

TITLE 13 INSURANCE
CHAPTER 14 TITLE INSURANCE
PART 8 ENDORSEMENTS

13.14.8.1 ISSUING AGENCY: Office of Superintendent of Insurance, Title Insurance Bureau.
[4-1-96; 13.14.8.1 NMAC - Rn & A, 13 NMAC 14.8.1, 5-15-00; A, 7-31-14]

13.14.8.2 SCOPE: This rule applies to all title insurers and all title insurance agents conducting title insurance business in New Mexico.
[4-1-96, 11-1-96; 13.14.8.2 NMAC - Rn, 13 NMAC 14.8.2, 5-15-00]

13.14.8.3 STATUTORY AUTHORITY: NMSA 1978 Section 59A-30-4.
[6-16-96, 11-1-96; 13.14.8.3 NMAC - Rn, 13 NMAC 14.8.3, 5-15-00, A, 3-1-16]

13.14.8.4 DURATION: Permanent.
[4-1-96; 13.14.8.4 NMAC - Rn, 13 NMAC 14.8.4, 5-15-00]

13.14.8.5 EFFECTIVE DATE: June 16, 1986, unless a later date is cited at the end of a section.
[6-16-86...11-1-96; 13.14.8.5 NMAC - Rn & A, 13 NMAC 14.8.5, 5-15-00]

13.14.8.6 OBJECTIVE: The purpose of this rule is to establish requirements for endorsements to title insurance policies.
[11-1-96; 13.14.8.6 NMAC - Rn & A, 13 NMAC 14.8.6, 5-15-00]

13.14.8.7 DEFINITIONS: See 13.14.1 NMAC.
[11-1-96; 13.14.8.7 NMAC - Rn, 13 NMAC 14.8.7, 5-15-00]

13.14.8.8 USE OF CORRECTION/MULTIPURPOSE ENDORSEMENT: The New Mexico correction/multipurpose endorsement may be used as follows:

A. As any of the other endorsement forms promulgated by the superintendent and specifically listed in 13.14.18.13 NMAC. In such case the exact language contained in the said promulgated endorsement form shall be typed or otherwise printed on the correction/multipurpose endorsement form; all language (if any) not contained in the said promulgated endorsement form but preprinted on the correction/multipurpose form shall be deleted by striking out or lining through; and, the appropriate form designation required by 13.14.18.12 NMAC shall be typed or otherwise printed on the correction/multipurpose endorsement in order that its use as another form is clearly evident. This regulation grants the option to each insurer to print specific promulgated endorsement forms or to use the correction/multipurpose endorsement form for any or all of the other promulgated endorsement forms and also grants the option to an agent to use this form for this purpose either upon instructions from the insurer or if the preprinted promulgated form is not available.

B. To insert, delete or add to a commitment, binder, policy or endorsement, language required or authorized by any of these regulations when appropriate to do so.

C. To correct errors in the information inserted in the appropriate spaces of any preprinted commitment, binder, policy or endorsement (but not to change, alter or waive the promulgated terms) in the manner following: "This endorsement amends (commitment, policy or endorsement) numbered _____, dated _____ to read as follows: (here insert language identifying the specific item being corrected and the specific correction information such as, "the name of the insured is John Smith rather than James Smith." or "the lot number in the legal description is "3" rather than "30." or "item 3" of schedule A is ABC corporation rather than ABC, inc.'). No other amendments are made by this endorsement."

D. To endorse a loan policy by issuing the NM form 80, the mortgage modification endorsement, or the NM form 80.1, the mortgage modification with subordination endorsement, or the NM form 80.2, the mortgage modification endorsement with additional amount of insurance. Each insurer shall establish written instructions and underwriting standards concerning the use of these endorsements.

