

TITLE ISSUES

A Statutory Guide to the Reviewing of Plats of Subdivision

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It is an unfortunate reality that the Illinois statutes relating to the reviewing of plats of subdivision are scattered throughout the Illinois Revised Statutes. The purpose of this article is to list and briefly discuss many of these statutes. It is hoped that such a summarization may make the job of reviewing these plats as easy a task as possible.

Most of the plats that the attorney encounters are probably plats of subdivision - *i.e.*, plats of survey intended to subdivide a tract of land into smaller tracts. However, the real estate practitioner will, from time to time, encounter other types of plats, such as plats of vacation, assessment, annexation and dedication. These types of plats will be discussed as well, albeit briefly.

The Plat Act

Ill. Rev. Stat. ch. 109, para. 1 *et seq.* (1989),¹ is commonly termed the "Plat Act." The "exceptions to the Plat Act" (*i.e.*, a listing of those situations in which the requirements of the Plat Act need not be followed) are also found in these sections of the statutes. Plat Act, §1(b). These exceptions are also commonly listed in those title company documents commonly termed the "Plat Act Affidavits" or the "metes and bounds affidavits" that are appended to deeds where a question arises as to whether the legal description is one that has been created by means of a subdivision that requires compliance with the provisions of the Plat Act. Under the Plat Act, the County Recorder or Registrar of Title may require such affidavits in cases of doubt regarding the applicability of the Plat Act. Plat Act, §5a.

The Plat Act provides that whenever an owner of land subdivides it into two or more parts, any one of which is less than five acres in size, a subdivision plat conforming to the requirements of the Plat Act must be prepared by an Illinois Registered Land Surveyor, unless one of the listed exceptions applies. Plat Act, §1(a). Counties (but not municipalities) are also specifically authorized to adopt standards, ordinances or specifications that reduce the acreage minimum to less than five acres but no more than two acres. Plat Act, §1(b).

Some of the salient requirements of Section 1 of the Plat Act are as follows:

1. The plat of subdivision should set forth all public streets, alleys, public grounds, and utility easements.
2. The plat should set forth "all the tracts, parcels, lots or blocks, and numbering all such lots, blocks or parcels by progressive numbers, giving their precise dimensions."²
3. The angles, courses and distances of the exterior boundaries

of the subdivided tract of land should be shown.

Various monuments must be placed "in the field," *i.e.*, in the actual surveyed area. Also, monuments marking the exterior boundaries of the subdivided tract of land should be placed in the surveyed property and should also appear on the plat.

Along with the plat, Section 1 of the Plat Act requires submission of various studies or data showing the topography and elevation of the land and the existing flow of surface water and any proposed changes to that flow to the authority charged with the responsibility of reviewing the plat.

Section 2 of the Plat Act requires the following:

1. The surveyor who surveyed the land must sign the plat of subdivision.
2. The plat must be at least 8 1/2 inches by 14 inches in size, but not more than 30 inches by 36 inches.
3. The owner of the land should also sign the plat and the owner's signature should be notarized.³ Thus, if title to the subdivided land is held in an Illinois land trust, it is this trust that should sign the plat as owner, and not the beneficiary or beneficiaries of the trust. Generally speaking, whenever land burdened by a mortgage or mortgages is subdivided, so that a portion of such land is either dedicated for road purposes or reserved or granted for utility purposes, it is the customary practice for title insurance companies to request that any and all mortgagees consent to the plat. However, if the plat does not involve any new dedications, grants or reservations, then such consent is usually not required. This is solely a title insurance underwriting consideration; it is not a statutory requirement.
4. If the subdivided land is located within a city, village or town, or within contiguous territory affected by an official plan of any city, village or town, the plat must be approved by the city council or board of trustees of that city, village or town (or an officer designated by them). *See also* Ill. Rev. Stat. ch. 24, para. 11-15-1 (1989) discussed below.
5. If the subdivided land is located outside the corporate limits of a city, village or town and is not affected by an official plan of any city, village or town, then the plat must be approved by the county board of the county in which the land is located. *See also* Ill. Rev. Stat. ch. 34, para. 5-1041 (1989) discussed below.

