

ITG RESIDENTIAL SCHEDULE B SPECIAL EXCEPTIONS



1. **Access (None):** As the public records do not show any means of ingress or egress to or from the Land, this Commitment and the Certificate, if and when issued, shall not be construed as guaranteeing against any loss or damage by reason of lack of access to and from the Land.
2. **Access (Private Access Only, Not Guaranteed)** – This Commitment and the Certificate, if and when issued, shall not be construed as guaranteeing against any loss or damage by reason of lack of access to and from the Land.
3. **Access (Controlled):** Any rights of access to and from the following roadways, _____, including those which may be designated “controlled access facilities” by State and Local authorities.
4. **Assignment of Leases and Rents:** Assignment of Rents and Leases from _____ to _____ dated _____, filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder’s Office.
5. **Bankruptcy (Pending):** Statutory rights, powers and duties of the trustee in bankruptcy and the court in the bankruptcy proceedings filed by _____, on _____ in the Federal District Court for the _____ District of Iowa in Case No. _____.
6. **Buyer Search:** A buyer search of _____ [insert names searched] revealed the following judgment, which will become a lien on the Land: _____ [insert specific judgment, claim, pending suit, etc.]
7. **Covenants (Specific):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in a Declaration of Restrictive Covenants for _____ [INSERT SUBDIVISION NAME] filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder’s Office, and as amended from time to time.
8. **Covenants (General):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements assessments, costs, and maintenance obligations filed of record in the _____ County, Iowa Recorder’s Office.
9. **Homeowner’s Association (HOA) – Articles, By-Laws & Assessments:** Articles of Incorporation, By-Laws, rules, regulations, and assessments of the _____ Homeowners’ Association, filed _____ (with the Declaration) in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder’s Office, and as amended from time to time.
10. **Affidavit of Lien:** Affidavit of Lien from _____ against _____ filed on _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder’s Office.
11. **Common Wall Exception:** Encroachment of any portion of the residence located upon the Land onto the adjoining property to the _____ [INSERT CARDINAL DIRECTION] and encroachment of any portion of the residence on the property to the _____ [INSERT CARDINAL DIRECTION] onto the Land, and rights or interest of the adjoining owners in and relating to a party wall located along or adjacent to the _____ [INSERT CARDINAL DIRECTION] line of the Land including but not limited to those rights under Iowa Code Chapter 563.
12. **Condominium Declaration (Horizontal Property Regime):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in the Declaration of Submission to Horizontal Property Regime for _____ [INSERT NAME OF CONDO REGIME] filed _____, in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder’s Office, and as amended from time to time.
13. **Condominium Owner’s Association (Condo HOA) – Articles, By-Laws & Assessments:** Articles of Incorporation, By-Laws, rules, regulations, and assessments of the _____ Homeowners’ Association, filed _____ (with the Declaration of Submission of Property to Horizontal Property Regime), in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder’s Office, and as amended from time to time.
14. **Condominium Act Limitation:** Limitations and conditions imposed by the Iowa Horizontal Property Regime Act Chapter 499B.

