

COMPLETE IN ADDITION TO ACORD APPLICATIONS.  
ATTACH ADDITIONAL SHEETS AS NECESSARY.  
ANSWER ALL QUESTIONS. IF NOT APPLICABLE, INDICATE N/A

**APPLICATION FOR ERRORS & OMISSIONS PROFESSIONAL LIABILITY INSURANCE**

NOTICE: THE COVERAGE APPLIED FOR PROVIDES CLAIMS-MADE COVERAGE WHICH PROVIDES LIABILITY COVERAGE ONLY IF A CLAIM IS MADE DURING THE POLICY PERIOD OR ANY APPLICABLE EXTENDED REPORTING PERIOD. PLEASE REVIEW THE POLICY CAREFULLY AND DISCUSS THE COVERAGE WITH YOUR INSURANCE AGENT OR BROKER.

Name of Applicant: \_\_\_\_\_

**REAL ESTATE PRACTICE:**

1. What percentage of real estate practice receipts during the last twelve months come from the following areas:

	<u>Percentage</u>	<u># of Transactions</u>
a. Purchase and Sale Residential	_____ %	_____
b. Purchase and Sale Commercial	_____ %	_____
c. Mortgages and Deeds	_____ %	_____
d. Foreclosures	_____ %	_____
e. Land Use / Development	_____ %	_____
f. Loan Workouts	_____ %	_____
g. Speculative Real Estate	_____ %	_____
h. Construction Work and Mechanics Liens	_____ %	_____
i. Landlord / Tenant	_____ %	_____
j. Condominiums, Cooperatives and Town House	_____ %	_____
k. Real Estate Investments	_____ %	_____

2. Residential Average Property Values: \$ \_\_\_\_\_ Maximum Property Values: \$ \_\_\_\_\_  
Commercial Average Property Values: \$ \_\_\_\_\_ Maximum Property Values: \$ \_\_\_\_\_

**TITLE PRACTICE**

3. Indicate the total number of title opinion issued over past three years:

Residential: \_\_\_\_\_ Commercial: \_\_\_\_\_

4. Please indicate the total number of title searches completed over the past three years by:

- a. Attorneys in the firm \_\_\_\_\_
- b. Attorneys not in the firm \_\_\_\_\_
- c. Non – attorneys but employees of the firm \_\_\_\_\_
- d. Non – attorney sub-contractors \_\_\_\_\_

If numbers are indicated in (d.), does the firm obtain certificates of insurance from all subcontracted sources of title searchers?

Yes No

5. How many Real Estate Title Insurance policies has the firm issued in the last 12 months? \_\_\_\_\_
6. Does the firm use engagement letters when conducting title opinions or title searches? Yes No
7. What title insurance companies does the firm act as an agent for?  
\_\_\_\_\_
8. Does an attorney supervise all aspects of document preparation and attend all real estate closings? Yes No  
If "No", please explain on separate sheet of paper.

## RISK MANAGEMENT

9. Does the applicant have a written policy which prohibits you or your attorneys from representing parties which have potentially competing interests in the same transaction? Yes No
10. Does applicant require attorneys to disclose to the firm all investments in real estate clients? Yes No  
If yes, is it in writing? Yes No
11. Does the applicant have a written policy which prohibits attorneys from acting in a dual Capacity as both escrow agent and attorney representing any party in the same real estate transaction? Yes No
12. Does the applicant have a written procedure requiring the preservation of factual sources and verification made to support legal opinions in any real estate matter? Yes No
13. Does the law firm provide services to clients who form, manage or organize group investments (e.g. syndications, limited partnerships, general partnerships, REITs) for purposes of investing in real property? Yes No
14. Does the applicant have a written policy which requires:
- a. Attendance at all client closings? Yes No
  - b. Title insurance for all closing property transfers? Yes No
  - c. Thorough review of title policy exceptions with client? Yes No

## FRAUD WARNINGS

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects that person to criminal and civil penalties (In Oregon, the aforementioned actions may constitute a fraudulent insurance act which may be a crime and may subject the person to penalties). (In New York, the civil penalty is not to exceed five thousand dollars (\$5,000) and the stated value of the claim for each such violation.) **(Not applicable in AL, AR, CA, CO, DC, FL, KS, KY, LA, ME, MD, NJ, NM, NY, OK, OR, PA, PR, RI, TN, VA, WA, WV)**

**Applicable in Alabama, Arkansas, District of Columbia, Louisiana, Maryland, New Mexico, Rhode Island, and West Virginia:** Any person who knowingly (or willfully in MD) presents a false or fraudulent claim for payment of a loss or benefit or who knowingly (or willfully in MD) presents false information in an application for insurance is guilty of a crime and may be subject to fines or confinement in prison.

**Applicable in California:** For your protection California law requires the following to appear on this form: Any person who knowingly presents false or fraudulent information to obtain or amend insurance coverage or to make a claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison.

**Applicable in Colorado:** It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Applicable in Florida and Oklahoma:** Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony. (In FL, a person is guilty of a felony of the third degree.)

**Applicable in Kansas:** Any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act.

**Applicable in Kentucky:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime.

**Applicable in Maine, Tennessee, Virginia and Washington:** It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties may include imprisonment, fines or a denial of insurance benefits.

**Applicable in Puerto Rico:** Any person who knowingly and with the intention of defrauding presents false information in an insurance application, or presents, helps, or causes the presentation of a fraudulent claim for the payment of a loss or any other benefit, or presents more than one claim for the same damage or loss, shall incur a felony and, upon conviction, shall be sanctioned for each violation by a fine of not less than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000), or a fixed term of imprisonment for three (3) years, or both penalties. Should aggravating circumstances be present, the penalty thus established may be increased to a maximum of five (5) years, if extenuating circumstances are present, it may be reduced to a minimum of two (2) years.

## REPRESENTATIONS

Verus Specialty Insurance, a Berkley Company, is authorized to make any inquiry in connection with this application. Signing this application does not bind Verus Specialty Insurance or the Company to provide or the Applicant to purchase the insurance.

This application, information submitted with this application, and all previous applications and material changes thereto of which Verus Specialty Insurance or the Company receives notice is on file with Verus Specialty Insurance and is considered physically attached to and part of the policy if issued. Verus Specialty Insurance and the Company will have relied upon this application and all such attachments in issuing the policy. If the information in this application or any attachment materially changes between the date this application is signed and the effective date of the policy, the Applicant will promptly notify Verus Specialty Insurance, who may modify or withdraw any outstanding quotation or agreement to bind coverage.

## WARRANTY

I/We warrant to Verus Specialty Insurance and the Company, that I/We understand and accept the notice stated above and that the information contained herein is true and that it shall be the basis of the policy and deemed incorporated therein, should Verus Specialty Insurance and the Company evidence its acceptance of this application by issuance of a policy. I/ We authorize the release of claim information from any prior insurer to Verus Specialty Insurance or the Company.

It is understood and agreed that prior to the inception date of the policy no applicant knew, nor could have reasonably foreseen, any negligent act, error or omission or breach of professional duty, or personal injury or other circumstances that reasonably might result in a Claim covered by this policy.

<b>Name of Applicant:</b>		
<b>Signature of person authorized to execute on behalf of the applicant:</b>		<b>Date:</b>
<b>Print Name and Title of person authorized to execute on behalf of the applicant:</b>		
<b>Name and Address of Broker:</b>		

**A copy of this application should be retained for your records.**

California residents: Please see our **CCPA Notice of Collection of Personal Information** available at <https://www.berkley.com/privacy#californiaConsumerPrivacyPolicy>