E. To endorse a loan policy in the manner following: "As to the above numbered loan policy, the company will not claim that its liability for the payment of any loss or damage, under the terms and provisions of the policy, has been waived or surrendered by the insured, or has been reduced by the company, solely by reason of the execution of: (Here state whether renewal, extension, reinstatement, or partial release, release of additional

collateral or release from personal liability, and then fully describe giving recording information.) The assurance given by this endorsement is subject to the following (None unless specifically set out here.)”
[6-16-86, 3-1-89; 13.14.8.8 NMAC - Rn, 13 NMAC 14.8.8, 5-15-00; A, 9-15-10; A, 10-1-12; A, 3-1-16]

13.14.8.9 USE OF LEASEHOLD ENDORSEMENTS: The leasehold owner’s and leasehold loan endorsements shall be attached to owner’s policies and loan policies to insure leasehold estates and shall provide the same options to the insurer and agent as are provided in 13.14.8.8 NMAC.
[6-16-86; 13.14.8.9 NMAC - Rn, 13 NMAC 14.8.9, 5-15-00; A, 3-1-02]

13.14.8.10 USE OF OTHER PROMULGATED ENDORSEMENTS: Each insurer shall establish written instructions and underwriting standards concerning the use of the other promulgated endorsement forms to insure the specific estate or lien or provide mechanics’ and materialmen’s lien coverages or to reflect the current status of improvements, advances, assignments or coverages as specifically provided by these regulations and the promulgated forms.
[6-16-86, 5-1-88; 13.14.8.10 NMAC - Rn, 13 NMAC 14.8.10, 5-15-00]

13.14.8.11 NON-IMPUTATION ENDORSEMENTS: The NM form 28, non-imputation endorsement - full equity transfer, NM form 28.1, non-imputation endorsement - additional insured, and the NM form 28.2, non-imputation endorsement - partial equity transfer, may be issued on an existing or currently issued owner’s policy or loan policy insuring title to property held by a corporation, limited liability company, or partnership as an insured even when there has been no conveyance of title of such property, but there has been (1) a transfer/issuance of all or a portion of the stock of the insured corporation, (2) a transfer/substitution of all or a portion of the interests of the insured partnership, or (3) a transfer/sale of all or a portion of the membership interests of the insured limited liability company. This endorsement may be issued only upon the written authorization of the underwriter. The issuing agent shall retain such written authorization of the underwriter for a period of two years following the issuance of the endorsement.
[2-6-87; 13.14.8.11 NMAC - Rn, 13 NMAC 14.8.11, 5-15-00; A, 7-1-06; A, 8-17-09]

13.14.8.12 IDENTIFIED RISK COVERAGE ENDORSEMENT:

A. An identified risk coverage endorsement NM form 85 may be attached to an owner’s policy, leasehold owner’s policy, loan policy, construction loan policy or leasehold loan policy for the purpose of insuring around an adverse matter or document excepted to in schedule B. This endorsement shall be issued only when there exists an adverse matter or document which has a generalized affect as to the insurability of title to a number of properties which are similarly situated, and only following the issuance by the superintendent of insurance of a bulletin distributed to the title insurance underwriters and agents licensed to issue title policies in New Mexico specifically identifying the adverse matter or document and authorizing use of the identified risk coverage endorsement with regard to such adverse matter or document.

B. When issuing the identified risk coverage endorsement, the adverse matter or document must appear as an exception in schedule B of any policy to which the endorsement is attached. It shall not be permissible to insure around any adverse matter or document by intentionally omitting it from any commitment or policy.

C. This endorsement shall be issued only if the underwriter considers the risk acceptable, and only with written approval by the underwriter.
[4-1-93; 13.14.8.12 NMAC - Rn, 13 NMAC 14.8.12, 5-15-00; Repealed, 7-1-05; 13.14.8.12 NMAC - N, 10-1-12]

13.14.8.13 INSURING AROUND ENDORSEMENT:

A. An insuring around endorsement NM form 43 may be attached to an owner’s policy, leasehold owner’s policy, loan policy or leasehold loan policy for the purpose of insuring around a lien or other adverse matter excepted to in schedule B. This endorsement shall only be issued where one or more of the following circumstances exists at the time the policy is issued:

(1) where liens securing obligations which, though not released of record, have been discharged to the satisfaction of the underwriter, and the underwriter or agent has evidence in this file that the lien has been paid in full; provided that the underwriter or agent has the duty to obtain a release within a reasonable time after closing if it is possible to do so;

(2) where an insurer has previously issued a policy, through error or mistake, or pursuant to an indemnity agreement or agreement to defend as provided under Paragraph (3) below, without taking exception to

a specific lien or other adverse, and is called upon to issue a new policy and is already obligated under such prior policy;

(3) where an insurer has erred as in (2) above, or has accepted an indemnity or agreement to defend pursuant to this paragraph and another insurer discovers the error in preparing to issue a subsequent policy, the second insurer may rely upon an indemnity agreement or an agreement to defend by the first insurer, and attach the endorsement.

