



COVID-19 Impacts on Recording and Indexing, and Potential Legal Consequences

Wednesday, April 29, 2020

Program - 12:00 p.m. - 1:00 p.m.

LACBA

1.0 General CLE Credit



Provider #36

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LOS ANGELES COUNTY BAR ASSOCIATION
TITLE INSURANCE SUB-SECTION

“COVID-19 IMPACT ON RECORDING AND INDEXING
AND POTENTIAL LEGAL CONSEQUENCES”

APRIL 29, 2020

PROGRAM PRESENTERS

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PART 1 SUMMARY OF RULES

- A. To impart constructive notice, an instrument must be “recorded as prescribed by law”. *First Bank v. East West Bank* (2011) 199 Cal. App. 4th 1309, 1313 – 1315. *Hochstein v. Romero, supra* 219 Cal.App.3d 447, 452.; *Lewis v. Superior Court* (1994) 30 Cal.App.4th 1850, 1867.
- B. Indexing and the fiction: “there must at least be a way to find it”. *Lewis, supra*, at 1867.
- C. Further detail: See LACBA Title Insurance Subsection Presentation of November 2019: “How Modern Technology Affects Whether Recorded Instruments Impart Constructive Notice”
1. Note incomplete law on search methodology
 2. But access to (1) Index and (2) full image of each recorded document in the relevant portion of the index, and (3) all documents referred to therein, is necessary.
 3. Cal. Gov. Code § 27320:

“When any instrument, paper, or notice authorized by law to be recorded is deposited in the recorder's office for record, the recorder shall endorse upon it in the order in which it is deposited, ***the year, month, day, hour, and minute of its reception***, and the amount of fees for recording. The recorder shall record it ***without delay***”

PART 2. IMPACT OF COVID-19 ON COUNTY RECORDERS' OFFICES

- A. Closure of County Recorders' Offices From Mid-March 2020.
(Handout: CLTA spread sheet for status of all California Counties)

- B. Seven Southern California Counties
(Handout: Spread sheet for Los Angeles, Orange, San Diego, Riverside, San Bernardino, Ventura and Kern Counties)
 - 1. Los Angeles and Kern Counties
 - a. Details on public access, recording, indexing, delays, obtaining copies and access to official records.
 - 2. Riverside and San Bernardino
 - a. Same Details
 - 3. Orange, Ventura and San Diego Counties
 - a. Same Details

PART 3. THE POTENTIAL LEGAL CONSEQUENCES ARISING FROM THE CLOSURE OF COUNTY RECORDERS' OFFICES

- A. CONSTRUCTIVE NOTICE/BFP'S
 - 1. Counties where there is a delay in indexing
 - 2. Counties where there is a delay in recording
 - 3. Counties where official records not available to the public
 - 4. Trustee in bankruptcy-hypothetical BFP

- B. ALTERNATIVE WAYS TO GIVE NOTICE
 - 1. Non-judicial foreclosures- announcement at sale (video)
 - 2. Personal service
 - 3. Notice by Mail- return receipt
 - 4. Posting notice on property
 - 5. Party in possession; *Gates Rubber Co. v Ullman* (1989) 213 Cal. App. 3d 356, 366 (possession by party other than vendor/ record title holder)
 - 6. Civil Code Section 19

- C. IMPACT ON LITIGATION
 - 1. Delays obtaining certified copies.
 - 2. Lis pendens could be less effective than TRO.

- D. TITLE INSURANCE ISSUES
 - 1. Gap coverage
 - a. Define gap coverage.
 - (1) CLTA Homeowner's Policy(12-02-13)
 - (2) ALTA Loan Policy (06)
 - 2. Loan Modifications
(Handout: Sample Endorsements)



ePN County Tracking - 4/10/20, 4:00PM (Pacific)
 Be sure to check back frequently as this spreadsheet will be continuously updated

