How to Read a Preliminary Title Report

AN ILLUSTRATED GUIDE

Western Title & Escrow

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What is a Preliminary Report?

A Preliminary Title Report is a dated formal report that sets out in detail the conditions under which a policy of title insurance would be issued on a particular parcel of land. Its sole purpose is to facilitate the issuance of the policy.

Within a short time after a title order has been opened, the matters of record relative to the issuance of the title insurance policy on the subject property have been assembled in the title search and examined by skilled technicians. This is the time when the Preliminary Report is prepared and sent to the customer. The report reflects the matters which would be shown as exceptions in a policy of the title insurance so that the parties to the transaction will be aware of any of those matters of record that may need to be cleared prior to the closing of the transaction. This report is issued before the title policy—hence the name Preliminary Title Report.

Those matters shown in the report are as follows:

1. The estate or interest covered.
2. The record owner of the estate or interest.
3. A legal description of the parcel of land covered.
4. Requirements and Notes
5. The easements, liens, encumbrances and other matters which affect the title to the land at the date and time of the report.

All references to specific property, dollar amounts, documents, and individual and corporate identification are fictional and for the purpose of educational sample only.

Explanations of Report Items are noted in these shaded boxes.

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Preliminary Report Example

This paragraph specifies that no liability is ever intended under a preliminary report, and further indicates what should be requested if the customer desires assumption of liability prior to policy issuance.

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PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Western Title & Escrow Company hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

Preliminary Report

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Schedule A Example

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497 Oakway Road, Suite 340, Eugene, OR 97401
(541)485-3588 FAX (541)485-3597

PRELIMINARY REPORT

ESCROW OFFICER: Dianne M. Schafer
Dschafer@WesternTitle.com
541-431-3714

ORDER NO.: jegger

TITLE OFFICER: Jerrilyn M. Egger
Email: titleofficersupport@westerntitle.com

TO: Western Title & Escrow Company
497 Oakway Road, Suite 340
Eugene, OR 97401

ESCROW LICENSE NO.: 200408072
OWNER/SELLER: Thomas T. Seller and Susie S. Seller
BUYER/BORROWER: John J. Buyer and Mary M. Buyer
PROPERTY ADDRESS: 1100 Elysium Avenue, Eugene, OR 97401

EFFECTIVE DATE: October 1, 2018, 05:00 PM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	AMOUNT	PREMIUM
ALTA Owner's Policy 2006 **Owner's Standard** **Proposed Insured: John J. Buyer and Mary M. Buyer**	$ 350,000.00	$ 1,050.00
ALTA Loan Policy 2006 **Extended Lender's** **Proposed Insured: Umpqua Bank ISAOA**	$ 275,000.00	$ 366.00
OTIRO 209.10-06 - Restrictions, Encroachments, Minerals - Current Violations (ALTA 9.10-06)		$ 100.00
OTIRO 222-06 - Location (ALTA 22-06)		$ 0.00
OTIRO 208.1-06 - Environmental Protection Lien (ALTA 8.1-06)		$ 0.00
OTIRO 205.1-06 - Planned Unit Development (ALTA 5.1-06)		$ 50.00
Government Lien Search		$ 5.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   Fee Simple

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

   Thomas T. Seller and Susie S. Seller, Trustees of the Seller Family Trust

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF EUGENE, COUNTY OF LANE, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

This identifies the customer's escrow and title officers.

The address of the subject property.

This date represents the date and time up to which matters affecting the title to the real property therein described have been examined and reported herein. This normally is the same as the "plant date".

This specifies the type of coverage form of policy we are prepared to issue and the general scope of the insurance.

A fee (the word "estate" is used to express the degree, quantity, nature, duration, or extent of an interest land). A fee simple is the highest type of estate or interest an owner can have in land, freely transferable and inheritable, and whose owner is entitled to possession. (There are many other estates or interests in land that we could insure).

Shows the owner of record and how title is held.

The description of the land covered in the preliminary report.

This number identifies the title order for the subject property.

