



ALTA Best Practices Title Insurance & Settlement Company Best Practices Version 4.0

SAFE HARBOR TITLE COMPANY, LLC



Mission Statement

The American Land Title Association (“ALTA”) Best Practices Framework was developed to assist ALTA Members such as Safe Harbor Title Company to optimize their practices and procedures to ensure financial and data security, operational stability, and to meet regulatory requirements along with fulfilling customer needs and requirements. Safe Harbor Title Company has chosen to adopt the American Land Title Insurance Association (“ALTA”) Best Practices Framework for Title Insurance and Settlement Company’s to protect our customers and clients, promote quality service, safeguard data and funds, provide for ongoing employee training, and meet legal and market requirements. These practices are voluntary and designed to improve operations and help Safe Harbor Title Company maintain the highest level of professionalism and best practices to help ensure a positive and compliant real estate settlement experience. Every effort has been made to anticipate and address all aspects of title or settlement company activity.



Why Safe Harbor Title has adopted the ALTA Best Practices Framework

In a free society where we are allowed to make our own legal and moral choices, we really can control a lot more of the outcome than we think. Best practices help us to do that. ~ Dave Ramsey

- Following Best Practices is an active step in the protection of all parties to and processes of a real estate Settlement transaction, which include:
 - Buyers, Borrowers & Sellers
 - Mortgage Lenders
 - Title Insurers (Underwriters)
 - Real Estate Brokers & Agents
 - Safe Harbor Title Company

Definitions



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Background Check: A Background Check is the process of compiling and reviewing both confidential and public employment, address, and criminal records of an individual or an organization. Background checks may be limited in geographic scope. This provision and use of these reports are subject to the limitations of federal and state law.

Company: The entity implementing these best practices.

Consumer: Buyer(s), borrower(s), or seller(s) in a real estate transaction

Escrow: A transaction in which an impartial third-party acts in a fiduciary capacity for all or some of the parties (including the Consumer, or lender) in performing Settlement services according to local practice and custom.

Escrow Trust Account: An account at a Federally Insured Financial Institution utilized to hold funds in trust for a real estate transaction. These funds are held in the account holder's fiduciary capacity as established by written instructions.

Federally Insured Financial Institution: A financial institution that has its deposits insured by an instrumentality of the federal government (e.g., Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA)).

Definitions continued



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Licenses: The various business and professional licenses which are required to conduct the business of Title and Settlement services including, but not limited to, Title Agency or producer licenses or registration, escrow/settlement licenses, a license to practice law, and local business operating licenses.

Non-public Personal Information (NPI): Personally identifiable data such as information provided by a Consumer on a form or application, information about a Consumer's transactions, or any other information about a Consumer which is otherwise unavailable to the general public. NPI includes first name or first initial and last name in combination with any of the following: Social Security Number, driver's license number, state-issued ID number, credit card number, debit card number, or other financial account numbers. NPI can exist and be stored in both paper and electronic formats.

Positive Pay or Reverse Positive Pay: A system by which the authenticity of a check is determined before payment is made by the financial institution against which the check is written.

Settlement: In some areas called a "Closing." The process of completing a real estate transaction in accordance with written instructions during which deeds, mortgages, leases, and other required instruments are executed and/or delivered, an accounting between the parties is made, the funds are disbursed, and the appropriate documents are recorded in the public record.

Definitions continued



Title Agency: Any person, company or entity which is authorized by a Title Insurer to issue title insurance policies. A Title Agency may also perform one or more of the following functions outside of their relationship with the Title Insurer: (1) collect and/or disburse premiums, escrows, security deposits or other funds, (2) handle escrow or Settlement, (3) solicit or negotiate title insurance business, and/or (4) record documents.

Title Insurer: Any person, company, or entity that is licensed to issue and insure title insurance policies.

Trial Balance: A list of all open individual Escrow ledger record balances at the end of the reconciliation period.

Three-Way Reconciliation: A method for determining whether the three main components of the Escrow Trust Account are in agreement at a regular interval (e.g., monthly, weekly, daily). This process is also used for discovering shortages (whether incidental or intentional), charges that must be reimbursed, or any type of errors or omissions that must be corrected in relation to an Escrow Trust Account. This process requires a comparison of: (1) the Trial Balance, (2) the book balance, and (3) the reconciled bank balance. If all three parts do not agree, the difference must be investigated and corrected.

Best Practices Pillar #1



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1. **Best Practice: Establish and maintain current License(s) as required to conduct the business of title insurance and Settlement services.**

Purpose: Maintaining state mandated insurance Licenses and corporate registrations, as required, to ensure compliance with the state requirements for operations.