eRecording Counties

COUNTY	eRec	Status - Title Companies	Website Link	Status - General Public
BUTTE	E	eRecording only	www.buttecounty.net/records	Closed to public - Mail in and Online services available
CALAVERAS	E	eRecording only - Cutoff Time to ePN the same, County drop dead turn in time 1 hour earlier	https://clerk.recorder.calaveras.gov	Closed to public - Mail in and Online services available, as well as drop slot
CONTRA COSTA	E	eRecording only	https://www.eprn.gov.us/County/Clerk	Closed to public - Mail in and Online services available, as well as drop box
FRESNO	E	eRecording only	www.co.fresno.ca.us/department	Closed to public - Mail in and Online services available, as well as drop box
KERN	E	eRecording only	http://recordsonline.co.kern.ca	Closed to public - Mail in and Online services available
LOS ANGELES	E	eRecording only	https://www.lacounty.gov/records	Closed to public - Mail in and Online services available
MARIN	E	eRecording only	http://www.marincounty.org/depts/clerk	Closed to public - Mail in and Online services available
MADERA	E	eRecording only (Closing 12-1 for lunch)	http://www.maderacounty.org/clerk	Closed to public - Mail in and Online services available
MERCED	E	eRecording only	http://www.co.merced.ca.us/739/Rec	Closed to public - Mail in and Online services available, as well as drop box
MODOC	E	eRecording only	www.modoc.ca.us/department	Closed to public - Mail in and Online services available, as well as drop box
MONO	E	eRecording only	https://www.monocounty.ca.gov/	Closed to public - Mail in and Online services available, as well as drop box
MONTEREY	E	eRecording only	http://www.montereycounty.gov/records	Closed to public - Mail in and Online services available
NAPA	E	eRecording only	http://www.napacounty.gov/records	While not closed to the public, Napa is encouraging everyone to use mail/online
NEVADA	E	eRecording only	http://www.nvrecording.com/235/CL	Closed to public - Mail in and Online services available
ORANGE	E	eRecording only	http://www.orecorder.com/	Closed to public - Mail in and Online services available
PLACER	E	eRecording only	http://www.placer.ca.gov/1709/Clerk	Closed to public - Mail in and Online services available
RIVERSIDE	E	eRecording only	https://www.rivrec.com/	Closed to public - Mail in and Online services available, as well as drop box
SACRAMENTO	E	eRecording only	http://www.sacramento.gov/records	Closed to public - Mail in and Online services available, as well as drop slot
SAN BERNARDINO	E	eRecording only	http://www.sbcounty.gov/1367/Records	Closed to public - Mail in and Online services available
SAN DIEGO	E	eRecording only	http://www.sdcounty.ca.gov/Records	Closed to public - Mail in and Online services available
SAN FRANCISCO	E	eRecording only	https://clerk.sfrs.org/	Closed to public - Mail in and Online services available
SAN JOAQUIN	E	eRecording only	http://www.sjgov.org/department	Closed to public - Mail in and Online services available
SAN LUIS OBISPO	E	eRecording only	http://www.slocounty.gov/records	Closed to public - Mail in and Online services available
SAN MATEO	E	eRecording only	http://www.sanmateo.org/clerk	Closed to public - Mail in and Online services available
SANTA BARBARA	E	eRecording only	http://www.sbcos.org/records	Closed to public - Mail in and Online services available, as well as drop box
SANTA CLARA	E	eRecording only - SHORTENED Cutoff time to ePN 11AM	http://www.sccos.org/records	Closed to public - Mail in and Online services available
SANTA CRUZ	E	eRecording only	http://www.sccos.org/records	Closed to public - Mail in and Online services available
SHASTA	E	eRecording only	http://www.co.shasta.ca.us/index	Closed to public - Mail in and Online services available
SONOMA	E	eRecording only	http://www.sonomacounty.com/depts/records	Closed to public - Mail in and Online services available
TEHAMA	E	eRecording only (Name day not guaranteed)	http://www.tehamacounty.ca.gov/records	Closed to public - Mail in and Online services available
TULARE	E	eRecording only - SHORTENED Cutoff time to ePN 11AM	http://www.tularecounty.ca.gov/records	Closed to public - Mail in and Online services available
VENTURA	E	eRecording - 12PM-2PM ONLY, Title Runners paper 1-2PM - ePN SHORTENED Cutoff time to ePN 11AM	http://www.venturacounty.org/records	Closed to public - Mail in and Online services available
YUBA	E	eRecording - 12PM-2PM ONLY, Title Runners paper 1-2PM - ePN SHORTENED Cutoff time to ePN 11AM	http://www.yubacounty.ca.us/records	Closed to public - Mail in and Online services available