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Exhibit A Example

The description of the land covered in the preliminary report.

NOTE: There are four basic forms of legal descriptions; Lot and Block, Partition Plats, Sub-Sections and Metes and Bounds. Each form is unique unto itself and requires varying degrees of expertise to understand.

Order No.: jegger

EXHIBIT "A"
Legal Description

Lot 1, COBURG MEADOWS, as platted and recorded in File 73, Slide 160, Lane County Oregon Plat Records, in Lane County, Oregon.

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Schedule B, General & Specific Exceptions

These are General and Specific requirements that must be met in order for a commitment to be issued. In this example items 1 through 5 are General requirements and items 6 through 28 are requirements that are specific to the transaction.

The property tax year begins July 1st and ends June 30th. While the new tax year begins July 1st, the tax amount isn't certified until early October. We show a lien in an amount to be determined if the date of closing is after July 1st and prior to taxes being certified.

Unpaid taxes must be paid; they affect the lender's lien position and owner's title policy

City Liens: could be for sewer system, sidewalks, yard maintenance (grass/weeds), road improvements or curbs & gutters

The current owner's taxes are subject to the veterans' exemption.

Order No.: jegger

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.

5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2019.

7. Unpaid Property Taxes are as follows:

Fiscal Year:	2017-2018
Amount:	$4,723.11, plus interest, if any
Levy Code:	00400
Account No.:	0000003
Map No.:	17 03 16 33 08700

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

8. City lien in favor of the City of Eugene,

Purpose:	sidewalk
Amount:	$2,500.00, plus interest and penalties, if any.
Reference No:	126784

9. Taxes, including current year, have been assessed with an exemption. If the exempt status is terminated under the statute prior to the date on which the assessment roll becomes the tax roll in the year in which said taxes were assessed, an additional tax may be levied.

Exemption:	Veteran
Tax Account No.:	0000003

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Schedule B, Specific Exceptions

The property is currently used for farming and the owner is receiving a reduction in their certified tax amount for part or all of the land being used for farm use, i.e. trees and agriculture growth. Property will remain in that status even for a new buyer as long as they continue to use the land for farm use. Contact the assessor's office for more info.

The current owner's taxes are subject to a senior tax deferral. Escrow will order a payoff from the State of Oregon and will pay the balance owing from the date the deferral went into effect.

If a property owner dies and their estate is not probated, we are required to contact the State of Oregon Department of Human Resources, to verify that no funds are due for public assistance (nursing care facility, etc.)

Reservations are for things such as oil, gas and other minerals

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10. The Land has been classified as farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

11. Real Property tax records show that property taxes have been paid by the Oregon Department of Revenue under the provisions of the Senior Citizens Deferral Program, pursuant to Oregon Revised Statute (ORS). Reimbursement for taxes advanced under said program is required in the event of sale of the property, failure to occupy the property, or death of the party entitled to the deferral. For questions regarding payment policies and payoff amounts, please contact the Department of Revenue at 503-378-4988 and refer to Account No. AJ 003003-3..

12. Clara Brown, former vestee herein, died in Lane County on or about January 1, 2015.

    NOTE: In the event of the death of a spouse, verification is required that there is no claim of the Oregon Department of Human Services or the Oregon Health Authority related to public or medical assistance for the deceased spouse. Contact the DHS or OHA Estate Administration Unit at phone no. 800-826-5675 or 503-378-2884.

13. Reservation, including the terms and provisions thereof,

    Recording Date: February 2, 1944
    Recording No.: Book 261, Page 399

14. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the recorded plat.

15. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

    Recording Date: August 2, 1978
    Recording No: 78-50002

    Liens and assessments, if any, by the Coburg Meadows Homeowner's Association.

16. Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in instrument

    Recording Date: November 30, 1979
    Recording No.: 79-71161

17. The effect of that certain document

    Executed by: John Brown, attorney in fact for Clara Brown
    To: John Brown
    Recording Date: May 5, 2000
    Recording No.: 2000-098765

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Schedule B, Specific Exceptions

There are easements, notes and/or restrictions created on the recorded plat

CC&R's for the subdivision are generally created by the developer and recorded when the subdivision plat is filed

The easement is either over the subject property or grants an easement over adjoining property in favor of the subject property.