Procedures to meet this best practice:

- Establish and maintain for the Company and individuals, as needed:
 - Safe Harbor Title maintains all required licenses to conduct the business of providing settlement and title insurance services and products in every jurisdiction where it transacts business;
 - Safe Harbor Title is compliant with [ALTA's Policy Forms Licensing \(PFL\) requirement](#);
 - Safe Harbor Title is listed in the [ALTA Registry](#).

Copies of all of licenses held by Safe Harbor Title Company are available by request; info@safeharbortc.com.

Best Practices Pillar #2



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2. **Best Practice: Adopt and maintain appropriate written procedures and controls for Escrow Trust Accounts allowing for electronic verification of reconciliation.**

Purpose: Appropriate and effective Escrow controls and staff training help Safe Harbor Title Company meet federal, state, and contractual requirements for the safeguarding of funds. These procedures help ensure accuracy and minimize the risk of loss of funds. Loss of funds may not be covered by Safe Harbor Title Company's Errors and Omissions ("E&O") insurance or the contract with our Title Insurers. Such losses could then become the responsibility of Safe Harbor Title Company. Escrow Trust Accounting duties are performed by Safe Harbor Title's Compliance Officer and Certified Public Accountant ("CPA") firm.

Procedures to meet this best practice:

- Escrow Trust Accounts are properly identified.
 - Accounts are identified as "escrow" or "trust" accounts. Appropriate identification appears on all account-related documentation including bank statements, bank agreements, disbursement checks, and deposit tickets.
 - Escrow Trust Accounts are maintained in Federally Insured Financial Institutions and subject to written Escrow agreements.
- Funds held in Escrow Trust Accounts or other funds Safe Harbor Title Company maintains under a fiduciary duty to another person or entity (e.g., investment accounts) are separately maintained and not commingled with Safe Harbor Title Company's operating account or any individual's personal account.
- In making disbursements from Escrow Trust Accounts, and subject to state law requirements, Safe Harbor Title Company ensures that undue risk is not being undertaken for escrow deposits that are not fully settled or that could be reversible.
- Safe Harbor Title Company follows state good funds laws and our Title Insurers requirements/guidelines for Escrow Trust Account individual transaction disbursements.
- Positive Pay or Reverse Positive Pay are utilized, if available for the payment type, and policies and procedures are in place that prohibit or control the use of Automated Clearing House transactions, international wire transfers, and electronic/digital receipt of funds from web based fintech applications.
 - When utilizing a third-party earnest money deposit or disbursement platform that facilitates the digital transfer of Escrow Trust Account receipts and disbursements, Safe Harbor Title ensures that the platform meets any good funds law requirements and is not subject to the Electronic Funds Transfer Act (EFTA) which allows for reversal of consumer payments.

Best Practices Pillar #2 continued



2. Best Practice: Adopt and maintain appropriate written procedures and controls for Escrow Trust Accounts allowing for electronic verification of reconciliation.

- A written wire transfer procedure is in place and tested at least annually.
 - For outgoing wire transfers, this includes documented procedures to verify wire transfer instructions independent of the initial communication. Such procedures include the use of multi-factor authentication and are similar to those cited by ALTA in the [Outgoing Wire Preparation Checklist](#)
 - For incoming wire transfers, this includes a documented procedure to alert Consumers about the potential risks of wire fraud and guidelines to mitigate losses.
- Transactions are conducted by authorized employees only.
 - Only those employees whose authority has been defined to authorize bank transactions may do so. Appropriate authorization levels are set by Safe Harbor Title Company and reviewed for updates annually. Former employees are immediately deleted as listed signatories on all Escrow Trust Accounts.
 - Background Checks are obtained and reviewed during the hiring process. Thereafter, at least every three years, updated Background Checks going back five years are obtained and reviewed for all employees.
 - The results of the Background Checks are thoroughly reviewed to mitigate any potential risks discovered.
 - Ongoing training is conducted for employees on the safe and secure management of Escrow funds and proper Escrow accounting.
- Outstanding Escrow Trust Account file balances are documented and reviewed from time to time to determine appropriate status or action. Balances older than six months require management approval of activity.
- Safe Harbor Title makes use of wire transfer verification service providers vetted by ALTA and our Title Insurers.