Paper Counties

COUNTY	eRec	Status - Recordings
ALAMEDA	Paper	Drop off daily in drop box, Recorder's pick up @ 9:30AM, record and email receipt. Same Day Recordings are NOT Guaranteed. Rejections to be picked up by agents 4:00-4:15 - NO email notification of rejections - reflection letter with originals 4:15 pickup, if not picked up, County will mail out.
ALPINE	Paper	Drop Box/Mail in Only - no in person services
AMADOR	Paper	Drop Box/Mail in Only - no in person services
COLUSA	Paper	Mail in Only - no in person services
DEL NORTE	Paper	Open
GLENN	Paper	Mail in only - County will email confirmed copy to ePN for confirmation, rejects FedEx'd back - expect delays on rejects
HUMBOLDT	Paper	Drop Box/Mail in Only - no in person services
IMPERIAL	Paper	Mail in Only - no in person services
INYO	Paper	Mail in Only - no in person services
KINGS	Paper	Drop off between 10-1, record next day, confo emailed, rejects FedEx'd back
LAKE	Paper	Drop Box/Mail in Only - Mail packages sit for 2 days before processing, drop off packages might take 1-2 days for confirmation
LASSEN	Paper	Drop Box/Mail in Only - no in person services
MARIPOSA	Paper	Drop Off by appointment or mail in only, confirmation returned next day
MENDOCINO	Paper	Drop Off by appointment or mail in only
PLUMAS	Paper	Drop Off/Mail in Only
SAN BENITO	Paper	9-1 only, drop off wait for receipt
SIERRA	Paper	Drop Box/Mail in Only - no in person services
SISWOU	Paper	Mail in Only - no in person services
STANISLAUS	Paper	8-12 only, drop off wait for receipt - Cutoff Time to ePN 10AM
SUTTER	Paper	Drop Box/Mail in Only
TRINITY	Paper	Drop Box/Mail in Only
TUOLUMNE	Paper	9-12 only
YOLO	Paper	Drop Off/Mail in Only - non local packages must arrive by 5PM business day prior to recording, OK TO RELEASE HOLDS THROUGHOUT THE DAY, NORMAL Cutoff, 10AM deadline for title company drop off, receipts emailed, rejections returned next day

***Most counties are working with reduced staff, rotating schedules and/or have alternative hours. Please expect processing delays during this time.**

*Drop Off - Not a physical box - a hand off outside the building no access (Best to call Recorder's office for appointment/in advance)

*Drop Box - a physical box outside the office to drop documents/requests etc.

*Drop Slot - a slot in the door to drop documents/requests etc.

*Mail in = US Mail - not all counties accepting FedEx - call to verify before sending

*Online Services may include phone, fax, email, chat, Vital Check, etc

*We are NOT checking for Marriage Licenses and other various clerk/vital services - visit the County websites for info regarding these services. We can still process certain requests where the county is open, just via Mail instead of walk in service - expect delays.

SUMMARY OF SOUTHERN CALIFORNIA RECORDING POLICIES (as of April 16, 2020)

*CAVEAT: This spreadsheet is based upon currently available information.
Check with the County Recorder well in advance of recording for any updated information.*

