

PRESENTED AT

The University of Texas School of Law  
The Oil, Gas and Energy Resources Law Section of the State Bar of Texas  
2022 Renewable Energy

January 31, 2022

Austin, TX

ALTA Title and Survey Basics, Practice Tips and What's New in 2021



Larry Bonney  
Partner  
Foley & Lardner LLP  
Milwaukee, Wisconsin



Caitlin Beer  
Vice President and Deputy  
General Counsel  
Leeward Renewable Energy  
Dallas, Texas



John Watson  
Corporate Director of  
Renewable Energy  
Surveying and Mapping,  
LLC  
Midland, Texas

## Introductions and Overview



## Overview

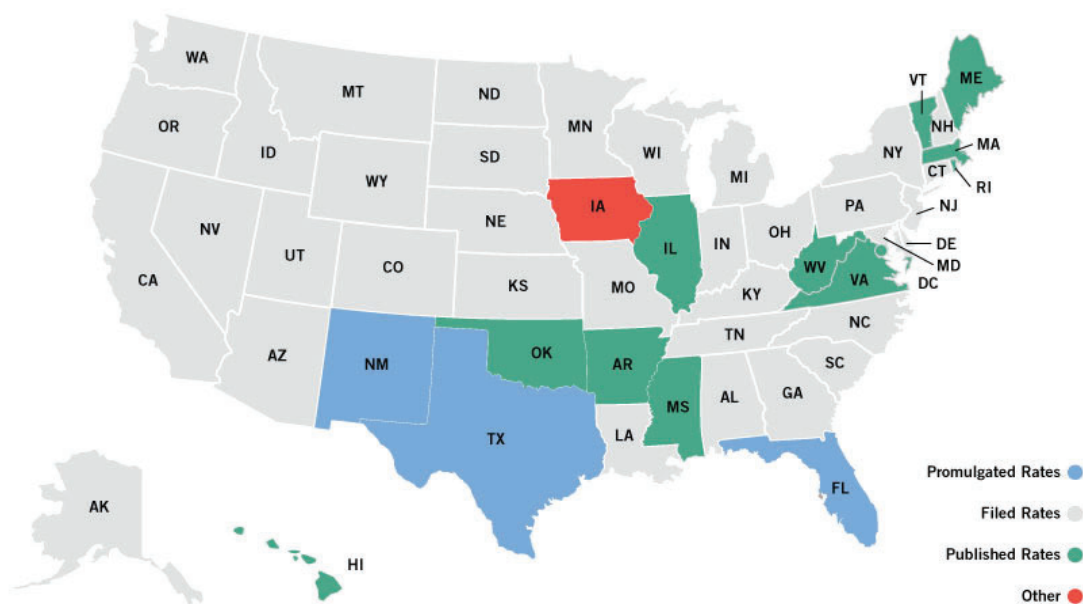
- State Title Practice Variances – Title Premium and Fees
  - Insurance regulations
  - Texas
- Common Energy Project Title Insurance Endorsements
  - ALTA
  - Texas
  - State variances
- 2021 ALTA Promulgated Title Forms
- 2021 ALTA/NSPS Survey Standards

## State Title Practice Variances – Title Premium

- Promulgated Title Insurance Rates
  - Texas Department of Insurance (TDI) promulgates rates mandated for all title insurance companies
  - Same in 2 other states (NM,FL)
- Filed Title Insurance Rates
  - Rating Bureau States – title insurance companies jointly file rates through a rating bureau with the department of insurance (DE, NJ, NY, NC, OH, PA, OR)
  - Filed Rate States – title insurance companies individually file rates with the department of insurance
    - Prior-approval rate system
    - File-and-use rate system
    - Use-and-file rate system

- Downward Deviation – some states permit downward deviation on a transaction by transaction basis or with a one-off transaction filing
    - Also, some states allow for downward deviation when coverage amount is over a certain threshold
  - Variances – some states filed rates vary by zone or region (e.g., Spokane from the rest of WA) or issuer (e.g., in PA, title insurer vs approved attorney issuer)
- Published Title Insurance Rates
- Title companies publish rates
  - Not filed with the department of insurance
  - Rates are subject to negotiation
- Iowa Exception
- Laws of Iowa prohibit the sale of title insurance in Iowa
  - AG opinion however permits purchase of title insurance out of state for Iowa property
  - Iowa Title Guaranty Certificate

## State Title Practice Variances - Rates



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: ALTA Title and Survey Basics, Practice Tips and What's New in 2021

Also available as part of the eCourse

[2022 Renewable Energy Law Essentials eConference](#)

First appeared as part of the conference materials for the  
2022 Renewable Energy Law Essentials session

"ALTA Title and Survey Basics, Practice Tips and What's New in 2021"