Best Practices Pillar #2 continued



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- 2. Best Practice: Adopt and maintain appropriate written procedures and controls for Escrow Trust Accounts allowing for electronic verification of reconciliation.**
- A written wire fraud response procedure, which includes the recommendations of the [ALTA Rapid Response Plan for Wire Fraud Incidents](#) is in place and is reviewed at least annually.
 - Escrow Trust Accounts are supported by detailed Trial Balances listing all open escrow file balances.
 - All Escrow Trust Accounts are reconciled.
 - On at least a daily basis, Safe Harbor Title staff reconciles the Escrow Trust Account activities in the bank's records to the activities in the Escrow Trust Account books, identifying and investigating any discrepancies.
 - On at least a monthly basis, a Three-Way Reconciliation is performed.
 - Segregation of duties is in place to help ensure the reliability of the reconciliation and reconciliations are conducted by Safe Harbor Title's Compliance Officer, who does not have signing or disbursing authority.
 - Shortly after the monthly Three-Way Reconciliation of each fiduciary account is completed, the results are reviewed and approved by Safe Harbor Title Company's management and are made available to Safe Harbor Title Company's contracted Title Insurer(s).

Best Practices Pillar #3



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3. Best Practice: Adopt and maintain a Written Information Security Plan (“WISP”) and a written privacy plan to protect NPI as required by local, state, and federal law.

Purpose: As required by federal and state laws (including the Gramm-Leach-Bliley Act), Safe Harbor Title Company has a written information security plan (“WISP”) that describes the procedures we employ to protect NPI. Safe Harbor Title’s WISP takes into account the size, complexity, nature and scope of Safe Harbor Title Company’s business, and the sensitivity of the Consumer information Safe Harbor Title Company handles.

Procedures to meet this best practice:

- Establish and implement a WISP designed to protect the security and confidentiality of NPI and the security of the Company’s information systems. The WISP should include:
 - Multi-factor authentication, if available, that requires multiple credentials (factors) for access to systems containing NPI.
 - Password management plan that requires unique login names and system passwords to access systems containing NPI. System passwords must meet minimum standards which include:
 - re-entry of the password after system idling;
 - passwords that expire after a certain period of time; and
 - difficult-to-guess passwords that include a combination of uppercase letters, lowercase letters, special characters, with a minimum length of eight total characters.
 - Timely software updates that require routine updates to systems, software, and code that, when left outdated, can result in data breaches, cyberattacks, exploits, ransomware attacks and other exposure of NPI.
 - Physical security.
 - Restrict access to the Company’s information systems to only authorized employees and authorized service providers who have undergone Background Checks.
 - Prohibit or control the use of removable media.
 - Control physical access to NPI in physical forms, including cabinets, desks, storage, or other areas where NPI exists in any physical or electronic format, to authorized employees and authorized service providers who have undergone Background Checks.

Best Practices Pillar #3 continued



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3. **Best Practice: Adopt and maintain a written information security plan (“WISP”) and a written privacy plan to protect NPI as required by local, state, and federal law.**
 - Network and cloud security to protect NPI.
 - Maintain and secure access to Safe Harbor Title Company information technology software applications and data stored on physical or virtual equipment at Safe Harbor Title Company location(s), in a data center, in the cloud, or hosted by third-party vendors.
 - Develop guidelines for the appropriate use of Safe Harbor Title Company information technology. Preparedness and Training.
 - Establish, and periodically test, a written business continuity and disaster recovery plan outlining procedures to recover and maintain information, business functions, and business processes in the event of a disruption or compromise of systems or facilities, including continuity of operation for Consumer Settlements, and timely notification of parties in case of any delays.
 - Establish, and periodically test, a written incident response plan designed to promptly respond to, and recover from, a cybersecurity incident
 - Periodically review Safe Harbor Title Company's security controls and Safe Harbor Title Company's WISP and make appropriate changes to address emerging threats and risks to Safe Harbor Title Company's information systems and NPI.
 - Establish a training program to guide management and employee compliance with Safe Harbor Title Company's WISP and awareness of current and developing cybersecurity threats.
 - Comply with applicable federal and state laws which may require companies that possess records containing NPI to maintain records securely, to retain records for prescribed time periods, and to dispose of records (physical and electronic) in a manner that protects against unauthorized access to or use of NPI.

Best Practices Pillar #3 continued



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3. Best Practice: Adopt and maintain a written information security plan (“WISP”) and a written privacy plan to protect NPI as required by local, state, and federal law.