	ORANGE	VENTURA	SAN DIEGO	KERN	LOS ANGELES	RIVERSIDE	SAN BERNARDINO
Contact Info for Recorder's office	Hugh Nguyen - Clerk Recorder County Administration South Building 601 N. Ross Street Santa Ana, CA 92701 714- 834-2500	Ventura County Mark Lunn Clerk-Recorder 800 S. Victoria Avenue Ventura CA 93009 805-654-2266	Ernest Dronenburg, Jr. Assessor-Recorder- Clerk Pacific Hwy, Room 110 San Diego CA 92101 619-238-8158	Kern County Assessor-Recorder 1655 Chester Avenue Bakerfield, CA 93301 Tel: 661-868-6400 Email: response@kerncount y.com	L.A. County Registrar-Recorder/County Clerk P.O. Box 1250 Norwalk, CA 90651-1250. Tel: 800-201-8999	Peter Aldana Assessor-County Clerk-Recorder Riverside Gateway (Main Office) 2724 Gateway Dr. Riverside, CA 92507 Telephone: (951) 955-6200 Email: accrmail@asrckrec.com	Bob Dutton Assessor - Recorder - County Clerk Hall of Records 222 W. Hospitality Lane, 1st Floor San Bernardino, CA 92415-0022 Telephone No.: (909) 387-8306
Recorder's website info	http://www.ocrecorder.com/	https://recorder.countyofventura.org/county-recorder/county-recorder/	https://arcc.sdcountry.ca.gov/Pages/recorder.aspx	http://www.recorder.co.kern.ca.us/	https://www.lavote.net/	https://www.asrckrec.com/	http://www.sbcounty.gov/ARC/Main/home.aspx
Date Recorder's Office Closed to the Public	March 17, 2020	March 18, 2020	March 23, 2020	March 16, 2020	March 16, 2020	March 18, 2020	March 18, 2020
How to submit recordings	Title companies may record electronically through an agent. Members of the general public can submit documents for recording by mail. No counter service available.	Title companies may record electronically through an agent. Members of the general public can submit documents for recording by mail. No counter service available.	Title companies may record electronically through an agent. Members of the general public can submit documents for recording by mail. No counter service available.	Title companies may record electronically through an agent. Members of the general public can submit documents for recording by mail and drop box. No counter service available.	Title companies may record electronically through an agent. Members of the general public can submit documents for recording by mail. No counter service available.	Title companies may record electronically through an agent. Members of the general public can submit documents for recording by mail and drop box. No counter service available.	Title companies may record electronically through an agent. Members of the general public can submit documents for recording by mail. No counter service available.

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Check with the County Recorder well in advance of recording for any updated information.*

	ORANGE	VENTURA	SAN DIEGO	KERN	LOS ANGELES	RIVERSIDE	SAN BERNARDINO
Can documents be left in a drop box or drop slot	No	No	No	Yes. Drop box is available in front of the Recorder's Office. It is preferred that documents be mailed.	No	Yes. There are four drop box locations (two in Riverside, one in Temecula, one in Palm Desert). Documents many be deposited between 10:00 a.m. and 2:00 p.m. weekdays.	No
Is it necessary to call the Recorder's office first before dropping off anything	N/A	N/A	N/A	No.	N/A	No.	N/A
How does the Recorder know the order in which the documents are deposited in the drop box or by mail.	Processing mail daily like normal (but this does not necessarily mean documents are being recorded as received).	Processing like normal. Documents are being date-stamped.	Documents are being date-stamped. Processing mail daily (but this does not necessarily mean documents are being recorded as received).	Documents are date stamped and the check/money order endorsed the day of receipt in the order in which they are received.	N/A	The Recorder assigns a number to all documents deposited in the drop box every day and process it in order according to the assigned number.	N/A
Can documents be recorded electronically	Yes. Title companies through an e-recording service.	Yes. Title companies through an e-recording service.	Yes. Title companies through an e-recording service.	Yes. Title companies through an e-recording service.	Yes. Title companies through an e-recording service.	Yes. Title companies through an e-recording service.	Yes. Title companies through an e-recording service.
Deadline for e-recording	eRecording queue closes at 4:00 pm.	eRecording queue closes at 11:00 p.m. or 12:00 pm (depending on the company)	eRecording queue closes at 4:00 pm	eRecording queue closes at 3:00 pm	Title Insurance document must be placed in the 8:00 am queue to be e-recorded same day.	eRecording queue closes at 4:00 pm.	eRecording queue closes at 4:00 pm.
Any other method to record documents?	Yes. General public may record by mail using USPS, UPS or FedEx.	Yes. General public may record by mail.	Yes. General public may record by mail.	Yes. General public may record by mail and drop box	Yes. General public may record by mail only	Yes. General public may record by mail.	Yes. General public may record by mail or overnight delivery (e.g., FedEx).

