



Title Insurance Law

Legal Services for Your Title Insurance Needs

For decades, the attorneys at Carter Conboy have provided legal services related to the development, financing, purchase, and litigation of some of the largest and most successful residential, commercial and industrial real estate projects in our region. We understand the significance of a well-researched title, as well as the common defects in title and the legal remedies available to resolve claims associated with title defects.

What is Title and Title Insurance?

The purpose and effect of title insurance in real estate transactions is often not well understood. What is it, why is it important, and how does it protect you? When you purchase real property, you are purchasing the "title" to the property, rather than the actual land itself. Your "title" to the property gives you the right to use and occupy the land, but it can be limited or "encumbered" by the claims and rights of others. Those limitations may affect your use and enjoyment of the property, and can sometimes result in financial loss.

Title Search and Common Defects

Title insurance begins with a search of the public land records associated with the subject property, made by a professional abstractor, licensed title agent or examining counsel. The search looks for all issues that could cause a defect in title, including pending legal actions against the property, easements on the property, outstanding mortgages or judgments, tax liens, and the inclusion of the property in deeds, wills, and trusts.

No title to real property is completely free from defects. Common title issues revealed by an initial search include title gaps caused by incomplete or unrecorded deeds, open liens and encumbrances, and recorded easements of various kinds. Less commonly, title issues may relate to mistakes in the public record, documents executed under an expired or fraudulent power of attorney, coerced or forged signatures on a deed, and unremediated environmental hazards on the property.

Title Insurance Protects You

Title insurance provides protection against defects in the title to real property. If an insured owner or lender experiences a loss due to a title defect covered by title insurance, the title insurance company will pay to correct the defect or defend against a challenge to the insured title. Like all insurance products, however, title insurance policies contain conditions and exclusions which affect the nature and scope of the protection the policy offers. Our attorneys can help you to understand these limitations.

Our Title Insurance Clients

Carter Conboy represents a wide range of clients involved with title insurance products, from real estate purchasers, sellers and lenders, to real estate professionals, to title insurance companies and agents.

We Are Licensed Title Insurance Agents

At Carter Conboy, we have attorneys who are licensed by the NYS Department of Financial Services as examining counsel for title insurance companies, as well as an experienced title abstractor on our staff. These real estate professionals work with title insurance companies and underwriters to provide a number of title insurance services, including those listed below.

Preliminary Reports and Certificates

- Bankruptcy Searches
- Corporate Searches
- Patriot Act Searches
- Full Abstract
- Mechanics' Liens Searches
- Name Searches
- Schedule A, Legal Description
- Schedule B, Itemized Exceptions to Title
- Survey Order, Survey Locate, Survey Inspections
- Tax Searches
- UCC Financing Statement Searches

Municipal Searches

- Certificate of Occupancy
- Fire Department Violations

- Flood Hazard Certification
- Hazardous Materials
- Housing and Building Violations
- Street Searches

Miscellaneous Searches

- Attorney Search (Last Owner and Open Lien Search)
- Bankruptcy Searches (Individual or Corporate)
- Certified Copies of Recorded Documents
- Copies of Filed Maps
- Corporate Status Searches - Secretary of State Level
- County Name Searches (judgments, federal tax liens and UCC Financing Statements)
- Covenants, Restrictions and Easement Searches
- Full Period Search without Insurance
- Last Owner (last deed of record) Search
- Litigation Searches
- Mechanics' Liens Searches
- Municipal Searches (See above)
- Open Mortgage Search
- Real Estate Tax Searches with Assessment Information
- Recording/Filing Services
- Variance Searches

Title Insurance Policies Issued

- ALTA-Approved Endorsements - Including High-Risk Endorsements
- Building Loan Policies
- Cooperative Leasehold Insurance Policies
- Fee (Owner) Policies
- Leasehold Policies
- Loan (Mortgage) Policies
- Modification, Extension and Assignment Policies
- Subordinate Mortgage Policies
- TIRSA Foreclosure Guarantees
- TIRSA Owners Extended Protection Policy

Post-Closing Services

- Escrow Services for Pay-off Related Documents
- Judgment Pay-off
- Mortgage Pay-off
- Policy Endorsement with Recording Information
- Title Document Recording/Filing
- Public Record Correction Assistance
- Real Estate Taxes, Water and Sewer Pay-off
- Three-Day Rescission Run-downs

Comprehensive Title Insurance Services

In addition to acting as examining counsel for title companies, our attorneys provide a wide-range of legal services related to title and title insurance, including matters involving:

- Adverse possession
- Boundary disputes
- Consultation regarding title insurance disputes
- Deed defects
- Deed restrictions
- Easement disputes and encroachments
- Environmental oversight and remediation
- Litigation
- Mediation and arbitration of disputes and grievances
- Negotiation and settlements
- Property rights
- Quiet title

We are also regularly retained by insurance companies to represent and defend the interests of a property owner or lender who is insured under a policy of title insurance.

Beyond Title Insurance Law

At Carter Conboy, we are able to support you beyond your title insurance matters. Our team of experienced and dedicated attorneys, combined with our diversified practice spanning 20 industries and 40 service areas, have you covered. From preparing your Last Will and Testament or handling your family law matter, to defending you in litigation, to protecting your business interests, the strength of our team is the answer to your many legal needs.

Related Industries

- Financial Services
- Individuals and Families
- Insurance
- Real Estate