October 21, 2016

(Address)

Attn:

|  |  |
| --- | --- |
| Re: | Indemnitor: WFG National Title Insurance Company (“WFG”)  Indemnitee:  WFG Insured:  WFG Policy Number:  Amount of WFG Policy:  Indemnitee’s Proposed Insured(s):  Indemnitee’s Commitment: [Insert Commitment or File Number]  Property Address:  Indemnified Matter: |
|  |  |

Ladies & Gentlemen:

Indemnitee has been requested to issue its policy or policies on land described in Indemnitee’s Commitment (Indemnitee’s Policy).

In consideration of Indemnitee issuing its policy without exception for the Indemnified Matter, WFG National Title Insurance Company (“WFG”) agrees to hold harmless and indemnify Indemnitee for policy liability that it may suffer under Indemnitee’s Policy for coverage of the Indemnified Matter.

WFG additionally agrees to undertake reasonable efforts to eliminate of record the Indemnified Matter within a reasonable time. Upon the successful completion of this undertaking, the obligations under this Indemnity will cease.

WFG’s liability under this indemnity shall not exceed the lesser of the following:

1) The Amount of Insurance under Indemnitor’s Policy; or

2) The Amount of Insurance under Indemnitee’s Policy.

This Indemnity extends to the policy liability of the Indemnitee under the Indemnitee’s Policy and policies subsequently issued by Indemnitee and under substantially similar indemnities given by Indemnitee to subsequent title insurers for the Indemnified Matter.

In the event Indemnitee is notified of a claim as a result of an Indemnified Matter, Indemnitee shall give WFG prompt and reasonable written notice of that claim. If Indemnitee takes action that is prejudicial to WFG in connection with such claim without prior written approval from WFG, WFG’s obligations under this Indemnity shall be reduced to the extent of such prejudice. Notice of a claim under this Indemnity shall be sent by certified mail, return receipt requested to WFG National Title Insurance Company, 12909 SW 68th Pkwy., Suite 350, Portland, OR 97223, Attn: Claims. telephone number (800) 334-8885. Email address: claims@wfgnationaltitle.com. This letter supersedes any indemnification treaty entered into by WFG and Indemnitee relating to the Indemnified Matter.

This Indemnity shall not extend to liability of Indemnitee for any punitive, exemplary, consequential, tort, or other non-contractual damages.

WFG National Title Insurance Co

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeffrey S. Leung

Sr. Vice President

National Claims Manager