SUMMARY OF SOUTHERN CALIFORNIA RECORDING POLICIES (as of April 16, 2020)

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	ORANGE	VENTURA	SAN DIEGO	KERN	LOS ANGELES	RIVERSIDE	SAN BERNARDINO
Are recorded instruments being indexed, and is there a way to see the index?	Yes. Lag time of about two days to index—normal time-frame regardless of e-recording or recording by mail. Index is available to the public online.	Yes—normal time-frame regardless of e-recording or recording by mail. Index is available to the public online.	Yes—normal time-frame (same day or next day). Index is available to the public online. Entire recording process, including mailing original, taking 1-2 weeks from receipt.	Yes. Index is available online. Also public access computer kiosk available at Kern County Dept of Child Support Services, 3701 N. Sillect Ave., Bakersfield 10:00 to 2:00 M-F.	Yes. Index is not available on line. No public access to index at this time.	Yes, index is available to the public online.	Yes. Index is available to the public online.
Are Official Records Available to the Public ?	Yes. Document images may be purchased (online or by mail—online is fastest method).	Yes. Document images may be purchased (by mail or third-party vendor, Vtralcheck.com).	Yes. Document images may be purchased (by mail).	Yes. Official Records are available at public access computer kiosk available at Kern County Dept of Child Support Services, 3701 N. Sillect Ave., Bakersfield 10:00 to 2:00 M-F.	No. Official Records are not available online or available to the public at this time.	Yes. Document images may be purchased.	Yes, documents may be purchased.
Can the general public record documents or only title companies? Do they do it differently? If something has to be recorded by a specific day, how can you guarantee that?	Yes, general public can record by mail only. Title companies may e-record same day/next day. Entire process, including mailing original, taking 7-10 days from receipt.	Yes, general public can record by mail only. Title companies may e-record same day/next day.	Yes, general public can record by mail only. Title companies may e-record same day/next day. Entire process, including mailing original, taking 1-2 weeks from receipt.	Yes. The general public may record by mail or drop box only. Will be recorded same day received. Title companies may e-record same day.	The public may record by mail only. Delay of 4-6 weeks to process after receipt. Title companies may e-record same day/next day.	Yes. The general public may record by mail or drop box only. Title companies may e-record same day.	Yes, general public can record by mail only. Allow 4-5 days from date of receipt for processing. Title companies may e-record same day/next day.

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Check with the County Recorder well in advance of recording for any updated information.*

	ORANGE	VENTURA	SAN DIEGO	KERN	LOS ANGELES	RIVERSIDE	SAN BERNARDINO
Is there a time lag between submitting documents for recording and the date they are recorded?	Same day recording if electronically recorded. Entire process, including mailing original, taking 7-10 days from receipt.	Same day recording if electronically recorded. No time-frame provided. Unspecified delay upon receipt by mail. Unknown time-frame for getting recorded copy in mail; recorder has not mailed recorded documents since beginning of March.	Same day recording if electronically recorded. Entire process, including mailing original, taking 1-2 weeks from receipt.	Same day recording if electronically recorded. Same day or next day recording upon receipt by mail or drop box.	Same day recording if electronically recorded. Estimated 4 to 6 week delay from date received by mail.	Same day recording if electronically recorded. 14-day delay upon receipt by mail or by drop box.	Documents submitted electronically are generally processed within 20 minutes of receipt. 72-hour delay upon receipt by mail
How can you record a lis pendens?	Lis Pendens can be recorded same day if recorded electronically. 7-10 day delay upon receipt by mail.	Lis Pendens can be recorded same day if recorded electronically. Unspecified delay upon receipt by mail. Unknown time-frame for getting recorded original in mail; recorder has not mailed recorded documents since beginning of March.	Lis Pendens can be recorded same day if recorded electronically. 1-2 weeks for processing and returning original.	Lis Pendens can be recorded same day if recorded electronically. General public can record lis pendens by mail or drop box same day or next day from day of receipt.	Lis Pendens can be recorded same day if recorded electronically. General public can record lis pendens only by mail 4 to 6 weeks after receipt.	Lis Pendens can be recorded same day if recorded electronically. 14-day delay upon receipt by mail or drop box.	Lis Pendens can be recorded same day if recorded electronically. 72-hour delay upon receipt by mail.

