

# 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 Searcher's Examination for Title Insurance Part I – General Series 17-14

**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; Reg R590-141-3(A))
  - Continuing education requirements (31A-23a-202; Reg R590-142-1-10)
  - Reinstatement (Reg R590-141-3(B))
  - 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 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 R590-153-1-8, 154-1-18)
  - Rebating
  - Misrepresentation

- Defamation of insurer
- Discrimination
- Unfair inducements and marketing practices in obtaining title insurance business (31A-23a-402(2)(c); Reg R590-153-1-8)
- 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
  - Warranties
  - Concealment
  - Fraud
  - Waiver and estoppel

### 3.0 Real Property 35%

#### 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
  - Trust agreements
  - 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 18%**

### **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
- Title insurance forms
  - Commitments
  - Owner's policy
  - Loan 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 techniques**

- Hard copy index
- Computer index
- Chain sheet

## **5.0 Title Exceptions and Procedures for Clearing Title 22%**

### **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
- Good faith
- 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 10%**

### **6.1 Document preparation regulations and requirements**

- Deeds
- Trust deeds
- Mortgages
- Notes
- Releases
- Reconveyances
- Acknowledgment forms

### **6.2 Title insurance policy preparation instructions**

- Contract vendee
- Coverages
- Endorsements

Exclusions  
Liabilities

**6.3 Recording**

Types of records  
Requirements to record (R590-99-4)  
Acknowledgments  
Presumptions