

## **Professional Liability Insurance Application for Real Estate Services**

Coverage provided by Great Divide Insurance Company, a North Dakota Stock Corporation

CLAIMS MADE WARNING FOR APPLICATION: This Application is for a Claims Made and Reported Policy, relating to CLAIMS made against the INSUREDS during the POLICY PERIOD or any EXTENDED REPORTING PERIOD that may apply.

This Application is to be completed with respect to the <u>entire</u> Applicant Firm. "Applicant Firm" means the entity named in item 1 of this Application and all Related Party Applicants. "Related Party Applicant" means any other entity (including Subsidiaries, Affiliates and Predecessor Firms) for which coverage is requested and named in Question 6 of this Application.

Re	equ	ested Coverage					
Lin	nits:	\$ Retroactive Date:					
G	ene	ral Information					
1.	Na	me of Applicant Firm proposed as the first Named Insured:					
2.	a.						
		City, State, Zip:					
	b.	Mailing Address (if different from 2.a.):					
		City, State, Zip:					
	c.	Business Phone:					
	d.	Website Address:					
	e.	Contact Name, Title and E-mail:					
3.	Da	te business was established:					
4.	Ар	olicant Firm is a: 🔲 Corporation 🔲 LLC 🔲 Partnership 🔲 Other:					
	a.	Associations of which Applicant Firm is a member:					
	b.	States in which Applicant Firm is licensed:					
	c.	Branch offices or additional locations:					
	d.	Is the Applicant Firm a successor-in-interest to any predecessor entity?	☐ Yes				
	e.	Is the Applicant Firm owned or controlled by, or affiliated with, any other entity?	☐ Yes	☐ No			
	f	Has the name of the Applicant Firm changed in the past 5 years?	□ Ves	□ No			

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If "Y	es" to	Questions	4.d	4.e. o	r 4.f	please	explain:
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5.	During the past 5 years has the Applicant Firm been involved in any merger, acquisition, consolidation,
	divestiture, bankruptcy or dissolution, or in the next 12 months does it have any plans for any merger,
	acquisition, consolidation, divestiture, bankruptcy, dissolution or creation of a new business, subsidiary or
	division?

6. Please provide the following information for all Related Party Applicants for which coverage is desired:

Entity Name	Relationship to Applicant Firm	Nature of Business	Applicant Firm's % of Ownership
			%
			%
			%

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# **Professional Services**

8.	Please provide the gross income, fee and commission revenue for the professional services performed by
	the Applicant Firm.

	Services Provided	Projected 12 Months	Past 12 Months	2 <sup>nd</sup> Past 12 Months
Appraisals*	☐ Yes ☐ No	\$	\$	\$
Auctioneering*	☐ Yes ☐ No	\$	\$	\$
Construction Management*	☐ Yes ☐ No	\$	\$	\$
Escrow / Closing / Settlement*	☐ Yes ☐ No	\$	\$	\$
Leasing	☐ Yes ☐ No	\$	\$	\$
Mortgage Brokering*	☐ Yes ☐ No	\$	\$	\$
Property Development*	☐ Yes ☐ No	\$	\$	\$
Property Management*	☐ Yes ☐ No	\$	\$	\$
Sales - Commercial	☐ Yes ☐ No	\$	\$	\$
Sales - Residential	☐ Yes ☐ No	\$	\$	\$
Title / Abstracting*	☐ Yes ☐ No	\$	\$	\$
Other (Specify):	☐ Yes ☐ No	\$	\$	\$
Total Gross Revenue		\$	\$	\$

	*Please complete the applicable Real Estate Services Supplement
9.	During the past 5 years has the Applicant Firm engaged in, or within the next 12 months does it plan to engage in, any services or activities other than those indicated in Question 8?
10.	Please indicate the % of revenue for the last 12 months that was derived from services rendered for clients located outside the United States:%
11.	Does any client represent more than 25% of total revenue? ☐ Yes ☐ No If "Yes", who:
12.	Does the Applicant Firm or any of its owners, principals, partners, directors, officers, managing members or employees construct, develop or own properties which are the subject of the Applicant Firm's professional services?   Yes  No If "Yes", please complete the Owned Property Supplement

