



## TITLE INSURANCE & TITLE RESOLUTION

The Title Insurance & Title Resolution Practice Group has a long-standing reputation as an experienced partner with title insurance companies, owners, lenders, title agents and other parties involved in real estate title matters. We have only one goal: to successfully resolve every title issue.

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### areas of concentration

- Analysis of Coverage and Exclusions for Underwriters
- Defense Counsel for Insureds
- Defalcation & Fraud Recovery
- Defense of Underwriters from Claims
- Expert Witness Title Insurance Coverage
- In-house Counsel Training
- Litigation in State & Federal Courts
- Mechanics Lien Defense
- Recovery of Losses from Agents
- Subrogation Litigation
- Bankruptcy
- Title Curative Measures

### who we are

The lawyers in Kaufman & Canoles' Title Insurance and Title Resolution Practice Group have extensive experience in real estate law, creditors' rights, foreclosures, litigation, construction law, along with the judgment to use these skills to the best benefit of our clients, whether they are title insurers or title agents, or uninsured owners or lenders. When representing title insurance companies and their agents, we understand the hurdles they must overcome to be profitable in an increasingly competitive market, and we use our many skills to aid them in overcoming those hurdles. We have an in-depth comprehension of the intricacies of a title insurance policy. Deeply rooted in Virginia and its local communities, we are able to leverage our firm's diverse practice areas to craft comprehensive solutions for title claims.

### what we do

Our Title Insurance and Title Resolution Practice Group represents title insurance companies and title agents, as well as uninsured owners and lenders. Title insurance underwriters and their agents face a plethora of challenges in the course of conducting business. A title insurer is called upon to take action quickly when a claim or loss is discovered. We are intimately familiar with the body of real estate case law surrounding issues which are the subject of many claims. We have designed a system to efficiently and effectively resolve the problems that may arise under a title policy, from an everyday boundary line dispute to a multi-million dollar defalcation. Our team members initiate the appropriate action to ensure our clients are protected, including a Virginia-specific or nationwide interpretation of the insurer's duties under a policy, assessing the merits of a claim, and, if needed, filing a lawsuit to protect either the underwriter or the insured.

### what we do (cont.)

We have an expertise in resolving cases of fraud and defalcation of trust funds, a problem that has become increasingly common. In these cases, the underwriters will usually be asked to pay obligations intended to be paid with the stolen funds. Our team members have developed creative solutions to help underwriters stem the loss and recover defalcated assets.

We are the only law firm in Virginia to have written a claims manual, the Virginia Title Insurance Claims Manual, as a “go-to” resource for title insurance companies and their agencies. This manual enables the user to quickly identify issues arising in the day-to-day business of issuing policies. Please contact James L. Windsor, Chairman of the Title Insurance section, to obtain a copy of the manual.

Our primary objective is to aid our clients in minimizing risk and maximizing profits so that they can devote their attention to issuing insurance rather than engaging in litigation. Our team has developed an aggressive, proactive approach to new claims. We react quickly to resolve a small problem before it can become a big problem. Our quick response policy enables us to work with our clients to win cases and, most importantly, save money.

### our track record

We devote our resources to understanding the title insurance industry’s needs and concerns in order to better serve our title insurance clients. In recent years, we have:

- Initiated, defended and/or resolved over a hundred title disputes, boundary line suits and quit title actions throughout Virginia
- Invalidated millions of dollars in mechanic’s liens claims on various construction projects before trial
- Litigated a declaratory action in federal court to eliminate a \$1.5 million claim against an underwriter
- Traced assets defalcated from an attorney’s trust account to recover the total amount defalcated plus attorneys’ fees
- Issued denial of coverage letters to claimants on a \$10 million mechanic’s lien claim wherein the claimant accepted the denial without further action from the underwriter
- Recovered the total amount of an underwriter’s loss resulting from a faulty title examination by the agency that performed the examination