

Adopted by ALTA Board of Governors on October 16, 2024

NOT FINAL / NOT PUBLISHED
For Public Comment by December 3, 2024
Email Comments to: forms@alta.org

ALTA 48 ENDORSEMENT — TRIBAL LIMITED WAIVER AND CONSENT ENDORSEMENT

This endorsement is issued as part of
Policy Number _____
issued by
BLANK TITLE INSURANCE COMPANY

1. For purposes of this endorsement only, "Tribe" means _____.
[Drafting Instruction: insert exact name of the tribe as published in the Federal Register]
2. For the sole purpose of allowing any action or proceeding requesting interpretation of any of the terms and provisions of the policy or determining the rights and obligations of the Company under the policy, the Insured:
 - a. Expressly and irrevocably grants a limited waiver of sovereign immunity to the Company;
 - b. Expressly and irrevocably waives any defense due to failure to exhaust remedies in the courts of the Tribe; and
 - c. Consents to jurisdiction and venue in the federal courts of the United States of America and the courts of the State(s) where the Land is located.
3. The waivers and consents set forth in Section 2 of this endorsement;
 - a. Do not extend to any action for monetary damages against the Tribe;
 - b. Do not extend to the benefit of any third party; and
 - c. Shall be valid and binding only for so long as coverage under the policy continues pursuant to Condition 2.
4. The Insured acknowledges the Company's right to pursue litigation on behalf of the Insured for the purposes of establishing title, defending title, or pursuing subrogation rights pursuant to the Conditions of the policy.

The Company reserves, as to any successor Insured, all rights and defenses that it would have against, and any waivers and consents by, any predecessor Insured.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

AGREED AND CONSENTED TO:
[Drafting Instruction: Insert name of Insured]

[Drafting Instruction: Insert name of Tribe, if not the Insured]

By: _____
Authorized Representative of the Insured

By: _____
Authorized Representative of the Tribe

[Witness Clause]