B. In utilizing this insuring-around provision, the lien must appear as an exception in schedule B of any policy and the endorsement shall be attached thereto. It shall not be permissible to insure around any lien or other adverse matter by intentionally omitting it from any commitment or policy. This endorsement shall only be issued where the underwriter considers the risk acceptable.

[4-3-95, 4-1-96; 13.14.8.13 NMAC - Rn, 13 NMAC 14.8.13, 5-15-00; A, 10-1-12]

13.14.8.14 CO-INSURANCE: A policy or policies may be written to provide co-ordinate and proportionate coverage by two or more underwriters. Such coverage may be provided either by endorsement attached to a single policy and executed by or on behalf of the co-insuring underwriters, or by the issuance of separate policies by or on behalf of each of the co-insuring underwriters. In either case, the premium charged for the policy shall be the same as would be charged for the single policy, with the split of the premium between the issuing agents or underwriters to be in accord with the percentage or proportion of loss or cost for which each underwriter or issuing agent's underwriter is liable under the policy or policies. All policies providing co-ordinate and proportionate coverage shall set out the following information:

A. If only one policy is being used, NM form 77 shall be used.

B. If multiple policies are being used, schedule B shall include the following: "This policy is issued contemporaneously with Policies No. _____ of (insert name of other underwriting company or companies) for \$ _____. The liability of the company hereunder is hereby limited to _____ (insert percentage or proportion) of any loss, but said liability shall not exceed the face amount of this policy."

[4-3-95; 13.14.8.14 NMAC - Rn, 13 NMAC 14.8.14, 5-15-00; A, 09-15-10]

13.14.8.15 TRUTH IN LENDING ENDORSEMENT: A truth-in-lending endorsement, NM form 48, may be attached to a New Mexico loan policy or leasehold loan policy in those circumstances where the underwriter has determined that the loan to be insured is exempt from the provisions of Regulation Z (12 CFR 226), and the premium provided for in 13.14.10.31 NMAC is paid.

[6-1-97; 13.14.8.15 NMAC - Rn, 13 NMAC 14.8.15, 5-15-00; A, 10-1-12]

13.14.8.16 RESTRICTIONS, ENCROACHMENTS, AND MINERALS ENDORSEMENTS:

A. Upon being furnished with a satisfactory survey, and where the underwriter determines the risk to be acceptable:

(1) NM form 50, restrictions, encroachments and minerals endorsement, and the NM form 50.1, restrictions, encroachments and minerals endorsement - lender improved land may be attached only to a loan policy but shall not be issued where the intended use of the property is 1-4 family residential;

(2) NM form 56, restrictions, encroachments and minerals endorsement - unimproved land, and the NM form 56.1 restrictions, encroachments and minerals endorsement - unimproved land may be attached only to an owner's policy covering unimproved land; and

(3) NM form 57, restrictions, encroachments and minerals endorsement - improved land, and the NM form 57.1, restrictions, encroachments and minerals endorsement - improved land may be attached only to an owner's policy covering improved land.

B. Each endorsement is to be issued only in conjunction with the issuance of survey coverage, as authorized by 13.14.6.14 NMAC or 13.14.7.13 NMAC.

C. The coverage relating to minerals provided under Paragraph (3)(b) of NM form 50, paragraph 4 of NM form 50.1, Paragraph (2) of NM form 56 and NM form 56.1, Paragraph (2)(b) of NM form 57, or Paragraph 3 of NM form 57.1, as appropriate shall not be issued where minerals have been severed, unless there has been a waiver of the right of entry or surface usage of the mineral reservation.

D. The coverage provided by any part of each endorsement may be deleted but may not be increased by:

(1) crossing out the part on the form of endorsement;

(2) retyping the form leaving out the part; or

(3) special endorsement.

E. Each endorsement may be issued only upon the written authorization of the underwriter. The issuing agent shall retain such written authorization of the underwriter for a period of not less than two years following issuance of the endorsement.

