

**NOTE: A TITLE COMMITMENT SHOULD NOT BE  
DRAFTED UNTIL NOTICE IS GIVEN TO DO SO BY BWSR**



**WETLAND BANKING PROGRAM  
INSTRUCTIONS FOR  
ORDERING A TITLE COMMITMENT**

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A title insurance policy naming the State of Minnesota as the insured is required for a wetland bank site. It is the responsibility of the landowner (or the landowner working with the local Soil & Water Conservation District) to hire a title company or title agent and obtain a title insurance policy acceptable to the State. This document provides instructions for the first step in obtaining the required title insurance policy: ordering the title commitment. This document should be delivered to the title company or agent selected, as it provides details regarding the required form of commitment and title search.

**1. Hire a title company or title agent to provide a title commitment for the subject property.** Commitment requirements:

- a) Covered property: all of the proposed easement area and any ingress/egress route.
- b) Form: commitment for an ALTA's Owner's Policy (form 6-17-06).
- c) Extent of title examination: back to patent; the title search cannot be limited to a certain number of years.
- d) Form of Schedule A: as shown on Exhibit A attached to this document.
- e) Coverage amount:
  - 1) Banking programs other than road banking: amount is to be determined based on the number of anticipated credits; if the amount of coverage is needed to order the commitment, contact the Board of Water and Soils Resources, otherwise the amount can be left as "TBD".
  - 2) Road banking program: easement payment amount.

**2. Deliver the following to the Board of Water and Soils Resources in a single package:** (i) the title commitment; (ii) complete and legible copies of all exception documents referred in Schedule B-II of the commitment (excluding mortgage documents); and (iii) complete and legible copies of any recorded documents referred to in the legal description (e.g., plats).

Address for delivery: Minnesota Board of Water & Soil Resources  
Attn: Easement Section  
520 Lafayette Road North  
St. Paul, MN 55155

The transmittal letter needs to reference the name of the landowner, the name of the project and the county in which it is located.

## EXHIBIT A

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**STATE OF MINNESOTA  
WETLAND BANKING PROGRAM  
SPECIMEN TITLE COMMITMENT**

Commitment Number: \_\_\_\_\_

### SCHEDULE A

1. Effective date: \_\_\_\_\_

2. Policy or Policies to be issued:

Owner's Policy (ALTA Owner's Policy [6/17/06])

Proposed Insured: STATE OF MINNESOTA, BOARD OF WATER AND SOIL  
RESOURCES

3. The estate or interest in the land described herein and which is covered by this Commitment is:

Easement interest in a Perpetual Conservation Easement. Said easement was recorded on \_\_\_\_\_, as document number \_\_\_\_\_ in the office of the County Recorder of \_\_\_\_\_ County.

4. Title to said estate or interest in said land is at the Effective Date vested in:

- a. Perpetual Conservaton Easement in the name of the insured above.
- b. Fee simple title in the name of \_\_\_\_\_.

5. The land referred to in this policy is situated in the County of \_\_\_\_\_, State of Minnesota, and is described as follows:

See attached legal description.