

## UNDERWRITER PANEL DISCUSSION

by Jonathan Buss – Sr. Underwriter, Collyer Church – Sr. Underwriter, and Glen Roberts – Underwriter  
Stewart Title Guaranty Company

- I. **Bankruptcy – how it effects our transactions** (15 min)
  - A. Chapter 7
  - B. Chapter 11
  - C. Chapter 13
  
- II. **Beneficiary Deeds – insuring out of a foreclosure** (10 min)
  - A. Check prior assignments
  - B. Were creditors properly noticed?
  - C. One year redemption period
  
- III. **From a rental to a home** (10 min)
  - A. Condominium conversions
  - B. Townhome creations – what is required
  - C. Crafting legal descriptions
  
- IV. **Judgments and Homestead rights** (5 min)
  - A. Time periods and extensions
  - B. Holdbacks and underwriting approval
  
- V. **Powers of Attorney – why we are concerned?** (10 min)
  - A. Where is our party?
  - B. Verifying the Grantors knowledge
  - C. Specific or general POA?
  - D. Has it been revoked?
  - E. Check the date...
  
- VI. **Entities and authority** (10 min)
  - A. Partnership agreements
  - B. Corporate resolutions, bylaws, and resolutions
  - C. LLCs and supporting documents
  
- VII. **Fraud Scenarios – current schemes** (10 min)
  - A. The e-mail hacker
  - B. Sudden change in ownership prior to sale?
  - C. The flip that flopped
  
- VIII. **Insuring Indian Lands** (10 min)
  - A. The transfer of allotment land
  - B. Requirements from the Bureau of Indian Affairs
  - C. Proper authority from the tribe – certification
  - D. When do we need Federal consent

- IX. Escrow Claims** (15 min)
- A. A simple last minute change – get it in writing
  - B. Document your Line of credit pay-off
  - C. Short sales – getting the right instructions
  - D. Good funds vs. collected funds
- X. The Uniform Conservation Easement Act** (10 min)
- A. The purpose – conservation, recreation, wildlife
  - B. Know your state statute – Montana
  - C. Who controls the easement?
- XI. Mineral rights, oil and gas** (15 min)
- A. Can we insure
  - B. Searching for mineral rights
  - C. The new mineral rights exceptions
  - D. Oil and gas leases and assignments