

ISSUING GUIDELINES

ALTA Endorsement: 10.01-06 (Assignment and Date Down)

Explanation:

This endorsement insures the transferee of the insured mortgage and the secured note that the transfer of mortgage is valid, provided that the note has been properly endorsed and delivered to the transferee, or if the note or notes are transferable records, the insured has "control" of the single authoritative copy of each "transferable record" as these terms are defined by applicable electronic transaction laws. Unlike the Form 10 endorsement, this endorsement down dates coverage as to taxes and assessments, priority, and notices of federal tax liens or bankruptcies.

Underwriting Requirements:

DO NOT ISSUE THIS ENDORSEMENT(S) IF THERE ARE MULTIPLE BENEFICIARIES UNLESS YOU SECURE THE APPROVAL OF A DAKOTA HOMESTEAD UNDERWRITER.

- (1) The name of the transferee should be inserted in paragraph 1 of the endorsement
- (2) The assignment must be described in paragraph 2(a).
- (3) Title must be examined to determine the existence of any full or partial release, reconveyance, or discharge of the insured mortgage, or any modification thereof. Any such matter must be shown in paragraph 2(e) of the endorsement.
- (4) You must determine that there are no inconsistent assignments of record. The record must reflect an assignment from the record holder or beneficiary of the mortgage.
- (5) The assignment of the insured mortgage must be recorded.
- (6) A tax and assessment search must be made. Any outstanding taxes or assessments that are due and payable must be excepted in paragraphs 2(b) and 2(c).
- (7) Any defects, liens, or encumbrances disclosed by the search that may have priority over the insured mortgage must be excepted in paragraph 2(c).
- (8) Any notices of federal tax liens or notices of bankruptcy against the owner disclosed by the public records must be excepted in paragraph 2(d). The notice of bankruptcy also must be excepted in paragraph 2(c).

Issuing guideline applies to the following Endorsement(s):

ALTA 10.1-06 Assignment and Date Down - 2006 ALTA Loan Policy