

Authorization of Insurers and General Requirements

836-010-0130

Statutory Authority; Purpose; Applicability

(1) OAR 836-010-0130 to 836-010-0145 are adopted pursuant to the general rulemaking authority of the Commissioner in ORS 731.244 to aid in the effectuation and enforcement of ORS 731.438.

(2) The purpose of OAR 836-010-0130 to 836-010-0145 is to prescribe title plant standards for title insurers.

(3) OAR 836-010-0130 to OAR 836-010-0145 applies to all authorized title insurers.

Stat. Auth.: ORS 731

Stats. Implemented: ORS 731.438

Hist.: IC 1-1978, f. 3-27-78, ef. 4-1-78

836-010-0135

Definitions

As used in OAR 836-010-0130 to 836-010-0145, unless the context requires otherwise:

(1) "Adequate Maps" means:

(a) A map record of all recorded plats in the county covered by the title plant;

(b) Maps based on a complete set of government surveys showing all surveyed sections, government lots and donation land claims within the county covered by the title plant;

(c) Maps of such a scale that they are readily workable. In an area where the majority of the parcels are of less than one sixteenth of a section, maps shall be of a scale no smaller than 400 feet to the inch. A full section of land shall not be represented in a scale smaller than 2,000 feet to the inch; **and**

(d) Maps showing all public streets, roads, highways, and railroad rights of way of record which can be accurately located by a reasonable search of the records.

(2) "General Index" means a complete compilation of matters affecting real property, which: do not describe, or cannot solely be assigned to, a specific real property account, **and** which may be found by a search of the proper records within the county covered by the title plant; ~~and includes, not is not limited to:~~

(a) Subject to subsection (b), a general index must include:

~~(a) A~~ **(A) Unsatisfied judgments and tax liens having lien effect;**

~~(b) B~~ **(B) Conservatorships, guardianships, and estates of deceased persons arising during the preceding ten-year period;**

~~(c) C~~ **(C) Divorce suits closed or pending during the preceding ten-year period;**

(d D) Powers of attorney **recorded** during the preceding ten-year period.

(b) The general index is not required to include matters that may be accessed electronically through the Oregon Judicial Case Information Network (OJCIN) or other similar database run by the State of Oregon Judicial Department, provided that the title plant maintains a subscription which allows it to readily access those matters.

(c) A general index may include such other matters as the title plant owner deems appropriate.

(3) "Tract or Geographic Index" means a record of documents and proceedings which affect real property in the county covered by the title plant. Such an index may consist of summaries or replicas, **and must meet the following requirements:**

(a) Tract or geographic indexes relating to recorded plats are maintained separately, and may be referred to by name or by number, with accounts segregated to the block or in the absence of blocks to the smallest unit designated on the applicable recorded plat;

(b) Tract or geographic indexes which relate to ownership in all unplatted areas of the county, except land in national forest reserves, national parks and unpatented lands, are maintained in accounts segregated into section subdivisions and government lots. In the event ownership of parcels does not conform to section subdivisions or government lots, such parcels are assigned arbitrary reference numbers or symbols which correspond to like numbers or symbols shown on the arbitrary maps of the area, except if there are 30 or fewer ownership accounts in a quarter section that do not conform to section subdivisions or government lots or are not in a recorded plat then those ownership accounts can be filed under the designation of that particular quarter section without being assigned arbitrary reference numbers or symbols; **and**

(c) Tract or geographic indexes may be maintained on ledger sheets, separate cards, sheets of film, or any other form or system, whether manual, mechanical, electronic or otherwise, or any combination of such forms or systems. The index ledger sheets, cards, sheets, or film may be bound in books or contained in envelopes or storage files **or may be maintained or stored electronically**. The segregated account contains a reference to deeds, contracts, suits, liens, unsatisfied mortgages, and other matters of record imparting constructive notice that specifically describe the real property that is subject to the account.

~~(4) "Currently posted" means, respects an OAR 836-010-0135(3) "tract or geographic index," and index in which postings or entries are made within 15 working days of recording or filing entry. The "tract or geographic index" shall extend continuously for a period of 20 years from the date of Certificate of Authority respects title insurers or date of execution of agency contract respects title agents.~~

Stat. Auth.: ORS 731

Stats. Implemented: ORS 731.438

Hist.: IC 1-1978, f. 3-27-78, ef. 4-1-78

836-010-0140

Title Plant Standards

(1) The title plant shall maintain "adequate maps" as defined in OAR 836-010-0135, that will enable a person working the title plant to locate a tract of land which is the subject of a title search with reference to the government survey system.

(2) The title plant shall maintain a "general index," as defined in OAR 836-010-0135, in either alphabetical or phonetical order, so that any record pertaining to any person by name may be readily located.

(3) The title plant shall maintain a "currently posted" "tract or geographic index" **and "general index"** as defined in OAR 836-010-0135.

Stat. Auth.: ORS 731

Stats. Implemented: ORS 731.438

Hist.: IC 1-1978, f. 3-27-78, ef. 4-1-78