- 15. Driveway used by others:** Any rights to utilize the Land, whether express, implied, necessitated or otherwise, for purposes of ingress and egress to the parcel to the _____ [INSERT CARDINAL DIRECTION] of the Land, including any rights for utility easements in said ingress and egress route.
- 16. Dissolution:** Dissolution of marriage filed by _____ [PETITIONER] and concerning _____ [RESPONDENT], Case No. _____, filed in the Iowa District Court for _____ County. Decree filed _____ wherein the Court ordered that _____ [NAME] pay _____ [NAME] _____ [TYPE OF AWARD (CHILD SUPPORT, SPOUSAL SUPPORT, PROPERTY SETTLEMENT, ETC.)].
- 17. Support Proceeding:** Support proceeding filed by _____ [PETITIONER] and concerning _____ [RESPONDENT], Case No. _____, filed in the Iowa District Court for _____ County. Decree filed _____ wherein the Court ordered that _____ [NAME] pay _____ [NAME] _____ [TYPE OF AWARD (CHILD SUPPORT, SPOUSAL SUPPORT, PROPERTY SETTLEMENT, ETC.)].
- 18. Development Agreement:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations in the Development Agreement filed _____, in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 19. Death of Joint Tenant:** The Vital/Death Records evidence that _____ [INSERT NAME OF DECEASED JOINT TENANT] died on _____, _____. Decedent and _____ [INSERT NAME OF SURVIVING JOINT TENANT] acquired title as joint tenants with full rights of survivorship by virtue of a _____ [INSERT NAME OF CONVEYANCE DOCUMENT] dated _____, filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 20. Easement (Costs and/or Maintenance Obligations):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in _____ filed _____, in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 21. Easement (Appurtenant):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in _____ filed _____, as Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office. Note: IOWA TITLE GUARANTY does not purport to guarantee title to the above easement conveyed as appurtenant to the guaranteed premises.
- 22. Easement (General):** _____ Easement in favor of _____ dated _____, filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 23. Encroachment (Adverse) (Neighbor's encroachment onto the Land):** Adverse encroachment of the _____ [e.g. neighbor's improvement, fence, garage, etc.] onto the Land.
- 24. Encroachment upon adjoining property, setback or easement:** Encroachment of _____ [e.g. improvement, fence, garage, etc.] on the Land, upon _____ [e.g. adjoining property, building setback line, easement].
- 25. Foreclosure (Completed):** Rights of any party interested by motion, appeal, petition or other direct proceeding to have set aside, modified or reversed any judgments and orders entered into in foreclosure Case No. _____ filed in the Iowa District Court for _____ County, within the time allowed by law.
- 26. Foreclosure (Pending):** Pending mortgage foreclosure action regarding the mortgage disclosed in Special Exception _____ above was filed _____ in the Iowa District Court for _____ County, Case No. _____, by _____, and against _____.
- 27. Foreclosure (Sheriff's Sale):** Right, title and interest of _____ under a certificate of sale dated _____ issued pursuant to judgment of foreclosure entered _____ in Case No. _____, and all parties claiming thereunder.

- 28. Judgment (Costs):** Judgment entered _____ in Case No. _____ entitled _____ in the Iowa District Court for _____ County in favor of _____ and against _____ for costs only.
- 29. Judgment (Bankruptcy Completed with No Lien Avoidance):** Judgment entered _____ in Case No. _____ entitled _____ in favor of _____ against _____ in the Iowa District Court for _____ County for an amount, plus interest and costs. Bankruptcy proceedings filed by _____ on _____ in the Federal District Court for the _____ District of Iowa in Case No. _____. Order granting discharge of debtor filed on _____. The record fails to reflect that the judgment lien has been avoided pursuant to 11 U.S.C. § 522(f).
- 30. Judgment (General):** Judgment entered _____ in Case No. _____ entitled _____ in favor of _____ against _____ in the Iowa District Court for _____ County for an amount, plus interest and costs.
- 31. Judgment (Support):** _____ [INSERT TYPE OF AWARD (CHILD SUPPORT, SPOUSAL SUPPORT, PROPERTY SETTLEMENT)] liens against _____, pursuant to Case No. _____ entitled _____ entered on _____ in the _____ County, Iowa Recorder's Office.
- 32. Lis Pendens:** Lis pendens notice dated _____ filed _____ by _____ against _____ regarding a suit in the Iowa District Court for _____ County, Case No. _____.
- 33. Lease:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in the Lease Agreement by and between _____ [LANDLORD/LESSOR] and _____ [TENANT/LESSEE] dated _____, filed _____ in the _____ County, Iowa Recorder's Office.
- 34. Lot Tie Agreement:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in Lot Tie Agreement dated _____, filed _____ in Book _____, Page _____ of the _____ County Recorder's Office, providing that neither the Land nor _____ (other property described) shall be transferred, sold or conveyed independent of one another.
- 35. Memorandum of Agreement:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in the Memorandum of Agreement by and between _____ and _____ dated _____ filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 36. Mineral Interest Reservation:** Mineral interest reservation contained in the _____ [INSERT DOCUMENT TYPE] dated _____, filed _____ as Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office, wherein _____ [INSERT NAME] reserved an interest in _____ [INSERT TYPE OF MINERAL].
- 37. MNLR (Mechanic's Lien):** Mechanic's Lien, MNLR No. _____ posted to the Mechanic's Notice and Lien Registry ("MNLR") by _____ against _____ on _____.
- 38. MNLR (Commencement of Work):** Any future liens against the Land pursuant to the Commencement of Work, MNLR No. _____ posted to the Mechanic's Notice and Lien Registry ("MNLR") by _____ against _____ on _____.
- 39. MNLR (Preliminary Notice):** Any future liens against the Land pursuant to the Preliminary Notice, MNLR No. _____ posted to the Mechanic's Notice and Lien Registry ("MNLR") by _____ against _____ on _____.
- 40. Mobile Home (personal property not affixed; not taxed as real property):** Any right, title, or interest, including possessory or usufructuary rights, of any persons occupying any individual mobile home unit on the property, and any right, title, or interest in or to any individual mobile home unit on the property.
- 41. Mortgage:** _____ [INSERT TYPE] Mortgage from _____ to _____ dated _____, filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office to secure an indebtedness of _____.