[6-1-98; 13.14.8.16 NMAC - Rn, 13 NMAC 14.8.16, 5-15-00; A, 3-1-02; A, 8-17-09; A, 7-31-14]

13.14.8.17 LAND ABUTS STREET ENDORSEMENT: The “land abuts street” endorsement, NM form 51, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.36 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement. [13.14.8.17 NMAC - N, 5-15-00; A, 3-1-16]

13.14.8.18 LOCATION ENDORSEMENT: The “location” endorsement, NM form 52, may be attached to owner’s policies and loan policies provided a recent survey is furnished and the premium in 13.14.10.37 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

[13.14.8.18 NMAC - N, 5-15-00; A, 5-31-00; A, 9-15-09; A, 3-1-16]

13.14.8.19 SAME AS SURVEY AND SAME AS PORTION OF SURVEY ENDORSEMENTS: The “same as survey” endorsement, NM form 78, and the “same as portion of survey” endorsement, NM form 79, may be attached to owner’s policies and loan policies provided the policy is furnishing survey coverage pursuant to 13.14.6.14 NMAC and the premium in 13.14.10.38 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

[13.14.8.19 NMAC - N, 5-15-00; A, 5-31-00; A, 09-15-10]

13.14.8.20 CONTIGUITY OF PARCELS ENDORSEMENTS: Upon being furnished with a satisfactory survey and the payment of the premium provided in 13.14.10.39 NMAC, the contiguity of single parcel endorsement, NM form 54, or the contiguity of multiple parcel endorsement, NM form 66 may be attached to an owners or leasehold owners policy, or to a loan or leasehold loan policy which insures any property that is not one to four family residential, subject to Subsections A and B below.

A. For owner’s or leasehold owner’s policies, the insured must already or at the time the policy is issued have an interest (in fee, leasehold, or easement) in both parcels referred to in NM form 54, or in all parcels referred to in NM form 66.

B. For loan or leasehold loan policies, the insured lender must already or at the time the policy is issued have a mortgage lien upon an interest (in fee, leasehold, or easement) in both parcels referred to in NM form 54, or in all parcels referred to in NM form 66.

[13.14.8.20 NMAC - N, 5-15-00; A, 7-1-06; A, 10-1-12]

13.14.8.21 FIRST LOSS ENDORSEMENT: The first loss endorsement, NM form 58, may be attached to loan policies, provided the premium in 13.14.10.41 NMAC is paid and provided other property not described in the mortgagee policy is encumbered to secure payment of the indebtedness secured by the insured mortgage. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

[13.14.8.21 NMAC - N, 7-1-03]

13.14.8.22 [RESERVED]

[13.14.8.22 NMAC - N, 7-1-03; Repealed, 09-15-10]

13.14.8.23 LOAN POLICY AGGREGATION ENDORSEMENT: The loan policy aggregation endorsement, NM form 60 or NM form 60.1, may be attached to loan policies, provided the premium in 13.14.10.43 NMAC is paid and provided multiple policies are simultaneously issued covering separate mortgages securing the same indebtedness or loan. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

[13.14.8.23 NMAC - N, 7-1-03; A, 7-31-14]

13.14.8.24 FOUNDATION ENDORSEMENT: The foundation endorsement, NM form 61, may be attached to loan policies and/or construction loan policies provided the premium in 13.14.10.44 NMAC is paid and a satisfactory survey is furnished showing that the location of the foundation is within the land described in the policy. With respect to Paragraphs (2) and (3) of the endorsement, if there is a violation of the covenants, conditions, or restrictions, or there is an encroachment into any easement shown by the survey, describe it; otherwise insert “none.” If the lender requests affirmative coverage, the affirmative coverage language set forth in Subsection D of 13.14.18.11 NMAC may be added to the respective paragraph. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

[13.14.8.24 NMAC - N, 7-1-04]

13.14.8.25 ASSIGNMENT OF RENTS OR LEASES ENDORSEMENT: The assignment of rents or leases endorsement, NM form 62, may be attached to a New Mexico loan policy or leasehold loan policy, provided the premium in 13.14.10.45 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