In addition, Section 2 of the Plat Act was also recently amended by P.A. 86-1238 which became effective on August 31, 1990. This Act requires the current mailing address of the party submitting the plat for recording to be shown on each plat. *See West's Illinois Legislative Service, Laws of the 86th General Assembly (Regular Session), No. 6, pp. 1425-1427 (1990).*

Other Applicable Statutory Provisions

Other relevant statutory provisions affecting plats of subdivision are found in the Revenue Act of 1939, as amended, the Illinois Municipal Code and the Illinois Counties Code, the latter of which took effect on January 1, 1990. These statutory provisions must be read with the Plat Act in order to determine what approvals and signatures are required before a proposed plat of subdivision may be recorded.

Section 35 of the Revenue Act of 1939, as amended, Ill. Rev. Stat. ch. 120, para. 516 (1989), provides that no city, town or village may approve a plat of subdivision and no recorder shall record a "plat of subdivision, vacation, or dedication" unless the plat contains a statement from the county clerk, stating that there are no "delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the tract of land . . ." As a practical matter, because general real estate taxes become a lien on January 1 of each year, most county clerks require the payment of all general real estate taxes for any year for which a bill has been issued even if an unpaid installment is not delinquent until much later. If a bill has not yet been issued, generally no taxes other than prior years for which bills have previously been issued need be paid.

In order for any "map, plat or subdivision of land," to be recorded, Section 3-5029 of the Counties Code requires the plat to have a surveyor's certificate, stating that "the land is or is not within any incorporated city, town or village, nor within 1 1/2 miles of the corporate limits of any incorporated city, town or village which has adopted a city plan" unless it is a street or highway survey map or plat or is a plat entitled to be recorded by reason of having been approved under Section 11-15-1 of the Illinois Municipal Code. Ill. Rev. Stat. ch. 34, para. 35029 (1989); *see also* Ill. Rev. Stat. ch. 24, para. 11-15-1 (1989).

Consistent with that requirement, Section 5-1041 of the Counties Code provides that any "map, plat or subdivision of any . . . parcel of land, not being within any city, village or incorporated town" must be approved by the county board or its designated officer. Such an officer must not, however, be "engage[d] in the business of surveying, and no such plat, map, or subdivision shall be received for record or have any validity if it is prepared by or under the direction of such plat officer." Ill. Rev. Stat., ch. 34, para. 5-1041 (1989).

In addition, Section 11-15-1 of the Illinois Municipal Code provides:

If any municipality has adopted a subdivision ordinance pursuant to [Ill. Rev. Stat. ch. 24, para. 11-12-4 *et seq.* (1989)], all subdivision plats shall be submitted for approval and approved in the manner provided in such ordinance. Until approved by the corporate authorities, or such officer designated by them, no such map, plat or subdivision plat shall be entitled to record [sic] in the proper county, or have any validity whatever.

Ill. Rev. Stat. ch. 24, para. 11-15-1 (1989).

In other words, if the surveyor's certificate indicates that the property is within the corporate limits of a municipality, then you do not need the signature of the "county board or its designated officer." Rather, you need the signature of the corporate authorities of that municipality or their designated officer. The same is true if the property is outside the corporate limits of a municipality, but is within 1 1/2 miles of the municipal limits and the municipality has adopted a city plan

(called an "official plan" under the Plat Act and a "comprehensive plan" which includes an "official map" under the Illinois Municipal Code). *See* Plat Act, §2, Ill. Rev. Stat. ch. 24, para. 11-12-7 (1989). However, if the property is located more than 1 1/2 miles outside the municipal limits or within 1 1/2 miles of a municipality that has not adopted a city plan covering the land, then the county board or its designated officer's signature is needed. Ill. Rev. Stat. ch. 34, paras. 3-5029, 5-1041 (1989).

Where the property to be subdivided is located within 1 1/2 miles of two or more municipalities that have adopted official plans, Section 11-12-9 of the Illinois Municipal Code governs which municipality must approve a proposed plat of subdivision. Section 11-12-9 provides that:

the corporate authorities involved may agree upon a line which shall mark the boundaries of the jurisdiction of each of the corporate authorities who have adopted such agreement In the absence of such agreement, the jurisdiction of any one of the corporate authorities shall extend to a median line equidistant from its boundary and the boundary of the other corporate authority nearest to the boundary of the first corporate authority at any given point on the line.

