The Title Office Staff recommends that the Commissioner of Insurance consider whether to amend Procedural Rule P-35, Prohibition Against Guaranties, Affirmations, Indemnifications, and Certifications to expressly allow or disallow affidavits from settlement agents in short sales.

**P-35. Prohibition Against Guaranties, Affirmations, Indemnifications, and Certifications.**

No Title Insurance Company, Title Insurance Agent, Direct Operation, Escrow Officer, nor any employee, officer, director or agent of any such entity or person, shall issue or deliver any form of verbal or written guaranty, affirmation, indemnification, or certification of any fact, insurance coverage or conclusion of law to any insured or party to a transaction other than: (i) a statement that a transaction has closed and/or has been funded, (ii) issuance of an insured closing service letter, or any insuring form or endorsement promulgated by the State Board of Insurance, or (iii) certification of copies of documents as being true and exact copies of the original document or of the document recorded in the public records.

JUSTIFICATION

Title agents are being asked to execute short sale affidavits which may go beyond the coverage in our promulgated forms.