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13.	3. During the past 5 years, has the Applicant Firm provided, or within the next 12 months does the Applicant Firm plan to provide, services for HUD and other Affordable/Government Assistance Housing, foreclosed / bank-owned properties, REITS or property syndications or perform work involved with 1031 Exchanges?  □ Yes □ No If "Yes", please explain:									
14.	. Is the Applicant Firm involved in r	esidential and/or	commercial broke	rage/sales? 🔲 Yes	□ No					
	If "No", skip to Question 15.	f "No", skip to Question 15.								
	a. Total number of residential ag	gents/brokers:								
	How many are independent c	ontractors?								
	b. Total number of commercial a	b. Total number of commercial agents/brokers:								
	How many are independent c	How many are independent contractors?								
	<ul> <li>c. Is a signed property disclosure form always required for the sale or purchase of real properties?</li> <li>☐ Yes</li> <li>☐ No</li> </ul>									
-	d. Is an Agency Disclosure Stater  Yes No Not Applic  Derations and Risk Manage  Please provide the following staff	ment			ractors					
		Total Number	Average Years of Experience	Average Years with Applicant	Turnover Rate Past 12 Months					
	Principals, Partners and Officers		•	• •	%					
	Licensed Professionals (not included above)				%					
	All other staff				%					
	TOTAL STAFF	TOTAL STAFF %								
16.	. How many licensed professionals	are independent	contractors?							
	<ul><li>a. Is the insurance to which this</li><li>☐ Yes</li><li>☐ No</li></ul>	Application appli	es intended to cove	er all independent c	ontractors?					
	b. If "No" to Question 16.a, are a insurance? ☐ Yes ☐ No	all independent c	ontractors required	I to carry profession	al liability					
	c. If "Yes" to Question 16.b., ple	If "Yes" to Question 16.b., please indicate the minimum professional liability limits: \$								

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	a.	Please indicate the % of wor	k subcontracted	d to others:			%		
	b.	Details of work subcontracte	ed to others:						
	c.	Details of procedures for scr	eening subcont	ractors:					
	d.	Please indicate the minimun	n E&O limits sub	ocontractors ar	e required to	carry: \$			
		Are certificates of insurance	•						
18.	Please list all principals, partners, officers and managing members of the Applicant Firm.								
		Name	Title	License Number	Type of License	First Year Licensed	Professional Qualifications*		

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20. D	oes t	the	qqA	licant	Firm:
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a.	Have a formal training program for all employees and independent contractors	☐ Yes	☐ No
b.	Have an in-house office manual	☐ Yes	☐ No
c.	Have documented procedures which include instructions on how to handle complaints and compliance with Federal, State and local statutes	☐ Yes	□ No
d.	Have a corporate-wide privacy policy	☐ Yes	☐ No
e.	Have a computer security policy	☐ Yes	☐ No
f.	Have a document retention and destruction policy	☐ Yes	☐ No
g.	Use security and firewall technology including anti-virus software	☐ Yes	☐ No
h.	Provide training for employees on privacy and information security issues	☐ Yes	☐ No
i.	Encrypt electronically-stored personally identifiable information (other than employee information)	☐ Yes	□ No

Please explain all "No" responses:

21.	Please i	ndicate	the type	s of co	ontracts	used in	the last	12 months.

Applicant Firm's Own Contr	act:	_%	Client Contract:	_%
Standard industry Contract:	·	_%	Verbal:	_%
Other:	Describe Other:			

If not 100% standard industry contracts, attach copies of standard contracts / forms used by the Applicant Firm.

