

What Every REALTOR® Should Know About Title Insurance

Make sure your clients are protected

By Thomas A. Mulhall, JD

The process of buying a home has become more complicated, with new regulations and stacks of paperwork to sign. Fees show up at closing that can sometimes be a big surprise to the buyer, who often has no idea what they're for.

Title insurance is one of those charges little understood by home buyers, who often see it as just another fee they have to pay. As an important advisor to your clients, you can help them understand the value that title insurance provides, and the dangers that can be incurred without it.

Title insurance protects against problems affecting the title to a home, which is normally your client's most valuable asset. There are two types of title insurance policies. A Loan Policy is almost always required by the lender and insures the title for the amount of the mortgage loan. An Owner's Policy, on the other hand, insures the *homeowner's* investment, such as their down payment and equity. A Loan Policy is almost always required by the lender. However, while an Owner's Policy is optional, it could prove invaluable.

Having a problem with a title can seem rather remote because, historically, the title insurance industry has not had to pay a large amount in claims. This is due to the exhaustive due diligence work that is performed by closing attorneys prior to closing. The American Land Title Association estimates that *one out of every four title searches* reveals a problem with the title.

Because of the corrective work that title professionals perform, most buyers are unaware of these problems and the closing goes smoothly. Few problems with title ever end up resulting in a claim. However, when it happens, not having the proper protection can be devastating to a homeowner, who may even face losing their home.

Some title problems are easy to detect, such as prior tax liens or unreleased mortgages. However, other problems can be more difficult to detect, such as forged signatures on prior deeds, recording errors, or claims by missing heirs or ex-spouses. For this reason, having both a Loan Policy and Owner's Policy ensures that your clients are fully protected.

If you have any questions regarding an Owner's Policy, contact Tom Mulhall at 502-315-1515 for a free consultation.

About the Author: *Thomas A. Mulhall has been a practicing attorney since 1978 and has been concentrating in real estate law since 1985.*