Ill. Rev. Stat. ch. 24, para. 11-12-9 (1989). Unfortunately, this may result in a situation in which a large tract will require the approval of more than one municipality if there is no boundary line agreement, unless the property is annexed prior to the approval of the plat of subdivision.

Section 3-5029 of the Counties Code also provides that any "map, plat or subdivision of land" must be under the seal of a registered land surveyor. Ill. Rev. Stat. ch. 34, para. 3-5029 (1989). This provision applies both to plats that must be approved by the county board and to plats that must be approved by the corporate authorities of an incorporated city, town or village.

Section 3-5029 of the Counties Code also provides that a plat of subdivision of any lands "bordering on or including any public waters of the State" must be approved by the Department of Transportation ("IDOT").⁴ In addition, Section 3-5029 provides that any "map, plat, or subdivision of lands" must, in order to be recorded, indicate whether any part of the property in question is located within a special flood hazard area as identified by the Federal Emergency Management Agency ("FEMA").⁵ Some title companies are now offering "Flood Zone Determination Reports" which give certain certifications relating to whether the property is located within a special flood hazard area. Maps are also available from FEMA that can be used by the surveyor to determine whether the subdivided property is located in a special flood hazard area. As Section 3-5029 does not apply to "any street or highway survey map or plat," it seems reasonable to assume that a plat of dedication or street vacation would not have to be approved by IDOT or bear a FEMA special flood hazard designation to meet the requirements of this Section.⁶

Section 11-12-8 of the Illinois Municipal Code, Ill. Rev. Stat. ch. 24, para. 11-12-8 (1989), deals with the procedures for municipal approval of plats of subdivision or resubdivision. In general, there is a 60-day time period for final plat approval commencing as of the date when the last document required by the applicable municipal ordinance is filed, unless the applicant and the corporate authorities mutually agree to extend the time period. No similar statutory time periods are provided for county plat approvals.

If the corporate authorities fail to approve or disapprove the proposed plat within this time period, it is possible under certain circumstances for the plat to be recorded without the approval of the municipality in question. Under Section 11-12-8, if the municipal corporate authorities fail to act on a final plat within the statutory time periods, "the applicant may, after giving 5 days written notice to the corporate authorities, file a complaint for summary judgment in the circuit court" Ill. Rev. Stat. ch. 24, para. 11-12-8 (1989). If the applicant shows the corporate authorities failed to act within the time prescribed, the court must enter an order authorizing the recorder to record the plat without the corporate authorities' approval. *Id.*

Section 11-12-8 also provides that a plat recorded pursuant to a court order, has the same force and effect "as though that plat had been approved by the corporate authorities." In addition, if the corporate authorities' refusal to act on a plat is shown to be "wilful" the municipality is liable for any damages the applicant proves were suffered as a result of such wilful refusal. Ill. Rev. Stat. ch. 24, para. 11-12-8 (1989).⁷

If this statutory procedure for court approval of a plat of subdivision is not followed, a title company is unlikely to insure title to a parcel of real estate subdivided pursuant to a plat that is recorded (if recording is even possible) without either the statutory court approval or a municipality's (or county's) approval. Particularly if the municipality has adopted a subdivision ordinance pursuant to Section 11-15-1 of the Illinois Municipal Code that provides for a longer time period for subdivision approvals due to its engineering or other submittal requirements, *see* Ill. Rev. Stat. ch. 24, para. 11-15-1 (1989), the time period for plat approval may not even begin to run until all of the other subdivision approvals (e.g., engineering plans and specifications) have been obtained.

County Clerk's Plats

Section 36 of the Revenue Act of 1939, as amended, Ill. Rev. Stat. ch. 120, para. 517 (1989), deals with so-called "county clerk's plats," sometimes erroneously termed "assessment plats."⁸ Section 36, read in conjunction with Section 35 of the same act, Ill. Rev. Stat. ch. 120, para. 516 (1989), creates a duty on the part of a land owner to survey the land and have it platted into lots when a tract of land is divided into parcels in a manner that prevents it from being described without describing it by metes and bounds. Since Section 35 requires that such platting be done in accordance with the Plat Act, any applicable exception found in the Plat Act presumably would exempt the owner from preparing a plat under the Revenue Act.

