



Northwest Land Title, Inc.

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Title Insurance Success Stories

Protect Your Most Important Investment

Title insurance protects your property against the past as well as the future. A policyholder is protected against challenges to rightful ownership of real property, challenges that arise from circumstances of past ownerships. Each successive owner brings the possibility of title challenges to the property. When you purchase real property, rely on us to protect your interests. You'll be insured by a company backed by more than 150 years of successful title operations.

KEEP
CALM
AND
COLLECT
ALL
SIX

Note: While the situations have taken place, the names and locations been changed to protect the privacy of the individuals and/or companies involved.

#3 - Lack of Access to Property - The Saga of George and Kathy

Mr. and Mrs. George B. purchased a small farm in a rural northern Wisconsin County for \$70,000 in 1975. In connection with this transaction, they obtained an owner's title insurance policy. The only means of access to and from the Insureds' property was an old dirt road that went across a neighboring parcel of land and connected with a state highway. The title search that was conducted when the Insureds purchased their property showed that there were no recorded grants of easement or other documents in the public records that gave them the right to use this road. The road had been used for many many years and most people in the immediate area had always recognized the old dirt road as an access way to the neighboring land. The title insurance policy purchased contained the now-standard provisions insuring against loss caused by the lack of a right of access to and from the property.

In 1990, the neighboring parcel was acquired by Out Of State Investment Corporation, a foreign corporation that began to implement plans to build a 200-to-300-home residential subdivision. When it determined that the dirt road used by the Insureds ran right through the middle of its proposed subdivision, Out of State hired a large law firm from outside the community to bring a lawsuit against the Insureds to prevent them from continuing to use the road.

When the Insureds were served with the lawsuit, they were struggling financially. They were in the process of trying to sell their farm so that they could finalize their pending divorce. They needed to be able to establish a right of access to be able to sell the farm, but could not afford the crushing cost of litigating a high-stakes quiet title action against a wealthy corporation represented by a law firm known for its "scorched earth" litigation tactics. Even if they could have afforded to retain an attorney, the Insureds had no experience or information that would have enabled them to locate an attorney with the highly specialized knowledge needed to effectively litigate the complex title issues presented by the lawsuit.

When the Insureds advised the title insurer of the lawsuit brought by Out of State, the insurer retained an experienced and highly competent real estate attorney to represent them. Drawing on its title expertise and its superior resources, the Company researched the history of the Insureds' property and the surrounding properties back to the mid-1800's. Using ancient maps and records, it was able to conclusively prove that the road used by the Insureds had been a heavily-traveled wagon road in the late 1800's and had been established as a county road under an obscure state law that had been repealed in the 1890's. Based on this showing, the Insureds were able to obtain a summary judgment that conclusively determined that the road was a county road and, therefore, that the Insureds had a legal right to use it to get to and from their property.

By successfully utilizing the summary judgment procedure, the insurer was able to avoid a lengthy discovery process, eliminate the need for a trial and resolve the lawsuit-which might otherwise have gone on for years-in less than six months after it took over the case. The Insureds were able to sell their farm, finalize their divorce and get on with their lives. Out of State, which had refused to grant the Insureds a private right of way over its property, had to revise its plans to accommodate the public road as a part of its proposed subdivision.

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