# **Prior and Current Insurance**

22. List the Professional Liability Insurance carried for each of the past 5 years:

Insurance Company Policy Period		Limit of Liability	Deductible/SIR	Premium
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

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23.	Current policy prior acts limitation or retroactive date:			
24.	4. Has any insurance carrier ever rescinded, cancelled or non-renewed the professional liability insurance of the Applicant Firm or any predecessor entity? ☐ Yes ☐ No (This does not apply in Missouri. Missouri Applicants - Do not answer this question) If "Yes", please explain:			
Cla	nims Experience and Representations			
	PORTANT NOTICE: All known claims and circumstances that could result in a professional liability claim are cifically excluded from coverage. Report all known claims and circumstances to your current insurer.			
25.	Has any past or present principal, partner, officer, director, managing member, employee or independent contractor of the Applicant Firm ever been investigated or convicted of a felony?			
26.	During the past five years, has any past or present principal, partner, officer, director, managing member, employee or independent contractor of the Applicant Firm ever been the subject of any disciplinary action by any administrative, disciplinary, governmental or regulatory agency, board or body or had his or her license revoked or suspended?			
27.	During the past five years, has any professional liability claim or suit been made against the Applicant Firm or any past or present principal, partner, officer, director, managing member, employee or independent contractor of the Applicant Firm?			
28.	Is the Applicant Firm or any principal, partner, officer, director, managing member or professional employee in the Applicant Firm aware of any fact, circumstance, or situation that might result in any professional liability claim or suit against the Applicant Firm or any past or present principal, partner, officer, director, managing member, employee or independent contractor of the Applicant Firm?			

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## **Please Read Carefully**

On behalf of all proposed INSUREDS, I agree that this application: (1) is true to the best of my knowledge and I have not suppressed or misstated any material facts, (2) shall be the basis of the contract with the insurance company, and (3) is part of any POLICY the insurance company may issue to the Applicant Firm. I understand that all written statements, materials and supplemental applications submitted with this application are incorporated into this application and made a part thereof. I further agree that: (1) completion of this application does not bind the insurance company to sell nor the Applicant Firm to purchase the insurance, and (2) if the information supplied in this application changes between the date stated below and the time when the POLICY is issued, I will immediately notify the insurance company in writing of such changes, and the insurance company may withdraw or modify any outstanding quotations and/or authorizations or agreements to bind the insurance.

Dated	Signature (must be a Partner, Officer or Principal)		
Title of Partner, Officer or Principal	Printed Name of Partner, Officer or Principal		
Producer Information			
Name of Licensed Producer			
Name of Insurance Agency			
Address of Licensed Producer			
Date	Signature of Licensed Producer		

RETURN APPLICATION VIA EMAIL: <a href="mailto:mplsubmissions@berkleysp.com">mplsubmissions@berkleysp.com</a>
Berkley Service Professionals
In California, A Division of Berkley Managers Insurance Services, LLC | CA License No. 0H05115

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#### FRAUD NOTICE

#### (Not applicable in the states mentioned below where a specific warning applies)

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance may be guilty of a crime and may be subject to fines and confinement in prison.

**NOTICE TO ALABAMA APPLICANTS AND CLAIMANTS:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or who knowingly presents false information in an application for insurance is guilty of a crime and may be subject to restitution, fines, or confinement in prison, or any combination thereof.

**NOTICE TO ALASKA CLAIMANTS:** Any person who knowingly and with intent to injure, defraud, or deceive an insurance company files a claim containing false, incomplete, or misleading information may be prosecuted under state law.

**NOTICE TO ARIZONA CLAIMANTS:** For your protection Arizona law requires the following statement to appear on this form: Any person who knowingly presents a false or fraudulent claim for payment of a loss is subject to criminal and civil penalties.

## NOTICE TO ARKANSAS, LOUISIANA, RHODE ISLAND AND WEST VIRGINIA APPLICANTS AND

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NOTICE TO COLORADO APPLICANTS, POLICYHOLDERS AND CLAIMANTS: 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.

**NOTICE TO DELAWARE CLAIMANTS:** Any person who knowingly, and with intent to injure, defraud or deceive any insurer, files a statement of claim containing any false, incomplete or misleading information is guilty of a felony.

**NOTICE TO DISTRICT OF COLUMBIA APPLICANTS AND CLAIMANTS:** WARNING: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

**NOTICE TO APPLICANTS OF FLORIDA AND CLAIMANTS:** 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 of the third degree.