If the owner refuses or neglects to cause a survey of the land to be prepared "within 30 days after having been notified by the county clerk, by publication of a notice in a newspaper in the county . . . at least three times," Section 36 obligates the county clerk to have the property surveyed and platted in accordance with the Plat Act. Ill. Rev. Stat. ch. 120, para. 517 (1989). The expenses of the notice and the survey are then added to the taxes levied on the property. *Id.*

It seems reasonable to believe that a county clerk's plat would then contain two certifications by the county clerk. The first certification would state, in accordance with Section 35, that there are no delinquent or unpaid taxes. The second

certification would state, pursuant to Section 36, that the county clerk has had the property surveyed and platted as authorized by Illinois law.

Assessment Plats

Many times an owner of an unsubdivided parcel of land will have an "assessment plat" of the parcel prepared for tax assessment purposes, in order for separate bills to be issued for separate portions of the tract, although such practice seems to have been more prevalent twenty years ago than it is today, at least in the Chicago metropolitan area.⁹ Thus, a large metes and bounds tract may sometimes become "Lots 1, 2, and 3 in John Brown's Assessment Plat," and years ago, it was thought that a recorder might not accept a deed conveying "Lot 1, John Brown's Assessment Plat" because it violated the Plat Act. Accordingly, title companies would often ask that a "Plat Act Affidavit" be submitted along with any such deed.

There may be some inherent problems with such plats, stemming from the fact that many times they were not prepared in strict conformity with the Illinois Revised Statutes or with local municipal or county ordinances. Since an assessment plat is not a plat of subdivision, it is not technically governed by the provisions of the Plat Act. On the other hand, since the purpose of a privately prepared assessment plat is likely to be for the purpose of subdividing the tract of land (not simply to allow the assessor to issue tax bills), the conveyance of a portion of the entire tract technically cannot occur without compliance with the Plat Act. In addition, because a number of the other statutory provisions touched on above cover "any map, plat, or subdivision of land," such statutes might also have a direct application to the private preparation of assessment plats.¹⁰

Through a relatively recent amendment to the Plat Act, Section 1(c) of the Plat Act now requires the recording of a plat (if one is made by an Illinois Registered Surveyor) of any parcel or tract otherwise exempt under Section 1(b) of the Plat Act. *See* P.A. 84-373, §1, effective January 1, 1986, codified as Ill. Rev. Stat. ch. 109, para. 1(c) (1989). Under Section 1(c) of the Plat Act, the recorder has no duty to determine whether such a plat was made or recorded before accepting a deed for recording. One could argue that this statute might preclude a recorder from legally refusing to record such a plat, although it may still not preclude a title company from requesting a Plat Act Affidavit for any conveyance of a portion or all of that parcel or tract if it appeared not to fall within a Section 1(b) exception.

It is also possible that the local municipality may refuse to issue a building permit for such a lot. Absent a specific exception in the policy, it might appear that an ALTA form Residential Title Insurance Policy may provide certain coverages in this area as it covers "[d]efective recording of any document," the inability to "use the land for a single-family residence, because such a use violates a [Schedule B] restriction . . . or an existing zoning law" and "[o]ther defects, liens, or encumbrances." However, one of the printed exclusions includes the "violation of any law or government regulation . . . concerning . . . land division."¹¹

Although it would not be necessary to raise a special exception, it is possible that a title insurance company might raise such an exception, if asked to insure an unimproved lot whose legal description was created by means of an assessment plat.

Such an exception might read as follows:

We have been asked to insure property, the legal description of which is based on an assessment plat. We bring to your attention the fact that such a plat is not governed by the Illinois Revised Statutes. We therefore should be furnished evidence that the municipality has consented to said plat and that building permits issued to develop this property will not be denied based on the failure to properly subdivide the land.

Of course, once the land is fully developed, there is little risk on the title company in insuring the property, as the risk of the denial of a building permit becomes largely moot.¹²

Other Plats

For information on plats of dedication, refer to Sections 3 and 9 of the Plat Act. Section 6 of the Plat Act deals with the vacation of plats. Section 5-1036 of the Counties Code, Ill. Rev. Stat. ch. 34, para. 5-1036 (1989), governs vacation of plats covering property outside a municipality's corporate limits and also touches on the issue of street vacations.

