

OUTLINE
ACCESS COVERAGE UNDER A TITLE INSURANCE POLICY
A Webinar

WFG National Title Insurance Company

I. INTRODUCTION

The purpose of this webinar is to explain access coverage under a title insurance policy, types of access, and the related exceptions from coverage.

II. A TITLE INSURANCE POLICY DOES NOT GUARANTEE
OR WARRANT ACCESS

- A. Contract of Indemnity
- B. Options to Pay or Cure
- C. Third Option

III. POLICY COVERAGE

- A. Covered Risks
 - 1. Policy Jacket
- B. Insuring Clause #4 - *"No right of access to and from the Land."*
- C. Legal Access – no physical road
- D. Physical access – physical road, no legal right to use it

IV. TYPES OF ACCESS

- A. Platted Roads
- B. Easements
 - 1. Created in Deed
 - 2. Separate Document
 - 3. Reserve an Easement
- C. County Maintained Roads
 - 1. Maintained by County
 - 2. Constructed and Maintained by County
- D. Ways of Necessity
 - 1. Common Law Implied Way
 - 2. Statutory Way
- E. Easement by Prescription

V. EASEMENT ISSUES

- A. "Together With"
- B. "Subject to"
- C. Appurtenant
 - 1. "Perpetual"
 - 2. "Runs with the land"
 - 3. "Successors, assigns, and grantees"

VI. Exception for Easements

- A. Roads Shown on Surveys
- B. Rail Road Tracks

VII. Insuring Easements Contained in Exceptions

- A. Lenders Counsel
- B. Buyer's Counsel

VIII. Claims

- A. Rail Road – "Other Side of the Tracks"
- B. Emergency Vehicles – 10-foot access
- C. No Easement to Lake
- D. Private Easement – Golf Course
- E. Burst Water Line