- 42. Mortgage (Construction):** Construction Mortgage from ____ to ____ dated ____, filed ____ in Book/Page/Instrument No. ____ in the ____ County, Iowa Recorder's Office to secure an indebtedness of ____.
- 43. Mortgage (Open-End):** Open-End Mortgage from ____ to ____ dated ____, filed ____ in Book/Page/Instrument No. ____ in the ____ County, Iowa Recorder's Office to secure an indebtedness of ____.
- 44. Mortgage (Revolving):** Revolving Mortgage from ____ to ____ dated ____, filed ____ in Book/Page/Instrument No. ____ in the ____ County, Iowa Recorder's Office to secure an indebtedness of ____.
- 45. Mortgage (Future Advance):** Future Advance Mortgage from ____ to ____ dated ____, filed ____ in Book/Page/Instrument No. ____ in the ____ County, Iowa Recorder's Office to secure an indebtedness of ____.
- 46. Mortgage (HELOC):** Home Equity Line of Credit ("HELOC") Mortgage from ____ to ____ dated ____, filed ____ in Book/Page/Instrument No. ____ in the ____ County, Iowa Recorder's Office to secure an indebtedness of ____.
- 47. Federal Liens, Notice of:** Notice of Federal Lien issued by the Department of Treasury, Internal Revenue Service, against ____ dated ____, filed ____ in Book/Page/Instrument No. ____ in the ____ County, Iowa, Recorder's Office.
- 48. Ordinances:** Ordinances and regulations of the City of ____ and County of ____, Iowa.
- 49. Option to Purchase:** Terms, provisions, and conditions of the Option to Purchase granted to ____ in the ____ [INSERT DOCUMENT TYPE] dated ____, filed ____ as Book/Page/Instrument No. ____ in the ____ County, Iowa Recorder's Office.
- 50. Parties in Possession:** Rights or claims of parties in possession not shown by the public records.
- 51. Petition and Waiver:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in Petition and Waiver for ____ [INSERT PROJECT NAME/TYPE] filed ____ in Book/Page/Instrument No. ____ in the ____ County, Iowa Recorder's Office.
- 52. Plat of Survey:** Plat of survey filed ____ in Book/Page/Instrument No. ____ in the ____ County, Iowa, Recorder's Office, including all easements, building setbacks, restrictions, reservations and notations.
- 53. Plat (General):** Plat(s) filed in the ____ County, Iowa, Recorder's Office, including easements, building setbacks, restrictions, reservations, and notations.
- 54. Plat (Specific):** Plat of ____ [INSERT SUBDIVISION NAME] filed in Book/Page/Instrument No. ____ in the ____ County, Iowa, Recorder's Office, including easements, building setbacks, restrictions, reservations, and notations.
- 55. Probate (Pending):** Probate proceeding Case. No. ____ filed in the Iowa District Court of ____ County on ____ for the Estate of ____, who died (testate)(intestate), on _____. Rights of _____, as (Executor) (Administrator).
- 56. Probate (Initiation):** The Vital/Death Records evidence that titleholder _____ died on _____, _____. Probate administration must be initiated with the Iowa District Court of ____ County. Additional requirements may be necessary once probate is initiated.
- 57. Power of Attorney:** Power of Attorney executed by ____ appointing ____ as his/her Agent, dated ____, filed ____ in Book/Page/Instrument No. ____ of the ____ County, Iowa, Recorder's Office.
- 58. Real Estate Installment Contract:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in the Real Estate Contract by and between _____ (Contract Seller) and _____ (Contract Buyer) dated _____, filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.

