



IOWA TITLE GUARANTY  
A DIVISION OF IOWA FINANCE AUTHORITY

August 30, 2023

## Iowa Title Guaranty Compliance Snippets

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The Iowa Title Guaranty (ITG) team is pleased to provide our participants with a monthly reminder to conduct a simple routine compliance check-up. Please review and share these compliance snippets with your staff. If you would like additional information about a subject, a reference and link to the ITG manual from which the information was acquired has been provided. As always, please contact us if you have any questions.

### ABSTRACTING

ITG allows for a short form final search product known as a post-closing search certification (“Post-closing”). A Post-closing can only be used if a preliminary abstract continuation was completed prior to closing. The written Post-closing must be prepared by an ITG participating abstractor. The written Post-closing must commence from the certification date of the last abstract certification and continue through the filing date and time of the vesting deed and/or Guaranteed Mortgage.

To assist our participants, we have developed a [Post-Closing Search Certification form](#) that meets ITG requirements. This form or a participating abstractor’s own form that is substantively similar may be used on those transactions seeking ITG coverage where a preliminary abstract continuation was completed prior to closing. All information entered on the form should be completed or verified by the Participating Abstractor. Copies of any necessary documents should be provided with the form. **NOTE:** A Post-Closing Search Certification is *not* the same as a Form 901. The Form 901 should only be used when a Form 900 has been completed. This form can be located on the Iowa Title Guaranty Resources Page under the Residential Forms tab.



[ITG Policy Updates and Webinar](#)

Page 1; Paragraph 2

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### TITLE EXAMINATION

To ensure proper attorney examination of title as required by Iowa Code § 16.91(6) and to facilitate

expedited issuance of final title certificates, ITG has developed three attorney certification forms:

- [Form 900 Attorney Certification](#)
- [Form 901 Attorney Certification](#)
- [Post Closing Attorney Certification](#)



Participating title attorneys may use these forms in lieu of a traditional title opinion when examining a Form 900, Form 901, or Post-Closing Search Certification, respectively. The primary purpose of the certification forms is to allow the participating title attorney to provide a short-form opinion as to the status of title based upon review of the short-form abstracting product which shall be relied upon by the field issuer when issuing a commitment or certificate. A participating attorney who is also the field issuer may issue a commitment as the preliminary title opinion and the certificate as the final title opinion and therefore, is not required to prepare a separate title opinion or attorney certification form. These forms can be located on the Iowa Title Guaranty Resources Page under the Residential Forms tab.

[New Attorney Certification Forms](#)

Page 1; Paragraphs 1 & 2

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## COMMITMENT ISSUANCE

Prior to issuing the commitment, the field issuer must conduct a search of the property on the county assessor's site and review the GIS map to assess evidence of the following:



**i. Access** - Review the assessor's GIS map to confirm that the property appears to have public access.

- a. If the property appears to have public access, proceed;
- b. If the property appears landlocked or only has private access, refer to page 32 of [ITG's Program Overview Manual](#) for guidance on how to proceed.

**ii. Mixed-Use** - Review the assessor's page and GIS map to determine whether evidence of mixed-use exists. ITG defines mixed-use property as property with a residential dwelling that is also used for agricultural or commercial activity.

- a. If no evidence of mixed-use exists, proceed;
- b. If evidence of mixed-use exists, refer to page 33 of [ITG's Program Overview Manual](#) for guidance on how to proceed.

**iii. Existence of a Complete Dwelling** - Review the assessor's page to confirm the existence of a completed dwelling.

- a. If there is evidence of a completed dwelling, proceed;
- b. If there is no evidence of a completed

dwelling or evidence is of an incomplete dwelling, refer to page 33 of [ITG's Program Overview Manual](#) for guidance on how to proceed.

**iv. Encroachments** - Review the assessor's GIS map showing the boundary lines, the location of any improvements relative to the property lines, easements, building setback lines, property dimensions, and completed dwelling to determine the existence of any obvious encroachments.

- a. If there is no evidence of an obvious encroachment, proceed;
- b. If there is evidence of an obvious encroachment, refer to page 33 of [ITG's Program Overview Manual](#) for guidance on how to proceed.

The field issuer must also retain printed copies of the assessor's site page and a clear image of the GIS map reviewed at the time of the issuance of the commitment so that they may be provided to ITG in the event of a field issuance audit.

[ITG Program Overview Manual](#)  
Pages 32-33; Paragraphs 3 (a)(i-iv)

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## CERTIFICATE ISSUANCE

**Schedule B Part II – Subordinate Matters** - In this section of a lender certificate, the field issuer must add any matters that appear in the abstract and/or title opinion that are subordinate to the Guaranteed Mortgage. For example, a junior mortgage, a buyer judgment subordinate to a purchase money mortgage, or a prior mortgage that was subordinated to the Guaranteed Mortgage.



[ITG Program Overview Manual](#)  
Page 45; Paragraph (c)(iii)

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## CLOSING PROTECTION LETTER

Prior to closing, the CPL closer is responsible for reviewing the lender closing instructions to determine which, if any, endorsements are requested. The CPL closer must review the Notes and/or Instructions section of the commitment to confirm that all requested endorsements have been added to the commitment, if applicable (certain endorsements may only be added at the certificate phase). If a requested endorsement is missing, the CPL closer must consult with the field issuer to determine if the requested endorsement is available for the transaction and, if so, amend the commitment to add the endorsement. The CPL closer may not proceed with closing until they have confirmed compliance with all requirements for each properly requested and applicable endorsement.



[ITG Closing Protection Letter Manual](#)

## DOCUMENT DOUBLE CHECK

### Homeowners Association Dues Affidavit

- Includes the subject property legal description which matches the legal description on the commitment.
- References the association name which matches the association name in the commitment exception.
- States the name and title of the duly authorized officer who is executing the sworn statement on the behalf of the association.
- Contains the following statements:
  1. Dues are paid in full through the filing date of the deed and/or guaranteed mortgage.
  2. There are no unpaid assessments, dues, or other amounts currently levied against the referenced property.
  3. There are no pending special assessments which will be levied by said Association.
  4. Waiver or any rights of first refusal, if any
- Is properly executed and acknowledged.
- Is filed in the appropriate county recorder's office, if required.



[ITG Closing Protection Letter Manual](#)

Page 9; Paragraph 3 (d)

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Please contact the [Iowa Title Guaranty team](#) with any questions.

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