**NOTICE TO IDAHO CLAIMANTS:** Any person who knowingly, and with intent to defraud or deceive any insurance company, files a statement of claim containing any false, incomplete, or misleading information is guilty of a felony.

**NOTICE TO INDIANA CLAIMANTS:** A person who knowingly and with intent to defraud an insurer files a statement of claim containing any false, incomplete, or misleading information commits a felony.

NOTICE TO KANSAS APPLICANTS AND CLAIMANTS: 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 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.

**NOTICE TO APPLICANTS OF KENTUCKY:** Any person who knowingly and with intent to defraud any insurance company or other person files a statement of claim 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.

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**NOTICE TO MAINE APPLICANTS AND CLAIMANTS:** 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.

**NOTICE TO MARYLAND APPLICANTS AND CLAIMANTS:** Any person who knowingly and willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly and willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

NOTICE TO MASSACHUSETTS, TENNESSEE, VIRGINIA AND WASHINGTON APPLICANTS AND

<u>CLAIMANTS:</u> It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

**NOTICE TO MINNESOTA CLAIMANTS:** A person who files a claim with intent to defraud, or helps commit a fraud against an insurer, is guilty of a crime.

**NOTICE TO NEW HAMPSHIRE CLAIMANTS:** Any person who, with a purpose to injure, defraud or deceive any insurance company, files a statement of claim containing any false, incomplete or misleading information is subject to prosecution and punishment for insurance fraud, as provided in RSA 638:20.

**NOTICE TO APPLICANTS OF NEW JERSEY:** Any person who knowingly files a statement of claim containing any false or misleading information is subject to criminal and civil penalties.

**NOTICE TO NEW MEXICO APPLICANTS AND CLAIMANTS:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to civil fines and criminal penalties.

**NOTICE TO NEW YORK APPLICANTS AND CLAIMANTS:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim 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 shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

**NOTICE TO OHIO APPLICANTS AND CLAIMANTS:** Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

**NOTICE TO APPLICANTS, POLICYHOLDERS AND CLAIMANTS OF OKLAHOMA:** WARNING: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

**NOTICE TO OREGON APPLICANTS AND CLAIMANTS:** Any person who knowingly and with intent to defraud or solicit another to defraud an insurer: (1) by submitting an application, or (2) by filing a claim containing a false statement as to any material fact thereto, may be committing a fraudulent insurance act, which may be a crime and may subject the person to criminal and civil penalties.

**NOTICE TO PENNSYLVANIA APPLICANTS AND CLAIMANTS:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim 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 such person to criminal and civil penalties.

**NOTICE TO TEXAS CLAIMANTS:** Any person who knowingly presents a false or fraudulent claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison.

Please mail, fax or email your application and check payable to your agent: OREP- Organization of Real Estate Professionals Insurance Services, LLC 6760 University Ave., Suite 250, San Diego, Ca. 92115

Email: info@orep.org Phone: 888-347-5273 Fax: 708-570-5786

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# Professional Liability Insurance for Real Estate Services Title & Escrow Supplemental Application

Coverage provided by Great Divide Insurance Company, a North Dakota Stock Corporation

Note: This Supplemental Application becomes a part of your Application for coverage with the insurance company and therefore forms a part of the POLICY if coverage is bound.

This Supplemental Application is to be completed with respect to the <a href="entire">entire</a> Applicant Firm including all
subsidiaries, affiliates and predecessor firms for which coverage is requested.

#### **General Information**

1. Please provide the following staffing information for all employees and independent contractors of the Applicant Firm engaged in title, abstract, escrow, closing and settlement services.

Type of Services	# of Principals, Partners and Officers	# of Professional Employees except Principals, Partners and Officers	# of All Other Support Staff
Title Agent / Abstractor / Searcher			
Escrow / Closing / Settlement			
Agent			

2. Complete the following for all principals, partners, officers, managing members and professional employees engaged in title, abstract, escrow, closing and settlement services.