SUMMARY OF SOUTHERN CALIFORNIA RECORDING POLICIES (as of April 16, 2020)

CAVEAT: This spreadsheet is based upon currently available information. Check with the County Recorder well in advance of recording for any updated information.

	ORANGE	VENTURA	SAN DIEGO	KERN	LOS ANGELES	RIVERSIDE	SAN BERNARDINO
Is it possible to get certified copies?	Yes. Request for certified copies of recorded property records may be made by online or by mail—online is fastest method. Copies are sent by return mail. Processing time is unknown.	Yes. Request for certified copies of recorded property records must be made by mail or third-party vendor, Vitalcheck.com. Copies are sent by return mail. Processing time is unknown.	Yes. Request for certified copies of recorded property records must be made by mail. Copies are sent by return mail. Processing time is 1 week upon receipt.	Yes. Requests for certified copies of recorded property records must be made by mail and paid by check or money order. Must have SASE. Certified copies sent by USPS. Currently copies sent immediately upon receipt. All copy requests must be addressed to the Copy Section at the Hall of Records, 1655 Chester Avenue, Bakersfield, CA 93301.	Yes. Requests for certified copies of recorded property records may be made online, by fax or mail. Payment by credit card. Copies are sent by USPS. Expedited mail available at additional cost. Processing time: at least 5 business days to process if ordered online.	Yes. Request for certified copies of recorded property records may be made online through Lexis and is subject to their processing times. Certified copies may be requested directly from the Recorder by mail via a form available from the web site (https://www.asrclrec.com/media/Forms/Birth_Death_Marriage_Records/Application%20for%20Copy%20of%20Official%20Records%20-%20ACRS15.pdf). Documents will be returned by mail. Processing time is 6 days.	Yes. Certified copies may be ordered online through the document search portal. A credit card is required. Copies are sent by mail. Processing time is 48 hours.



MODIFICATION OF MORTGAGE, LIMITED ENDORSEMENT

Issued by

First American Title Insurance Company

Attached to Policy No.:

File No.:

Based upon the representation of the Insured that by an Agreement dated _____ (the "Agreement") the Insured Mortgage has been modified at the date hereof in only one or more of the following respects:

- i. the maturity date has been extended;
- ii. the rate of interest has been reduced;
- iii. earned but unpaid interest has been capitalized;
- iv. reduced mortgage payments made outside the payment cycle of the loan;
- v. the lowest rate of the adjustable loan has been reduced;
- vi. the interest rate spread has been increased but the top rate has not been changed;
- vii. the principal amount of the note has been reduced;
- viii. interest and/or principal payments have been partially or fully abated for a temporary period;
- ix. interest and/or principal payments have been deferred or rescheduled;
- x. required reserve deposits have been waived, deferred or rescheduled;
- xi. operational covenants have been modified or waived; or
- xii. financial covenants have been modified or waived;

the Company insures against loss or damage sustained by the Insured by reason of the modification as evidenced by the Agreement impairing the validity, enforceability or priority of the lien of the Insured Mortgage upon the Title.

No coverage is provided by this endorsement in the event that the Agreement modifies the Insured Mortgage to any greater extent or in any different way than enumerated above.

This endorsement does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses, arising by reason of or based on any statute of limitations.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this

endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Date:

First American Title Insurance Company

Dennis J. Gilmore *Jeffrey S. Robinson*

Dennis J. Gilmore, President Jeffrey S. Robinson, Secretary

By: _____
Authorized Countersignature

ENDORSEMENT

Attached to and forming a part of
Policy No.