- 59. Right of First Refusal:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in _____ filed _____, in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 60. Shared Maintenance Agreement:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in _____ filed _____, in Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 61. Shared Driveway (No Record Agreement):** Any right, express or otherwise, by the adjoining property owner to the _____ [INSERT CARDINAL DIRECTIONS] to utilize the driveway on the Land, and any maintenance obligations, express or otherwise, as it pertains to the driveway which appears to straddle the _____ boundary of the Land.
- 62. Special Assessment:** Special assessment for (sewer)(water)(street) filed as Certificate No. _____ on _____.
- 63. State of Iowa Liens, Notice of:** Notice of Lien claimed by the State of Iowa _____ [INSERT AGENCY] filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa, Recorder's Office for an amount, plus interest, costs and penalties.
- 64. Stray Deed:** Stray deed from _____ to _____ dated _____, filed _____ in Book/Page/Instrument No. _____ of the _____ County, Iowa Recorder's Office.
- 65. Stray Mortgage:** Stray mortgage from _____ to _____ dated _____, filed _____ in Book/Page/Instrument No. _____ of the _____ County, Iowa Recorder's Office.
- 66. Subordination Agreement:** Subordination Agreement from _____ to _____ dated _____, filed _____ as Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office. Said Subordination Agreement subordinates the _____ [mortgage or other lien] filed on _____ in Book/Page/Instrument No. _____ to the _____ [mortgage or other lien] filed _____ on _____ as Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 67. Soil Conservation District Statement and Notice:** Statement and Notice to Public of Existence of Cost-Sharing Agreements from _____ County Soil Conservation District to The Public filed _____ as Book/Page/Instrument No. _____ stating that certain real estate in _____ County, Iowa may be subject to a soil conservation practice refund.
- 68. Survey:** _____ [INSERT TYPE] Survey filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa, Recorder's Office, including all easements, building setbacks, restrictions, reservations and notations.
- 69. Survey (Boundary Retracement):** Boundary Retracement Survey filed _____ in Book/Page/Instrument No. _____ in the _____ County, Iowa, Recorder's Office, including all easements, building setbacks, restrictions, reservations and notations.
- 70. Standard Exception 1 (Parties in Possession and/or Rental Property):** Any right or claim of a party in possession not shown by the public records.
- 71. Standard Exception 2 (Survey):** Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.
- 72. Standard Exception 3 (Non-record Easements):** Any easement or claim of easement not shown by the Public Records.
- 73. Standard Exception 4 (Mechanics Liens):** Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- 74. Standard Exception 5 (Taxes or Special Assessments):** Taxes or special assessments which are not shown as existing liens by the Public Records.

- 75. Tax Sale:** Tax Sale whereby the lien of taxes for Parcel No. _____ for fiscal year 20____ - 20____ was sold at tax sale, Certificate No. _____ on _____, and all later taxes paid and included therein. Right, title, and interest of _____, the tax sale purchaser of said tax sale certificate.
- 76. Tenants in Common:** Rights of co-tenants to partition, contribution and possession. The right of the United States government to sell the entire property to enforce a tax lien against any co-tenant of the land. The right of a creditor, trustee, or debtor in possession to sell the entire property in the event of a bankruptcy of any co-tenant of the land.
- 77. Trust Limitations:** Terms, powers, provisions, and limitations of the trust under which title to the Land is held.
- 78. UCC-1 Financing Statement:** Financing Statement from _____ to _____ filed _____ as Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.
- 79. Unsubdivided Land - Easement Exception:** Rights of way for utilities, fences, ditches, drainage tiles, feeders, and laterals, if any.
- 80. Unsubdivided Land - Riparian Exception:** Riparian, littoral, or water rights incident to the premises, if any.
- 81. Unsubdivided Land - Public Highway Exception:** Rights of the Public, the Municipality, the County and the State of Iowa in and to that part of the land taken and used for roads and highway, if any.
- 82. Urban Renewal Plan:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in _____ [NAME OF PLAN] filed _____, as Book/Page/Instrument No. _____ in the _____ County, Iowa Recorder's Office.

Notes for Information

1. Chain of Title Request by Lender: Participating Abstractor's title search reveals the following conveyances recorded in the _____ County, Iowa Recorder's Office within the last twenty-four (24) months:
 - (a) _____ [INSERT CONVEYANCE DOCUMENT] from _____ [INSERT GRANTOR] to _____ [INSERT GRANTEE] dated _____, filed _____ in Book/Page/Instrument No. _____;
 - (b) _____ [INSERT CONVEYANCE DOCUMENT] from _____ [INSERT GRANTOR] to _____ [INSERT GRANTEE] dated _____, filed _____ in Book/Page/Instrument No. _____;
2. Taxes – Amounts: Taxes are payable in two semi-annual installments of _____ per installment. This property is referenced as Parcel No. _____.