Name	Title	Years of Experience	Professional Qualifications*

<sup>\*</sup>Memberships in professional organizations, associations or societies, advanced degrees and certifications

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3. Please provide the Applicant Firm's gross revenue / commission income and average number of monthly transactions derived from the following activities in the past 12 months:

TYPE OF ACTIVITIES	Gross Revenue / Commission Income for Past 12 Months	Average # of Monthly Transactions
Title Insurance Agent	\$	
Abstractor / Searcher	\$	
Escrow Agent / Closer	\$	
Other (Describe:)	\$	
TOTAL	\$	

4. Please provide a breakdown of the Applicant Firm's gross revenues / commission income for the past 12 months that was derived from performing services for the following types of properties (Must Total 100%):

TYPE OF PROPERTY	% of Gross Revenue and Commission Income
Residential	%
Commercial / Industrial	%
Oil / Gas / Precious Metals / Minerals	%
Other (Describe:)	%

5.	Does the Applicant Firm or any owners, principals,	partners	, officers	s, managing members or employees of
	the Applicant Firm have an ownership interest in ar	ny prope	rties for	which the Applicant Firm provides title,
	abstract, escrow, closing and settlement services?	☐ Yes	☐ No	If "Yes", please complete the Owned
	Property Supplement			

6.	When providing escrow/closing/settlement services, does	the App	licant Firm have standard written
	procedures that are required to be followed in all cases?	Yes	□ No

7.	Please describe the Applicant Firm's second level review and approval procedures to assure title searches
	are complete and accurate and written escrow / closing / settlement procedures are followed:

8.	Does the Applicant Firm always conduct final title searches immediately prior to loan closings?
	☐ Yes ☐ No ☐ N/A If "No", please explain why not:

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9.	* *	dures for handling complicated transactions, such as transactions and and title searches involving agricultural, vacant land or oil,		
10.	10. Has the Applicant Firm provided any escrow / closing services for any construction loans over the past 5 years? ☐ Yes ☐ No If "Yes", please attach complete details including dates loans were closed and confirmation of whether or not the project securing the loan has been completed and sold.			
11.		ents any improper transfer, payment or delivery of funds, money, ralse, fraudulent or unauthorized instructions:		
12. During the past five years, has any claim or suit involving any improper transfer, payment or delivery of funds, money, securities or property caused or induced by false, fraudulent or unauthorized instructions been made against the Applicant Firm or any past or present principal, partner, officer, director, managing member, employee of the Applicant Firm				
Please Read Carefully				
I understand that the information submitted herein becomes a part of the Applicant Firm's Professional Liability Insurance Application and is subject to the same representations and conditions.				
Dat	ted	Signature (must be a Partner, Officer or Principal)		
	e of Partner, Officer or Principal	Printed Name of Partner, Officer or Principal		

RETURN APPLICATION VIA EMAIL: <a href="mplsubmissions@berkleysp.com">mplsubmissions@berkleysp.com</a>
Berkley Service Professionals
In California, A Division of Berkley Managers Insurance Services, LLC | CA License No. 0H05115

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**NOTICE TO APPLICANTS, POLICYHOLDERS AND CLAIMANTS OF OKLAHOMA:** WARNING: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

**NOTICE TO OREGON APPLICANTS AND CLAIMANTS:** Any person who knowingly and with intent to defraud or solicit another to defraud an insurer: (1) by submitting an application, or (2) by filing a claim containing a false statement as to any material fact thereto, may be committing a fraudulent insurance act, which may be a crime and may subject the person to criminal and civil penalties.

**NOTICE TO PENNSYLVANIA APPLICANTS AND CLAIMANTS:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim 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 such person to criminal and civil penalties.

**NOTICE TO TEXAS CLAIMANTS:** Any person who knowingly presents a false or fraudulent claim for the payment of a loss is guilty of a crime and may be subject to fines and confinement in state prison.

Please mail, fax or email your application and check payable to your agent: OREP- Organization of Real Estate Professionals Insurance Services, LLC 6760 University Ave., Suite 250, San Diego, Ca. 92115

Email: info@orep.org Phone: 888-347-5273 Fax: 708-570-5786

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