Issued by
FIDELITY NATIONAL TITLE INSURANCE COMPANY

Based upon the representation of the Insured that by an Agreement dated ____ ("The Agreement") the Insured Mortgage has been modified at the date hereof in only one or more of the following respects for the benefit of the borrower and/or the mortgagor:

- i) the maturity date has been extended;
- ii) the rate of interest has been reduced;
- iii) earned but unpaid interest has been capitalized;
- iv) reduced mortgage payments made outside the payment cycle of the loan;
- v) the lowest rate of the adjustable loan has been reduced;
- vi) the interest rate spread has been increased but the top rate has not been changed;
- vii) the principal amount of the note has been reduced;
- viii) interest and/or principal payments have been partially or fully abated for a temporary period;
- ix) interest and/or principal payments have been deferred or rescheduled;
- x) required reserve deposits have been waived, deferred or rescheduled;
- xi) operational covenants have been modified or waived; or
- xii) financial covenants have been modified or waived

The Company hereby assures the owner of the Indebtedness secured by the mortgage referred to in Schedule A that the modification as evidenced by The Agreement will not impair the validity, enforceability or priority of the lien of the Insured Mortgage as insured.

The Company hereby insures the Insured against loss which the Insured shall sustain in the event that the assurance herein shall prove to be incorrect.

No coverage is provided hereby in the event The Agreement modifies the Insured Mortgage to any greater extent or in any different way from those ways represented above.

This endorsement does not insure against any loss or damage based on any statute of limitations.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated:

FIDELITY NATIONAL TITLE INSURANCE COMPANY

By: _____

Authorized Signatory



Fidelity National Title Company

4400 MacArthur Blvd., Suite 200, Newport Beach, CA 92660

Phone: (949) 622-5000 • Fax: (949) 477-6813

COVID EXTENSION REPRESENTATION

The undersigned represents that [Borrower] and [Lender] have entered into a [Covid-19 Relief Loan Modification Agreement dated _____, 2020] (the "Modification Agreement") modifying a Loan Agreement dated _____ (the "Underlying Loan") secured by a Deed of Trust of even date recorded as Instrument No. _____, Official Records, _____ County, California and that the Custom Endorsement No. "C-19 Modification of Due Date and Other Matters" and in no other manner. Accordingly, the undersigned requests that Fidelity National Title Insurance Company issue Custom Endorsement No. "C-19 Modification of Due Date and Other Matters" for the Loan Policy described in the subject line of this letter.

[LENDER]

Signature: _____

Endorsement

EXTENSION OF MORTGAGE MATURITY DATE



Attached to Policy No. [FILL IN]

Issued By OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

THE COMPANY assures the Insured that the extension of the maturity date of the Indebtedness secured by the Insured Mortgage from [FILL IN] to and including [FILL IN] by agreement dated [FILL IN] will not impair the lien of the Insured Mortgage on the Land or its priority. The Company, as of the date hereof, extends the coverage of its previously issued "Revolving Line Endorsement" (O.R.T. 22) to advances and changes in the rate of interest under the revolving credit increase and/or extended date of termination.

The Company hereby insures the Insured against loss sustained in the event that the assurance herein shall prove to be incorrect.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all terms and provisions of the policy and of any prior endorsements.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

Authorized Officer or Agent

ORT Form 32-06
Extension of Mortgage Maturity Date
Adopted 06-01-07

By

President

Attest

Secretary

Endorsement

MODIFICATION BY AGREEMENT



Attached to Policy No. [FILL IN]

Issued By OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Based upon the representation of the Insured that by an Agreement dated [FILL IN], (The Agreement) the Insured Mortgage has been modified at the date hereof in only one or more of the following respects: i) the maturity date has been extended, ii) the rate of interest has been reduced, or iii) earned but unpaid interest has been capitalized, the Company hereby assures the Insured that the modification as evidenced by The Agreement will not impair the validity, enforceability or priority of the lien of the Insured Mortgage as insured.

No coverage is provided hereby in the event The Agreement modifies the Insured Mortgage to any greater extent or in any different way than enumerated above.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all terms and provisions of the policy and of any prior endorsements.

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