We would need to clear this exception by having a new warranty deed executed. Someone appointed as attorney in fact cannot execute a deed in favor of themselves. If Clara Brown isn't of sound mind to execute the correction document, then a conservatorship would need to be filed with the court to clear the cloud on the title

Order No.: jegger

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Schedule B, Specific Exceptions

Order No.: jegger

A Deed of Trust was recorded against the property and the borrower defaulted. In this situation the lender chooses a successor trustee (usually an attorney) as the property enters into the foreclosure process. The timeline for this can vary. The notice of default and election to sell is recorded and made public record.

18. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$250,000.00
Dated:	November 18, 2005
Trustor/Grantor:	Thomas T. Seller and Susie S. Seller, as tenants by the entirety
Trustee:	Western Title & Escrow Company
Beneficiary:	Megabucks Bank
Loan No.:	7654321
Recording Date:	November 19, 2005
Recording No.:	2005-034799

A substitution of trustee under said deed of trust which names, as the substituted trustee, the following

Trustee:	Dewey, Cheathem & Howe, Attorneys at Law
Recording Date:	December 15, 2011
Recording No:	2011-003560

A notice of default under the terms of said trust deed

Executed by:	Dewey, Cheathem & Howe, Attorneys at Law
Date and Time of Sale:	July 1, 2017 at 10:00 a.m.
Recording Date:	April 1, 2017
Recording No:	2017-023561

Financing Statement: this example shows that EWEB filed a UCC lien when a new heat pump was installed. A UCC termination is required to remove the lien.

19. A financing statement as follows:

Debtor:	Thomas T. Seller and Susie S. Seller
Secured Party:	EWEB
Recording Date:	January 19, 2006
Recording No:	2006-009041

A lot line adjustment by the City of Eugene was approved that affected a portion of the property

20. Notice of Approval for Lot Line Adjustment by the City of Eugene

Recording Date:	August 14, 2008
Recording No.:	2008-046789

A Deed of trust was recorded against the property. Escrow will order a payoff from the beneficiary of record. Because this is a line of credit trust deed, we also request the beneficiary to put a hold on available funds. We request an updated payoff on the day of closing to verify there have been no further advances and a release document is recorded at or soon after closing.

21. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$251,000.00
Dated:	May 29, 2009
Trustor/Grantor:	Thomas T. Seller and Susie S. Seller, as tenants by the entirety
Trustee:	Western Title & Escrow Company
Beneficiary:	ABC Credit Union
Recording Date:	June 1, 2009
Recording No.:	2009-015957

The Deed of Trust set forth above is purported to be a “Credit Line” Deed of Trust. It is a requirement that the Trustor/Grantor of said Deed of Trust provide written authorization to close said credit line account to the Lender when the Deed of Trust is being paid off through the Company or other Settlement/Escrow Agent or provide a satisfactory subordination of this Deed of Trust to the proposed Deed of Trust to be recorded at closing.

Preliminary Report

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Schedule B, Specific Exceptions

Order No.: jegger

22. A tax lien for the amount shown and any other amounts due, in favor of the United States of America, assessed by the District Director of Internal Revenue.

Federal Serial No.:	E000000
Taxpayer:	Thomas T. Seller and Susie S. Seller
Amount:	$5,000.00
Recording Date:	August 25, 2011
Recording No:	2011-058581

IRS Tax Liens: Escrow submits a form #8821 to the IRS as Tax liens must be paid off @ closing. It takes about 2 weeks to get the payoff amount from the IRS

23. A state tax lien for the amount shown and any other amounts due,

State Identification No.:	123456
Filed by:	State of Oregon Department of Revenue
Taxpayer:	Thomas T. Seller and Susie S. Seller
Amount:	$3,500.00
Recording Date:	September 20, 2011
Recording No:	2011-062578