Section 1.02 of the Plat Act governs municipal annexations or disconnections of property. It provides that:

a plat of the land included in the disconnection or annexation must be filed with the recorder in the county or counties where the territory is located. Such a plat must be prepared by a Registered Land Surveyor or, in the case of cities, villages and incorporated towns, by a Registered Land Surveyor or a duly employed municipal engineer registered under the laws of the State

of Illinois, provided such engineer has had training in the field of civil engineering.

Plat Act, §1.02. (emphasis added). By virtue of this statute, a plat of "disconnection or annexation" may be prepared by a civil engineer and not a registered land surveyor, and thus need not bear the surveyor's seal, in order to be entitled to be recorded. This does not mean, however, that a civil engineer who is not a registered land surveyor can prepare a plat of subdivision.

Generally speaking, the Plat Act does not apply to condominium plats. See Plat Act §14; Ill. A.G. Op. F-1771 (1967). However, because the requirement that any recorded plat bear a surveyor's seal is found outside the Plat Act (i.e., in Section 3-5029 of the Counties Code), condominium plats should bear the seal of the surveyor who prepares such plats.

Conclusion

The above is a fairly comprehensive listing of the various Illinois statutes that relate to plats of subdivision and other types of plats. Every real estate lawyer should realize, however, that there may be municipal or county ordinances or individual county recorder requirements that may concern such plats. If so, the attorney reviewing or involved in the preparation of such plats should familiarize himself with those requirements as well.

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Footnotes

1. All citations in this article to the Plat Act's statutory provisions will be in the form of Plat Act, §—.

2. Some surveyors take the position that the terminology used in the Plat Act (e.g., "tracts," "parcels," etc.) precludes the use of the term "outlot" in describing a particular parcel depicted on a plat of subdivision.

3. Technically Section 2 only requires that the plat be "acknowledged by the owner of the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged." However, since paragraph 30 of the Illinois Revised Statutes chapter covering conveying, Ill. Rev. Stat. ch. 30, para. 30 (1989), does not require a deed to be acknowledged in order to be recorded, it would seem that a plat would also not have to be acknowledged as a condition precedent for recording. Nonetheless, most title companies, as an underwriting standard, require that the owner's signature be notarized.

4. Ill. Rev. Stat. ch. 34, para. 3-5029 (1989). See also Ill. Rev. Stat. ch. 19, para. 54 (1989) (requiring plats of subdivision "drawn for any land bordering or including any public waters of the State of Illinois in which the State has any property rights or interests" to be submitted to IDOT "for review and approval as to the boundary line between private interests and public interests"). A list of "public streams and lakes in Illinois" is set forth in Appendix A of the book, WATER USE LAW IN ILLINOIS, written by F. Mann, H. Ellis, and N. Krausz, and published in 1964. Also, "Attachment A," appended to an order dated February 20, 1979 and entered in an unpublished case, *Scott v. Hoffman*, No. P-Civ-76-0045, S.D. Ill., lists those streams agreed to by the Army Corps of Engineers as being navigable.

5. Ill. Rev. Stat. ch. 34, para 3-5029 (1989). Prior to P.A. 85-267, a plat of subdivision was required to have a certificate stating whether the property was "situated within 500 feet of any surface drain or water course serving a tributary area of 640 acres or more." See Ill. Rev. Stat. ch. 115, para. 13 (1985).

6. However, since IDOT also has "power and authority to inquire into encroachments upon, wrongful invasion and private use of every . . . body of water in which the State of Illinois has any right or interests," Ill. Rev. Stat. ch. 19, para. 54 (1989), it is likely even such plats will require the review or approval of IDOT if they affect or border on a public stream or lake.

