**Agenda Item: 2012-67 (Amended)**

**Submitted by: Jim Gosdin and John Rothermel**

**On Behalf of: Stewart Title Guaranty Company**

**Address: 1980 Post Oak Blvd., Suite 710**

 **Houston, Texas 77056**

**Telephone No.: (713) 625-8228**

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Stewart Title Guaranty Company petitions the Commissioner of Insurance to adopt the Commercial Environment Protection Lien Endorsement (T-36.1):

(Form T-36.1: Commercial Environmental Protection Lien Endorsement)

Commercial Environmental Protection Lien Endorsement Form (T-36.1)

**ENDORSEMENT
Attached to Policy No. \_\_\_\_\_\_\_
Issued by
BLANK TITLE INSURANCE COMPANY, herein called the “Company”**

The Company insures against loss or damage sustained by the Insured by reason of an environmental protection lien that, at Date of Policy, is recorded in the Public Records or filed in the records of the clerk of the United States district court for the district in which the Land is located, unless the environmental protection lien is set forth as an exception in Schedule B.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

[Witness clause optional]

**BLANK TITLE INSURANCE COMPANY**

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

**Authorized Signatory**

(Endorsement Form T-36.1: Commercial Environmental Protection Lien)

Justification:

This endorsement is the ALTA Endorsement 8.2-06. In commercial loan transactions in other jurisdictions, an ALTA 8.2-06 Endorsement is commonly requested and issued. Customers frequently request this endorsement when they engage in due diligence with respect to environmental liens affecting the title, and the endorsement insures as to environmental protection liens that may be filed by the federal government, state, or local government.  This endorsement relates to matters that may be disclosed by applicable search and examination and properly underwritten.  Previously only the endorsement T-36 has been available on primarily residential real property, but not on commercial land.