State of Oregon tax warrant: escrow submits a payoff request. Generally takes about a week to get payoff information

24. Any matters arising out of or by virtue of that certain bankruptcy case:

Name of Debtor:	Thomas T. Seller and Susie S. Seller
Date of Filing:	February 1, 2017
U. S. District Court:	Oregon
Case No.:	17-12345
Chapter:	7
Attorney:	Larry Lawyer
Attorney's Address:	123 Main Street, Eugene, OR 97401
Attorney's Phone No:	541-555-5555
Name of Trustee:	Ted Trustee

Because a pending bankruptcy exists, we need instructions from the bankruptcy trustee as to how sale proceeds are to be applied. The trustee must review and approve the settlement statement prior to recording

25. A pending court action:

Plaintiff:	Thomas T. Seller
Defendant:	Susie S. Seller
County:	Lane
Court:	Circuit
Case No.:	17DR01801
Dated Filed:	March 1, 2017
Nature of Action:	Dissolution of Marriage

Pending Dissolution of Marriage: no decree is filed of record yet and is pending. As long as both parties instruct escrow jointly and execute all sale documents, we can proceed with the sale. If the parties are not in agreement, a court order may be necessary

The Company will require proof that the attorneys in the suit shown below have been paid in full:

Petitioner/Plaintiff:	Thomas T. Seller
Attorney for Petitioner/Plaintiff:	Andy Attorney
Respondent/Defendant:	Susie S. Seller
Attorney for Respondent/Defendant:	Sally Attorney
Suit No.:	17DR01801
Date of Filing:	March 1, 2017

We send a statement to the attorney or attorneys asking if any funds are due to them and if they will be filing a lien. An attorney has 6 months from the date of the filing of the divorce decree to file a lien against the real property awarded to their client for non-payment of fees.

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Schedule B, Additional Requirements & Notes

If the property is currently vested in a trust, the parties complete a document called the Certification of Trust at closing. It outlines the applicable information about the trust and shows their ability and right to execute documents on behalf of the trust

Order No.: jegger

26. If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a copy of said Trust Agreement or a Trust Certification pursuant to ORS Chapter 130.860.

    The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

ADDITIONAL REQUIREMENTS/NOTES

A. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.

C. Note: In the event title to said Land is acquired by the party(s) named below, the policy(s), when issued, will show the following additional item(s) in Schedule B, unless disposed of to the satisfaction of the Company:

    Party(s): John J. Buyer

    A judgment for installment payments of child support, to be made by:

Amount:	$500.00
Debtor:	John J. Buyer
Creditor:	Nancy N. Smith
Date entered:	April 8, 2012
County:	Lane
Court:	Circuit
Case No.:	12DR56789

D. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

    Parties: Mary M. Buyer

E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

F. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

The notes are informational notes only and will not show as Title Exceptions in the forthcoming title policy.

Judgment - John J. Buyer has a child support obligation. Escrow will contact the buyer to determine if the judgment is still in effect and if so ask how payments are made (payroll deduction, personal check paid directly to the ex or paid through the state). If the support is no longer in effect, a full satisfaction executed by the creditor must be filed in the court case. If the support is still in effect and payments are made directly to the ex, a partial satisfaction through the date of closing is required for filing in the court case. If the support is still in effect and payments are made through the state, we can remove from the final policy with a statement from the state indicating payments are current. If payments are not current, any arrearage must be paid at closing.

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Schedule B, Additional Requirements & Notes

The Notes are informational notes only and will not show as Title Exceptions in the forthcoming title policy.

Order No.: jegger

G. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

H. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

I. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

J. Note: Recording charge per document for:
Lane County - $87.00 for the first page, $5.00 for each additional page

E-recording fee is an additional $5.00 per document

Send Recording Packages to:
Western Title & Escrow Company
Attention: Recording
497 Oakway Road, Suite 340
Eugene, OR 97401
Email: lanerecording@westerntitle.com

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