7. To date there do not appear to be any reported Illinois cases holding that the corporate authorities failed to properly approve a subdivision plat and authorizing recording without that approval pursuant to the authority granted in Section 11-12-8 of the Illinois Municipal Code. The only reported cases have found legitimate reasons for the corporate authorities' failure to approve the plat or have required additional findings by the trial court. See, e.g., *Brown v. City of Joliet*, 108 Ill. App. 2d 230, 235-36, 247 N.E.2d 47 (1969) (refusal by City Council to approve subdivision plat appropriate where evidence indicated owner's plans did not adequately provide for drainage of land); *Peet v. Village of Northfield*, 48 Ill. App. 2d 320, 331-32, 199 N.E.2d 287 (1964) (by their conduct plaintiffs waived strict compliance with statutory requirement that reasons for disapproval of proposed subdivision plat be stated in writing with particularity and where plaintiff had no doubt as to reasons for disapproval, trial court's summary judgment holding owner entitled to record plat was reversed). See also *Krughoff v. City of Naperville*, 68 Ill. 2d 352, 358-59, 369 N.E.2d 892 (1977) (home rule unit had statutory authority under paras. 11-12-4 through 11-12-12 of Illinois Municipal Code to enact ordinance requiring, as a condition to approval of subdivision plat, that developer contribute land or cash in lieu of land for school or park sites); *People ex rel. Exchange Nat'l Bank of Chicago v. City of Lake Forest*, 40 Ill. 2d 281, 287-88, 239 N.E.2d 819 (1968) (in mandamus action seeking order requiring City approval of plat, municipality can appropriately require compliance with requirement that land be dedicated or that streets be improved as a condition to approval and recording of plats of subdivision "but only if specifically and uniquely attributable to any activity which will arise from plaintiff's resubdivision" activity, but remanded for further proceedings at trial court); *LaSalle Nat'l Bank v. Village of Brookfield*, 95 Ill. App. 3d 765, 769-70, 420 N.E.2d 819 (1981) (under Section 11-12-8 of Illinois Municipal Code, village cannot impose cash or bond requirement for cost of installation of public improvements as

condition to obtaining a building permit, only as a condition to approval of a plat of subdivision). See also Ill. Rev. Stat. ch. 34, para. 5-1042 (1989) for a listing of the matters county boards may regulate, by ordinance or resolution, in reviewing or approving plats of subdivision.

8. Act of February 12, 1853 (Sess. Laws 1853, page 3) provided that where land had been divided into parcels of less than 1/16 of a section in size, or otherwise so divided that the parcels could not be described in a usual way, the owner was permitted to cause the county surveyor to prepare a plat for taxation purposes which the owner then recorded. If the owner did not do this voluntarily, the county assessor could require the owner to cause such a plat to be prepared, and if the owner failed to do so, the assessor was required to have the survey made and recorded. See *People v. Rent*, 107 Ill. 581, 585 (1883). These plats were known as "Assessor's Plats" or "Assessor's Subdivisions" and were the forerunners of today's "County Clerk's Plats" or "County Clerk's Subdivisions."

9. There does not appear to be any statute that governs, specifically, the private preparation of assessment plats. While Ill. Rev. Stat. ch. 34, para. 5-1109 (1989), concerns assessment plats, that paragraph deals only with assessment plats that are authorized by a county board for real estate tax assessment purposes. Perhaps the private preparation of assessment plats arose out of the prior "assessor's plat" procedures. See footnote 8 above.

10. See, e.g., Ill. Rev. Stat. ch. 34, para. 3-5029 (1989) (requiring surveyor's certificate as to whether property is within a municipality or within 1 1/2 miles of a municipality that has adopted a city plan and an indication as to whether property is located in a FEMA special flood hazard area); Ill. Rev. Stat. ch. 34, para. 5-1041 (1989) (requiring county board approval of plat if property is not within a municipality).

11. A similar printed exclusion is found in the ALTA Form B-1970 Owner's Policy for "[a]ny law, ordinance or governmental regulation (including but not limited to building . . . ordinances) . . . prohibiting a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part." See American Land Title Associates Owner's Policy Form B-1970 (rev. 10-17-70 and 10-17-84) (hereafter "ALTA Form B-1970 Owner's Policy").

12. Of course, some risk still exists by reason of the fact that some municipal ordinances prohibit the rebuilding of a non-conforming building or a building on a non-conforming lot if it is destroyed completely or to a specified extent by a casualty or by other causes. In this situation, the title insurance company may decline coverage on the basis that the inability to rebuild a building that existed at the time the title insurance policy was issued arises out of "[d]efects, liens, encumbrances, adverse claims, or other matters . . . attaching or created subsequent to Date of Policy . . ." See ALTA Form B-1970 Owner's Policy, printed "Exclusions from Coverage." See also ALTA Residential Form Owner's Policy, printed "Exclusions" (excluding "Title Risks . . . that first affect your title after the Policy Date").