

Redline of ALTA Endorsements 3.2 (2021 v 01.00 07-01-2021) against 3.2-06 (Effective 04-02-2012 TC 12-01-2015)

ALTA 3.2 ZONING—LAND UNDER DEVELOPMENT ENDORSEMENT

Attached to

This endorsement is issued as part of

Policy ~~No.~~Number _____

issued by

BLANK TITLE INSURANCE COMPANY

1. For purposes of this endorsement:

- a. ~~“Improvement” means a:~~ A building, structure, road, walkway, driveway, curb, subsurface utility, or water well existing at the Date of Policy or to be built or constructed according to the Plans that is or will be located on the Land, but excluding crops, landscaping, lawns, shrubbery, or trees.
- b. ~~“Plans” means those:~~ Those site and elevation plans made by [name of architect or engineer] dated _____, last revised _____, designated as [name of project] consisting of _____ sheets.
- c. ~~“Zoning Ordinance”:~~ A zoning ordinance or zoning regulation of a political subdivision of the State that is in effect and applicable to the Land at the Date of Policy.

2. The Company insures against loss or damage sustained by the Insured in the event that, at the Date of Policy:

~~according to applicable zoning ordinances and amendments~~

- a. According to the Zoning Ordinance, the Land is not classified Zone _____;
- b. The following use or uses are not allowed under that classification: _____;
- c. There ~~shall be~~ is no liability under ~~paragraph~~ Section 2.b. if the use or uses are not allowed as the result of any lack of compliance with any condition, restriction, or requirement contained in the ~~zoning ordinances and amendments~~ Zoning Ordinance, including but not limited to the failure to secure necessary consents or authorizations as a prerequisite to the use or uses. ~~This paragraph~~ Section 2.c. does not modify or limit the coverage provided in Covered Risk 5.

3. The Company further insures against loss or damage sustained by the Insured by reason of a final decree of a State or federal court ~~of competent~~ having jurisdiction either prohibiting the use of the Land, with any Improvement, as specified in ~~paragraph~~ Section 2.b. or requiring the removal or alteration of the Improvement, ~~because of a violation of,~~ at the zoning ordinances and amendments in effect at Date of Policy, the Zoning Ordinance has been violated with respect to any of the following matters:

~~Area~~

a. The area, width, or depth of the Land as a building site for the Improvement;

~~Floor~~

b. The floor space area of the Improvement;

~~Setback~~

c. A setback of the Improvement from the property lines of the Land;

~~Height~~

d. The height of the Improvement; or

~~Number~~

e. The number of parking spaces.

4. There ~~shall be~~ is no liability under this endorsement based on:



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- 51 a. ~~The~~ invalidity of the ~~zoning ordinances and amendments~~Zoning Ordinance until after a final
- 52 decree of a State or federal court ~~of competent~~having jurisdiction adjudicating the invalidity, the
- 53 effect of which is to prohibit the use or uses; described in Section 2.b.
- 54 b. The refusal of any person to purchase, lease, or lend money on the Title covered by this policy.
- 55

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

61
62
63 [Witness clause ~~optional~~]

64
65
66 [Date]

67
68 **BLANK TITLE INSURANCE COMPANY**

69
70 **By:** _____

71
72 **By:** _____
73 **[Authorized Signatory]**

