

**ATTACHMENT C**  
**SCOPE OF SERVICES**

The Florida Department of Environmental Protection (DEP) has procured the Contractor, through a competitive process, to provide regional real estate title insurance, title certificates, ownership and encumbrance (O&E) reports, title search, closing and other related acquisition services for land acquisition and land management projects for the State of Florida on a task assignment basis. These services may include, but are not limited to: preparation of title certificates, title insurance commitments, and O&E reports for parcels of land which are either 1) under consideration for purchase by the DEP or 2) under contract for purchase by the DEP; and closing activities and other related services. Title insurance services include compilation of project specifications and recommendations for research; office work necessary for preparation of title certificates, title commitments, title insurance policies, and O&E reports; general title research; updates to title insurance commitments, title certificates, and O&E reports; endorsements; products for tax deed sales and opportunity purchases (quick response purchases services); and real estate closings needed for land acquisition and land management for the DEP.

The Contractors must be authorized to transact business in the State of Florida and must be authorized to write title insurance for title insurance underwriter(s) and funds.

The Contractor must maintain, during the term of the Contract, the resources to handle a real estate closing from start to finish, including problem resolution. The Contractor must be able to participate in meetings and closings in Tallahassee if necessary.

General Title Research includes any type of research requested of the Contractor by the DEP, including but not limited to the following: public records searches for documents; research to resolve questions about access to property; ownership and encumbrance searches; lien searches, tax information searches; and general public records research.

Title Commitments and Policies includes search, examination and issuance of title commitments and policies or endorsements.

Updates to title insurance commitments, title certificates and O&E reports may be necessary in the event that the effective date of the title commitments, title certificates or O&E reports need to be updated to a more current date.

Closing Services generally include preparation of deeds, affidavits, closing statements and other documents necessary to complete a closing; coordinating mortgage payoffs, tax escrows, and other matters required to convey clear title; transfer of documents to sellers for execution; closing real estate transactions and disbursing settlement or closing funds; recording warranty deeds and other instruments that may be required in perfecting the title; preparing and recording corrective documents; delivery of recorded documents and other documents to the DEP within forty-five (45) days of the date of closing; preparing and filing 1099 forms for each closing (including eminent domain actins); adhering to closing dates and all timeframes and due dates specified in each real estate contract; and other related services as needed.

Resolution of Closing Issues includes resolving title, survey, management and other closing issues as needed.

Post Closing Title Insurance Endorsements shall mean endorsements which are requested by the DEP subsequent to the closing of the real estate transaction to conform the title insurance policy to a change in circumstances relating to the title as originally insured, including but not limited to easements which are recorded subsequent to closing, the deletion of survey exceptions based upon the receipt of a final survey subsequent to closing, and the deletion of exceptions which no longer affect title to the land. Title insurance endorsements which are issued to conform the title insurance policy to the title commitment or to correct an error in the title insurance commitment are included under Closing Services above (i.e. in instances where a post closing title endorsement is necessary due to an error on the part of the Contractor, there shall be no charge to the DEP).

Expert Witness Services include testimony from the Contractor's employees or authorized subcontractors testifying as to any product produced, research performed, or any other matters related to services rendered under this Contract.

An Opportunity Purchase (aka Quick Response Purchase) is one where property is being sold through a forced sale or auction, a private auction, or a distress sale. The most common types of forced sale auctions are: foreclosure, bankruptcy, tax deed sale, IRS, and government seizure. Quick Response Purchase Services would include the completion of a title search and preparation of the products necessary for a quick response purchase. For a Quick Response Purchase products must typically be received by the DEP within three (3) working days of the date work is assigned, via task assignment notification form, by the DEP. Actual time frames shall be specified in each task assignment.

A copy of the DEP's minimum requirements for title certificates and title insurance commitments is included as Exhibit I to this Attachment.

A copy of the DEP's minimum requirements for ownership and encumbrance reports is included as Exhibit II to this Attachment.

The DEP's needs for these services will generally follow a progression whereby the DEP obtains title certificates for all parcels within a project area, followed by title insurance commitments, updates (if necessary), closing services and title policies for parcels which are successfully negotiated for purchase. However, some services or products (title commitments, closing services and real estate title research) may be needed on parcels without going through the normal progression or process.

Weekly reporting will be required of contractors, specifically for time allocation of title and closing services.

**No minimum amount of work is guaranteed under this Contract.**

#### Geographic Regions

The DEP has divided the State into four (4) geographic regions for the purposes of providing title and closing services under the contracts resulting from DEP Solicitation No. 2006033C. The geographic regions follow the boundary lines as shown in Exhibit III. In the event that the contractors selected for any of the regions, as identified herein, are unable to respond for a particular task assignment, under extenuating circumstances the DEP reserves the right, at its discretion, to request the Contractor to perform services outside their geographic region.

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**EXHIBIT "B"**

**DEP DIVISION OF STATE LANDS  
MINIMUM REQUIREMENTS FOR TITLE CERTIFICATES  
AND TITLE INSURANCE COMMITMENTS**

1. Contractor must submit original title certificates or owner's title insurance commitments (ALTA Form B with Florida revisions or equivalent) and one (1) original hard copy and four (4) copies on CD with the proposed insured being the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. The documents being submitted must be neat, organized and the CDs must be submitted in a vinyl CD holder. Title certificates or title insurance commitments must contain a statement regarding the status of legal access to the subject property and shall document access from the subject property to the nearest public right-of-way. The statement must answer the following questions:
  - a. Does the property abut or is it connected by a document recorded in the public records to a public street or highway? If yes, is the public street or highway: i) deeded right of way; ii) dedicated right of way; iii) right of way by maintenance map; or iv) right of way by maintenance. A copy of the recorded document which establishes the public street, road or highway must be provided in the report.
  - b. Is there a document in the public records which connects the parcel to a public street, road or highway? Document Recorded in: \_\_\_\_\_ Book \_\_\_\_\_ Page.