- Select service providers and third-party systems whose information security policies are consistent with Safe Harbor Title Company’s WISP, including but not limited to:
 - Independent contractors and service provider employees who have access to NPI in the course of their work. This group of people may include signing professionals, IT consultant employees, outsourcing company employees, and third-party software provider employees.
 - Software tools and resources which may have access to NPI or store records containing NPI as part of their setup or operation. These software tools and resources might include third-party software or systems; automated processes for order entry, search, or production; automated or artificial intelligence processes that integrate with other internal or external systems; automated status or communication processes; API data integrations; and software add-ins or plug-ins.
 - Other systems which may not be designed to have access to NPI but may inadvertently provide a gateway into Safe Harbor Title Company systems, including, but not limited to, security systems, climate control systems, smart home devices, guest Wi-Fi access, and personal devices occasionally connected to Safe Harbor Title Company network by employees or guests.
- Establish a privacy policy explaining how data is collected and used and publish it on Safe Harbor Title Company’s website(s) or provide information directly to Consumers in another useable form.

Best Practices Pillar #4 continued



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4. Best Practice: Adopt standard Real Estate Settlement policies and procedures that help ensure compliance with: (i) federal and state consumer financial protection laws and regulations, and (ii) contractual obligations as applicable to the Settlement process.

Purpose: Adopting appropriate policies and procedures, including conducting ongoing employee training, to help ensure Safe Harbor Title Company can meet federal, state, and contractual obligations governing the Settlement. These policies and procedures must be appropriate to the locale because consumer financial protection laws may vary from state to state. Appropriate and effective training helps Safe Harbor Title Company safeguard Settlement documents. These procedures help maintain accuracy, minimize errors in completing the Settlement, and provide a framework for a positive Consumer experience.

Procedures to meet this best practice:

- Train staff to provide a framework which will:
 - Minimize errors in completing the Settlement.
 - Enable a timely response to concerns raised by any of the parties following the Settlement, including addressing Consumer complaints in compliance with the requirements of ALTA Best Practices.
- Establish and observe proper pricing procedures.
- Establish and implement written procedures to charge the appropriate title insurance premium and other fees for services provided by Safe Harbor Title Company. These premiums and fees may be charged based on state and federal legal requirements, contractual obligations, or as set by Safe Harbor Title Company.
 - Utilize rate manuals and online calculators, as appropriate, to ensure correct amounts are being charged for title insurance policy premiums, state or Safe Harbor Title Company-specific fees, and endorsements.
 - Ensure discounted premiums are calculated and charged when appropriate, including refinance or reissue premiums.
 - Quality-check the Settlement documents after Settlement to ensure Consumers were charged the correct premiums and fees. Issue timely refunds to Consumers when an overpayment is detected.

Best Practices Pillar #4 continued



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- 4. Best Practice: Adopt standard real estate Settlement policies and procedures that help ensure compliance with: (i) federal and state consumer financial protection laws and regulations, and (ii) contractual obligations as applicable to the Settlement process.**
- **Disclose Affiliated Business Arrangements.**
 - In compliance with state and federal laws and regulations, establish and implement procedures requiring proper disclosure of any affiliated business arrangements in which Safe Harbor Title Company participates.
 - Prepare and execute documents accurately.
 - Establish and implement written procedures regarding the preparation and proper execution of Settlement documents. These procedures must comply with state law, federal law, contractual obligations with the Title Insurer, and as contractually agreed to by the Consumer or lender, and/or as directed by the Consumer or lender.
 - **Oversee signing professionals.**
 - Establish and implement written procedures to monitor and verify that all signing professionals possess the appropriate state licensing and insurance to notarize documents (both in person and remotely, if applicable), conduct the Settlement (if applicable), and safeguard NPI. These requirements are determined by a mix of legal and contractual obligations, including state regulations and Title Insurer requirements and restrictions.
 - For signing professionals who are employed by Safe Harbor Title Company, establish and implement written procedures to perform Background Check(s) for employees who conduct Settlements or who have access to Settlement documents and funds.
 - For signing professionals who are third parties, require demonstrable evidence of their current state licensure, where required, or a recognized and verifiable industry designation; and E&O insurance and Notary surety bond, if required by state law and/or the Title Insurer.
 - Require a written acknowledgement of compliance with Safe Harbor Title Company's instructions and Safe Harbor Title Company's WISP as detailed in ALTA Best Practices.
 - For a third-party signing professional contractually retained by anyone other than Safe Harbor Title Company (e.g., the lender, Consumer, or an attorney representing any of these parties), the responsibility for verifying that the third-party signing professional meets applicable standards rests with that party.
 - Safe Harbor Title Company may engage a vendor who assumes the obligation to monitor and verify that the third-party signing professional complies with ALTA Best Practices requirements.

