

**Position Statement of Land Title Association of Colorado (“LTAC”)**  
**Re: Provision 12.a**

**I. Background and Purpose**

The purpose for this Statement is to clarify the position of LTAC with respect to Provision 12.a of standard form Real Estate Contracts Residential (CBS 1-5-04), Commercial (CBS 2-5-04), and Vacant Land-Farm-Ranch (CBS 3-5-04) (collectively the “Contracts”). In particular, there appear to be some questions as to whether Provision 12.a requires that Schedule B-2 title commitment exceptions be attached or specifically listed and described in a deed by their individual recording information (book and page or reception number).

**II. Position Statement**

In a rulemaking hearing held on July 7, 2004, the Real Estate Commission considered a change in the language of Provision 12.a that would have required expressly listing specific deed warranty exceptions:

which shall be listed and described by the individual recordation information (book and page or reception number) of the recorded documents.

After extensive discussion, which included LTAC’s opposition to the change, the Commission voted 5-0 to reject the proposed change in favor of maintaining the language of Provision 12.a as is; that title shall be conveyed subject to:

those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with § 8a (Title Review)....

Using this language in the deed, itself, will limit a seller’s warranty exceptions to those title matters agreed to by a buyer and seller regardless of whether those matters are expressly identified by recording information. Since the Commission specifically rejected changing the language of Provision 12.a to require expressly listing exceptions by recording information, LTAC’s position is that attaching or expressly listing such exceptions in a deed by recording information is not required by Provision 12.a of the Contracts.

Dated December \_\_\_\_\_, 2004.