

## CHAPTER 68

## TITLE INSURANCE COMPANIES

NOTE: Regulation of title insurance companies began with L. 1887 c. 135. The act legalized and confirmed the privileges and franchises of companies then existing. Insurance laws generally were revised and codified by L. 1895, c. 175, and sections 60 and 61, as amended and supplemented now constitute chapter 68 of our present statutes.

**68.01 REAL ESTATE TITLE INSURANCE COMPANIES.**

"Tenancy of the present occupants", stated in the policy as a defect in or objection to the title against which the insurer does not insure, is construed as meaning a tenancy arising through temporary possession by those who are tenants in the popular sense; and does not include the claim of one who asserts ownership in fee as against the title insured, and is in actual possession at the time. *Place v St. P. Title Ins. Co.*, 67 M 126, 69 NW 706.

The insurer is not a surety. The defendant company for an adequate consideration agreed to indemnify, keep harmless and insure the mortgagee "from all loss or damage" the amount of the mortgage debt, which the mortgagee might sustain by reason of defect in title or liens existing at the date of the policy. Upon foreclosure the insurer must either pay the amount of the liens or see that they are satisfied. *Minnesota Title v Drexel*, 70 F 195.

Bar association committee report. 19 MLR 354.