

# Your Exam Content Outline

The following outline describes the content of one of the Utah insurance examinations. The outlines are the basis of the examinations. The examination will contain questions on the subjects contained in the outline. The percentages indicate the relative weights assigned to each part of the examination. For example, 10 percent means that 6 questions will be drawn from the section on a 60-question exam, 10 will be drawn on a 100-question exam and 15 will be drawn on a 150-question exam.

## Utah Producer's Examination for Title Escrow Part I – General Series 17-16

100 questions – Two-hour time limit

### 1.0 Insurance Regulation 10%

#### 1.1 Licensing

Purpose (31A-23a-101)

Persons to be licensed

General requirements (31A-23a-105–108)

Title insurance producer additional requirements  
(31A-23a-204)

Maintenance and duration

Renewal (31A-23a-105)

Continuing education requirements  
(31A-23a-202; Reg R590-142-4)

Reinstatement (31A-23a-111(2), 113)

Change of address or telephone number  
(31A-23a-412(1)(c))

Disciplinary actions

License termination, suspension or revocation  
(31A-2-308(11)(a); 31A-23a-111)

Probation (31A-23a-112)

Monetary forfeiture (fines) (31A-2-308)

#### 1.2 State regulation

Commissioner's general duties and powers  
(31A-2-201)

Title and Escrow Commission Act (31A-2-401)

Definitions (31A-2-402)

Appointments and terms (31A-2-403)

Duties of commission (31A-2-404)

Title company provisions

Solvency (31A-4-105, 105.5)

Insurance rates and escrow changes (31A-19a-  
201–203, 209; Reg R592-3-1–10, 4-1–8)

Unfair claim settlement practices  
(31A-26-303; Reg R590-190-1–14)

Producer regulation

Place of business/records maintenance  
(31A-23a-412)

Record retention and annual reports  
(31A-23a-413; Reg R590-136-1–6)

Controlled business (31A-23a-503)

Commissions (31A-23a-501, 504)

Contract with insurer (31A-23a-405, 408)

Insurance fraud regulation (31A-31-103–106)

#### 1.3 Utah marketing practices

Unfair marketing practices (31A-23a-402;  
Reg R590-154-1–18, R592-6-1–7)

Rebating

Misrepresentation

Defamation of insurer

Discrimination

Unfair inducements and marketing practices in  
obtaining title insurance business

Unfair or deceptive practices (Reg R590-99-4)

### 2.0 General Insurance 5%

#### 2.1 Producers and general rules of agency

Insurer as principal

Producer/insurer relationship

Authority and powers of producers

Express

Implied

Apparent

Responsibilities to the applicant/insured

#### 2.2 Contracts

Elements of a legal contract

Offer and acceptance

Consideration

Competent parties

Legal purpose

Distinct characteristics of an insurance contract

Contract of adhesion

Personal contract

Unilateral contract

Conditional contract

Legal interpretations affecting contracts

Ambiguities in a contract of adhesion

Reasonable expectations

Indemnity

Utmost good faith

Representations/misrepresentations

Warranties

Concealment

Fraud

Waiver and estoppel

### 3.0 Real Property 15%

#### 3.1 Concepts, principles and practices

Definition of real property

Types of real property

Title to real property

### **3.2 Acquisition and transfer of real property**

- Conveyances
- Encumbrances
- Adverse possession
- Condemnation
- Accession
- Dedication
- Escheats
- Involuntary alienation
- Abandonment
- Foreclosures
- Judicial sales
- Trusts
- Types of joint ownership
  - Tenants in common
  - Joint tenancy
- Acknowledgments
- Legal capacity of parties
  - Individuals
  - Corporations
  - General partnerships
  - Limited partnerships
  - Trustee rights and obligations
  - Limited Liability Company (LLC)

### **3.3 Legal descriptions**

- Types of legal descriptions
- Types of measurements used
- Language of legal descriptions
- Structure and format
- Interpretation

## **4.0 Title Insurance 15%**

### **4.1 Title insurance principles**

- Risks covered by title insurance
  - Risk of error in public records
  - Hidden off-record title risks
  - Risk of omission and commission by producer
- Entities that can be insured; need for insurance
  - Types of entities
    - Individual
    - Corporations
    - Partnerships
    - Limited Liability Companies
    - Trusts (trustee of)
  - Title insurance needs
    - Residential
    - Commercial
- Interests that can be insured
  - Fee simple estate
  - Leasehold estate
  - Life estate
  - Easement estate
- Title insurance forms
  - Commitments
  - Owner's policy
  - Loan policy
  - Homeowner's policy
  - Leasehold policies
  - Endorsements

- Title insurance policy structure and provisions
  - Covered risks
  - Schedule A
  - Schedule B — Exceptions from coverage
  - Exclusions from coverage
  - Conditions
- Rates and premiums

### **4.2 Title searching and examination techniques**

- Hard copy index
- Computer index
- Chain sheet

## **5.0 Title Exceptions and Procedures for Clearing Title 20%**

### **5.1 Principles and concepts**

- General exceptions
- Voluntary and involuntary liens
- Federal liens
- Deed of trust
- Deeds
- Judgments
- Taxes and assessments
- Surveys
- Condominiums
- Planned unit developments
- Water rights
- Mineral rights
- Equitable interests
- Attachments
- Executions
- Easements
- Covenants
- Conditions
- Restrictions

### **5.2 Special problem areas and concerns**

- Acknowledgments
- Mechanic's lien
- Bankruptcy
- Probate/order to determining heirs
- Foreclosure
- Forfeiture
- Claims against the title
- Lis pendens

### **5.3 Principles of clearing title**

- Releases
- Assignments
- Collateral assignments
- Subordinations
- Affidavits
- Reconveyances

## **6.0 Real Estate Transactions 35%**

### **6.1 Escrow principles (31A-23a-406, 409; Reg R590-170-4-6)**

- Escrow terminology
- Types of escrows
- Escrow contracts
- Fiduciary responsibilities of escrow producers
- Good funds

## **6.2 Settlement/closing procedures for all types of closings**

Types of documents used

FHA requirements

VA requirements

Real Estate Settlement Procedures Act (RESPA)

    Good Faith Estimate

Insured closing protection

Recording and disbursement procedures

Settlement statement, lender and government  
entity requirements

    Contract sales

    All-inclusive trust deed

    Lot sales

    Loan closings

    Exchanges (including 1031)

    Short sale closings

## **6.3 Recording**

Types of records

    Constructive notice

Requirements to record (Title 57; R590-99-4)

Acknowledgments

Presumptions