Original and copies to be distributed according to a distribution list furnished along with the task assignment.

2. The proposed amount of insurance shall be in accordance with the purchase or option agreement supplied. The purchase price of the insurance shall be determined by the Rules and Statutes of the Department of Insurance.
3. A copy of the deed(s) wherein the present owner obtained title (the vesting deed) must be attached to the title certificate or commitment (and to all copies).
4. A report of any sales record of the subject property for the preceding five (5) years must be attached to the title certificate or commitment (and to all copies). Such sales history report must set forth all parties to the transaction(s) and the consideration involved. If there have been no sales of the property during the preceding five (5) years, the report must so state. However, if the subject property is within a project where federal guidelines must be utilized, a report of any sales record of the subject property for the preceding ten (10) years must be attached to the title certificate or commitment (and to all copies). Such sales history report must set forth all parties to the transaction(s) and the consideration involved. If there have been no sales of the property during the preceding ten (10) years, the report must so state. If a third party owns oil, gas and mineral interests: (1) identify who owns the interest(s) and (2) state whether or not the right of entry is barred.
5. All exceptions under Schedule B – Section II of the title certificate or commitment must be clearly written to indicate the nature, holder and extent of the encumbrance. For example, if the subject property is affected by an easement, it would not be sufficient for the exception to read "Easement as recorded in Official Records Book 1212, Page 311 of the Public Records of Leon County, Florida." The exception must also indicate the nature, holder and extent of the encumbrance (i.e., Easement for ingress and egress in favor of ABC, Inc. over the south 30 feet of the insured parcel as recorded in Official Record Book 1212, Page 311 of the Public Records of Leon County, Florida).
6. Legible copies of all documents referenced as exceptions in Schedule B – Section II must be attached to the title certificate or commitment (and to all copies).

7. In the event that the legal description of the insured property or any of the documents referred to in number 6 above referenced other documents which must be examined to complete the title certificate or commitment, then legible copies of those documents must also be attached.
8. Copies of the Property Appraiser's property record card(s) for each parcel must be attached to the title certificate or commitment (and to all copies).
9. Post Closing – Closing documents (including recorded originals of all documents that were recorded in favor of the Board of Trustees) and the final title policy must be received by the DEP within forty-five (45) days of closing, unless the timeframe is extended, in writing, by the DEP prior to the original due date. Requests to provide original documents not included in the original submission of closing documents, or to correct errors in the closing documents or the title insurance policy must be complied with by the Contractor, or explained to the satisfaction of the DEP, within fourteen (14) days of receiving the written notice of such a request from the DEP. This time may be extended, in writing, by the DEP prior to the original due date at no cost to the DEP.

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**EXHIBIT "B"**

**DEP DIVISION OF STATE LANDS  
MINIMUM REQUIREMENTS FOR OWNERSHIP  
AND ENCUMBRANCE REPORTS**

In accordance with Florida Statute 627.7843 the following is required:

- 1) As used in this section, the term "ownership and encumbrance report" means a report that discloses certain defined documents imparting constructive notice and appearing in the official records relating to specified real property.
- 2) An ownership and encumbrance report may not directly or indirectly set forth or imply any opinion, warranty, guarantee, insurance, or other similar assurance as to the status of the title to real property.
- 3) Any ownership and encumbrance report or similar report that is relied on or intended to be relied on by a consumer must be on forms approved by the department, and must provide for a maximum liability for incorrect information of not more than \$1,000.

The following must also be supplied for the benefit of the Division of State Lands:

- 4) Title Provider must submit original ownership and encumbrance report and seven (7) copies with the proposed insured being the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.
- 5) A copy of the deed(s) wherein the present owner obtained title (the vesting deed) must be attached to the ownership and encumbrance report.
- 6) A report of any sales record of the subject property for the preceding five (5) years must be attached to the ownership and encumbrance report. Such sales history report must set forth all parties to the transaction (s) and the consideration involved. If there have been no sales of the property during the preceding five (5) years, the report must so state.
- 7) All encumbrances must be clearly written to indicate the nature, holder and extent of the encumbrance. For example, if the subject property is affected by an easement, it would not be sufficient for the exception to read, "Easement as recorded in Official Records Book 1212, Page 311 of the Public Records of Leon County, Florida." The encumbrance language must also indicate the nature, holder and extent of the encumbrance (i.e., Easement for ingress and egress over the south 30 feet of the insured parcel in favor of ABC, Inc. as recorded in Official Records Book 1212, Page 311 of the Public Records of Leon County, Florida).
- 8) Legible copies of all documents referenced must be attached to the original ownership and encumbrance report and all copies transmitted.
- 9) In the event that the legal description of the property or any of the documents referred to in number 8 above referenced other documents, which must be examined to complete the ownership and encumbrance report, then legible copies of those documents must also be attached.
- 10) Copies of the Property Appraiser's property record card(s) for each parcel must be attached to the ownership and encumbrance report (and to all copies).

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EXHIBIT III

MAP OF GEOGRAPHIC REGIONS

