



IOWA TITLE GUARANTY
A DIVISION OF IOWA FINANCE AUTHORITY

September 27, 2023

Iowa Title Guaranty Compliance Snippets

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

ENTRY INFORMATION – Abstracting of documents must include, at a minimum, the following information, shown pursuant to the ILTA Blue Book standards.

Each entry shall include:

- a. **Record or Instrument Date.** Date of the record or instrument.
- b. **Recording Date.** Recording date of the record or instrument.
- c. **Recording Time.** Recording time of the vesting deed(s) and guaranteed mortgage(s).
- d. **Filing Information.** Record, document, or instrument number or book and page.
- e. **Grantor(s)/Grantee(s).** Grantor(s)/grantee(s) of the record or instrument, if reflected on the record or instrument.
- f. **Marital Status.** Marital status of the grantor(s) and grantee(s); if reflected on the record or instrument.
- g. **Estate or Tenancy.** Estate or tenancy of the grantor(s) and grantee(s) in deeds or other conveyance instrument, if reflected on the record or instrument.
- h. **Waiver of Spousal Interests.** Homestead, dower/curtesy, and distributive share waivers for a real estate contract, deed of trust, or mortgage, regardless of acreage.
- i. **Homestead Exemption Waiver.** Status of homestead exemption waiver in a contract, deed, or mortgage affecting agricultural land 40 acres or more if statutorily required; Show either the exemption language or specify that the exemption language meets the statutory requirement.



Each entry shall set out:

- a. **Date Inconsistencies.** Identify and set out any irregularities between the effective date, execution date, and acknowledgement dates.
- b. **Execution Omissions, Irregularities, or Inconsistencies.** Identify and set out the omission of signatures or acknowledgments and any inconsistencies or irregularities between execution, signatures, and acknowledgments.
- c. **Legal Description Variations.** Identify and set out fundamental variations in the legal description in the instrument compared to the legal description from the caption of the abstract. Underscore obvious errors.
- d. **Remote Notarial Acts.** Identify remote notarial acts and include the recitation shown in the acknowledgment as required by law (e.g. "This notarial act involved the use of communication technology.").

[ITG Minimum Abstract Standards Effective Jan 2021](#)

Pages 1-2; Paragraph 7 (7.1)(7.2)

TITLE EXAMINATION

A [Post-Closing Search Certification](#) is a short form final search product prepared by an ITG participating abstractor, commencing from the certification date of the participating abstractor's last certification, and continued through the filing date and time of the vesting deed and/or guaranteed mortgage. A post-closing search certification can only be used if a preliminary abstract continuation was completed prior to closing. If an abstract continuation was not completed prior to closing, the participating abstractor must prepare a final abstract continuation to be examined by a participating attorney (a post-closing search is not permitted). The written search must show the same information as required in a final abstract continuation. If the post-closing search reveals a new matter filed prior to the vesting deed and/or guaranteed mortgage, the field issuer must consult with the examining participating attorney to satisfactorily resolve the matter of record prior to issuance of the final certificate. While ITG permits the use of the post-closing certification in certain instances, ITG ultimately defers to the discretion of the participating title attorney. The participating title attorney may require a final abstract continuation.



[ITG Program Overview Manual](#)

Pages 27-28; Paragraph 2 (c)

COMMITMENT ISSUANCE

MIXED-USE POLICY - ITG strongly suggests the field issuer conduct a search of the property on the county assessor's site and review the GIS map to assess if evidence of mixed-use exists **prior** to ordering the title search. While ITG may allow the issuance of residential coverage on mixed-use property, the Form 900 is not permitted. ITG defines mixed-use property as property with a residential dwelling that is also used for agricultural or

commercial activity. Coverage for mixed-use property in the amount of \$750,000 or less shall be issued as residential rather than commercial provided: (1) a residential dwelling (single family dwelling or multi-family no more than 4 units) is situated on the property AND (2) full abstracting is obtained. Note: The county assessor's tax classification is not a determining factor in assessing mixed-use.



[Mixed Use Property Policy Update 1.23](#)

Page 1

CERTIFICATE ISSUANCE

Owner Schedule B - On the owner certificate, all exceptions appear in the same section on Schedule B because all exceptions are superior to the owner's interest in the Land. On Schedule B of the owner certificate, the field issuer will remove those exceptions that appeared on Schedule B, Part II of the commitment that have since been satisfied of record and removed from the attorney's final opinion. On the owner certificate, the field issuer must add any new exceptions in Schedule B that are shown in the attorney's final title opinion, including any new mortgage(s), junior liens, and other matters, because the owner's interest is subject to all encumbrances and defects.



[ITG Program Overview Manual](#)

Pages 46-47; Paragraph e (ii)

CLOSING PROTECTION LETTER

The participating closer shall remain responsible for the performance of delegated services and liable for any damages arising therefrom. For example, if the CPL closer engages a third-party notary to obtain signatures and acknowledge the closing documents, the CPL closer is responsible for the accuracy and validity of the documents just as if the CPL closer obtained signatures and acknowledged the documents. The CPL closer has an obligation to review all closing documentation to ensure accuracy and completeness prior to funding and filing.



[ITG Closing Protection Letter Manual](#)

Pages 6-7; Paragraph 3

DOCUMENT DOUBLE CHECK

Lien Waivers and Mechanic's Notice and Lien Registry ("MNL") Postings

- The waiver states it is final, or that the lien is waived through and including the filing date of the vesting deed and/or Guaranteed Mortgage.
- The MNL number is referenced, if applicable.
- The legal description is included.

- The waiver is fully executed and the signor's printed name and signatory authority, if applicable, are included.
- The waiver is effectively acknowledged, if applicable.
- Lien waivers are collected from all contractors, subcontractors, materialmen, or suppliers that have active MNLN postings on the property.
- Lien waivers are also collected from all contractors, subcontractors, materialmen, or suppliers that have furnished labor, materials, or equipment on the property within 90 days prior to the filing date of the vesting deed and/or Guaranteed Mortgage.
- Mechanic's Lien satisfaction(s) are posted to the MNLN website.
- Commencement of Work and Preliminary Notice withdrawal(s) are posted to the MNLN website.



[ITG New Construction and Mechanics Lien Coverage](#)

Pages 1-2

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

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