Best Practices Pillar #4 continued



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- 4. Best Practice: Adopt standard real estate Settlement policies and procedures that help ensure compliance with: (i) federal and state consumer financial protection laws and regulations, and (ii) contractual obligations as applicable to the Settlement process.**
- Selecting Remote Notarization Platforms.
 - If Company employees will be notarizing Settlement documents via remote notarization, select a remote notarization platform authorized by the state in which the notary public is located and that is approved by the Title Insurer, as applicable. Ensure that the software platform is capable of meeting the minimum requirements of the state, including retention of the video and safeguarding of NPI.
 - Implement procedures to charge fees as authorized by the state regulations.
 - If Company will engage a third-party to notarize documents via remote notarization, oversee the selection of the platform in compliance with ALTA Best Practices. If the state in which the property is located has a process to approve remote notarization platforms, the selected software platform must be approved by the state and the Title Insurer, as applicable.
 - Establish and follow consistent and correct recording procedures.
 - Record documents pursuant to legal and contractual requirements and incorporate those requirements in Company's written procedures.
 - Submit electronically or deliver documents for recording to the appropriate recording jurisdiction or the person or entity responsible for recording within two (2) business days of the later of: (i) the date of Settlement, or (ii) receipt by Company if the Settlement is not performed by Company.
 - If Company will be submitting documents for recording through an e- recording vendor, ensure Company complies with local laws and requirements, and has a contract or agreement in place with the e-recording vendor.
 - Track delivery and receipt of documents for recording. Timely and appropriately address recording rejections.
 - Verify proper recordation of the document(s) and maintain a record of the recording information.
 - Comply with written procedures and controls for Escrow Trust Accounts, including e-recording accounts containing recording fees and/or any applicable tax that may be imposed by the state or municipality on the recording of documents.

Best Practices Pillar #5



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5. **Best Practice: Adopt and maintain written procedures related to title policy production, delivery, reporting, and premium remittance.**

Purpose: Adopting and implementing appropriate procedures for the production, delivery, and remittance of title insurance policies helps ensure that Safe Harbor Title Company meets our legal and contractual obligations.

Procedures to meet this best practice:

- Title policy production and delivery.
 - Title insurance policies are issued and delivered in a timely manner to meet statutory, regulatory, and contractual obligations.
 - Title policies are issued and delivered within thirty days of the later of:
 - (i) the date of Settlement, or (ii) the date that the terms and conditions of the title insurance commitment are satisfied, unless statutory or regulatory requirements deem that an earlier delivery is necessary.
- Premium reporting and remittance.
 - Title insurance policies are reported to the Title Insurer (including a copy of the policy, if required by the Title Insurer) to meet applicable statutory, regulatory, and contractual obligations, but not to exceed 45 days following:
 - (i) the date of Settlement, or (ii) the date the terms and conditions of the title insurance commitment are satisfied.
 - Title insurance premiums are remitted to the Title Insurer to meet applicable statutory, regulatory, and contractual obligations.

Best Practices Pillar #6



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6. Best Practice: Maintain appropriate insurance and fidelity coverage.

Purpose: Appropriate levels of professional liability insurance or E&O insurance, cyber liability insurance, and crime coverage help ensure Safe Harbor Title Company maintains the financial capacity to stand behind their professional services. Specific types of insurance or coverage may be required by law, regulation, or contractual obligations.

Procedures to meet this best practice:

- Safe Harbor Title Company maintains appropriate professional liability insurance or E&O insurance, cyber liability insurance, and crime coverage.
- Safe Harbor Title Company complies with requirements for professional liability insurance, E&O insurance, fidelity coverage, or surety bonds, as required by state law or Title Insurer contractual obligations.
- Insurance coverage limits and exceptions, particularly E&O insurance, cyber liability insurance, and crime coverage, are frequently reviewed with Safe Harbor Title Company's insurance broker/agent at least on an annual basis.

Best Practices Pillar #7



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7. **Best Practice: Adopt and maintain written procedures for resolving Consumer complaints.**

Purpose: A process for receiving and addressing Consumer complaints helps ensure reported instances of poor service or non-compliance do not go undiscovered or unresolved.

Procedures to meet this best practice:

- Consumer complaint intake, documentation, tracking, and resolution.
 - Standard procedures for logging and resolving Consumer complaints helps ensure that sufficient information to understand the nature and scope of the complaint is being received and acted upon.
 - Develop a standard Consumer complaint form that identifies information that connects the complaint to a specific transaction.
 - Set a single point of contact for Consumer complaints.
 - Establish procedures for forwarding complaints to appropriate personnel.
 - Have appropriate follow up on complaints until resolved or closed, including periodic review of unresolved/open complaints, closed complaints, and, as appropriate, Consumer communication.
 - Maintain a log of Consumer complaints that includes when and how the complaint was resolved or closed.

Thank you!



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*Thank you for choosing
Safe Harbor Title Company
for your real estate
Settlement & Title service
needs!*