simultaneously issued will be \$375 for a Residential Property and \$425 for Non-Residential Property. The simultaneous rate shall apply up to an Amount of Insurance not in excess of the Owner's Policy, or the loan amount insuring a senior lien if no Owner's Policy is being issued. If the Loan or Leasehold Policy or the cumulative amount of multiple policies exceeds the amount of the

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Owner's Policy, the charge for such additional insurance shall be at the Original Policy Rate as set forth in Section II, paragraph A.

In all cases, the Owner's Policy, if issued, shall be for the full market of the premises. The title must be certified down to a date, which will be the filing for record of all instruments creating the interest(s) being insured. The Owner's Policy must show any mortgage as an exception under Schedule B.

G. Bifurcated Owner's and Loan Policy Rate

A Bifurcated Owner's and Loan Policy Rate shall be charged when a buy/sell transaction is bifurcated. This occurs when the Owner's Policy and Loan Policy are issued by different underwriters authorized to issue title insurance in Wisconsin. The Bifurcated Loan Policy Rate is for residential properties exclusively. Non-residential Loan Policies are charged at the Original Policy Rate as set forth in Section II, paragraph A, or at the Reissue Rate, if applicable.

1. Owner's Policy

ATG, issuing an Owner's Policy in a bifurcated transaction, shall charge a title premium at the Original Policy Rate as set forth in Section II, paragraph A, or at the Reissue Rate, if applicable.

2. Loan Policy

ATG, issuing a Loan Policy in a bifurcated transaction for Residential Property, shall charge a title premium of \$375 for up to \$1,000,000 in liability. An additional premium of \$0.75 per \$1,000 is charged for any policy in excess of \$1,000,000. The Reissue Rate is not applicable to this rate. Any additional Loan Policies to be issued, not exceeding the amount of the purchase, shall be issued in accordance with the Simultaneous Issue Rate. If the aggregate liability of the Loan Policies exceeds the amount of the purchase, Original Policy Rates or Reissue Rates, when applicable, shall apply on the excess liability.

H. Foreclosure Commitment Rate

The charge for foreclosure guarantee and Commitment for title insurance is \$300 for liability up to and including \$15,000. Additional liability shall be calculated at the Original Policy Rate.

I. ALTA Residential Limited Coverage Junior Loan Policy Rate

ATG, issuing an ALTA Residential Limited Coverage Junior Loan Policy, shall insure junior loans, such as home equity lines of credit and second mortgages, on Residential property only. The reissue rate may not be used on an ALTA Residential Limited Liability Junior Loan Policy. This policy may not be used to insure a junior mortgage that is a Purchase Money Mortgage or to insure a mortgage on an otherwise lien-free property. The rate shall be \$175 for the first \$150,000 of insurance and \$1.00 per \$1,000 thereafter.

J. Master Owner's Policy and Take-Off Policy Rate

1. Master Owner's Policy

ATG, issuing a Master Owner's Policy, shall charge a title premium at the Original Policy Rate as set forth in Section II, paragraph A. The Amount of Insurance may be increased by endorsement if the title remains insurable. The additional insurance shall be charged based on the Original Policy Rate.

The Owner's Master Policy must be issued prior to any Take-Off Policies or commitments on any portion of the real estate and Master Policy must contain the following language:

It is stipulated that any Owner's, Loan, Leasehold, Take-Off Policies, or commitments that are issued from this Master Policy shall result in a deduction in the Amount of Insurance for this Master policy. Liability under this Master policy will be reduced by the cumulative amount of such Take-Off Policies.

2. Take-Off Policy

A "Take-Off" Policy is an Owner's Policy issued on the sale of a parcel of real estate or condominium unit already issued under a Master Policy underwritten by ATG. The rate for the Take-Off Policy is a minimum of \$150 and a maximum of \$350.

K. Owner's Policy Issued in Fulfillment of Land Contract

ATG, issuing an Owner's Policy upon the fulfillment of a land contract when the same Owner has previously been insured as a vendee under a land contract, the Owner's policy rate is the simultaneous rate plus 30% of the applicable premium for the original vendee's policy.

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L. Miscellaneous Rate

1. Charitable Non-Profit Organization Rate

ATG may reduce its charge to \$0.75 per \$1,000 when issuing an Owner's or Loan Policy that pertains to an Internal Revenue Code Section 501(c)(3) Organization. Agent approval must be obtained from the ATG Wisconsin Managing Attorney before the commitment and/or policy can be issued by the agent.

2. Employee/Agent Rate

An employee of ATG or an ATG Member and their employees may receive a 30% discount off the applicable title premium rate for the sale or mortgage of their primary residence.

M. Survey Clearance on Non-Residential Loan Policies up to \$5,000,000

When a lender requests survey clearance on a non-residential Loan Policy, the survey exceptions may be cleared without a survey upon payment in the amount of \$350. This charge applies only to non-residential loans up to \$5,000,000 in liability. Survey clearance without a survey is not available if the property is vacant land or new construction.

N. ALTA 9 Issuance on Non-Residential Loan Policies up to \$5,000,000

When a lender requests issuance of any ALTA 9 series endorsement on a non-residential Loan Policy without a survey, the ALTA 9 may be issued upon payment in the amount of \$300. This charge applies only to non-residential loans up to \$5,000,000 in liability. If the lender requests both the survey clearance and ALTA 9 on a non-residential Loan Policy for loans up to \$5,000,000 in liability, the total payment for both shall be \$350.

SECTION III: MISCELLANEOUS CHARGES

A. Additional Parcels or Chains

In the event more than one parcel or chain of title is involved in the issuance of any policy, the insurer may charge up to an additional \$200 for each additional parcel or chain for residential policies and up to an additional \$500 for each additional parcel or chain for non-residential policies. ATG retains the right to charge additional amounts should any additional parcel or chain search require an unusual amount of work, as determined by the ATG.

B. Court Proceedings

When ATG is required to examine court files from any Federal, State, or Bankruptcy Court in order to complete its title examination, a charge of up to \$300 may be assessed.

SECTION IV: ENDORSEMENTS

Endorsements insured by ATG shall be charged at the premium rate indicated on the attached Endorsement list (pages 7-9). Premium charges for any endorsements not listed shall be determined by ATG and premium charged will be reasonable for the work and services performed and the risk assumed. Premiums for Endorsements shall be charged at the original rate for the first Policy issued in a single transaction and at 50% of the original rate for each simultaneously issued Policy in connection with said transaction.