[13.14.8.25 NMAC - N, 7-1-04; A, 3-1-16]

13.14.8.26 ZONING UNIMPROVED LAND ENDORSEMENTS: Upon payment of the premium provided for in 13.14.10.47 NMAC, and where the underwriter determines the risk to be acceptable, the zoning - unimproved land endorsement, NM form 64, or zoning - unimproved land - no applicable zoning ordinances endorsement, NM form 64.1, may be attached to a loan policy or owner’s policy. This endorsement shall not be issued on properties that are defined as “one-to-four family residential.” Each endorsement may be issued only upon the written authorization of the underwriter. The issuing agent shall retain such written authorization of the underwriter for a period of not less than two years following issuance of the endorsement.

[13.14.8.26 NMAC - N, 7-1-05; A, 3-1-16]

13.14.8.27 ZONING - COMPLETED STRUCTURE ENDORSEMENT, ZONING - LAND UNDER DEVELOPMENT ENDORSEMENT, AND ZONING -COMPLETED STRUCTURE - NO APPLICABLE ZONING ORDINANCES ENDORSEMENT: Upon being furnished with a satisfactory survey, payment of the premium provided for in 13.14.10.48 NMAC, and where the underwriter determines the risk to be acceptable:

A. NM form 65 “the zoning - completed structure endorsement;” NM form 65.1 the “zoning - land under development endorsement”, and NM form 65.2 the “zoning - completed structure - no applicable zoning ordinances endorsement” may be attached to a loan policy or owner’s policy. These endorsements shall not be issued on properties that are defined as “one-to-four family residential.”

B. The coverage provided by any part of each endorsement may not be increased but may be deleted by:

- (1) crossing out the part on the form of endorsement;
- (2) retyping the form leaving out the part; or
- (3) special endorsement.

C. Each endorsement may be issued only upon the written authorization of the underwriter. The issuing agent shall retain such written authorization of the underwriter for a period of not less than two (2) years following issuance of the endorsement.

[13.14.8.27 NMAC - N, 7-1-05; A, 3-1-16]

13.14.8.28 ACCESS AND ENTRY ENDORSEMENT: The access and entry endorsement, NM form 67, may be attached to all owner’s policies and loan policies, for all properties except one to four family residential properties, provided the premium in 13.14.10.49 NMAC is paid and a satisfactory survey is furnished showing that there is vehicular and pedestrian access to the abutting existing public street, road or highway. A separate endorsement is to be issued for each public street, road or highway for which the insured wants access and entry coverage and a separate premium as provided for in 13.14.10.49 NMAC is to be paid for each endorsement issued. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

[13.14.8.28 NMAC - N, 7-1-06; A, 7-31-06; A, 10-1-12]

13.14.8.29 INDIRECT ACCESS AND ENTRY ENDORSEMENT: The “indirect access and entry” endorsement, NM form 68, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.50 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.29 NMAC - N, 09-15-10]

13.14.8.30 UTILITY ACCESS ENDORSEMENT: The “utility access” endorsement, NM form 69, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.51 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.30 NMAC - N, 09-15-10]

13.14.8.31 COMMERCIAL ENVIRONMENTAL PROTECTION LIEN ENDORSEMENT: The “commercial environmental protection lien” endorsement, NM form 70, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.52 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.31 NMAC - N, 09-15-10]

13.14.8.32 REVERSE MORTGAGE ENDORSEMENT: The “reverse mortgage” endorsement, NM form 71, may be attached to a loan policy (NM form 2) provided the premium in 13.14.10.53 NMAC is paid and provided that (1) the mortgage being insured is a reverse annuity mortgage (“reverse mortgage”) securing future advances under the HUD HECM (home equity conversion mortgage) program, Fannie Mae home keeper® program or other similar or private lender program approved by the insurer, (2) proof that each mortgagor is at least 62 years of age and, (3) proof that the mortgagor(s) are residing on the insured property as their principal residence or homestead. This endorsement shall only be issued on properties that are defined as “one-to-four family residential”. The loan policy (NM form 2) issued on a “reverse mortgage” may be issued in either the total amount of advances or 150% of the total amount of advances as requested by the lender. Schedule B of the loan policy (NM form 2) issued on a “reverse mortgage” shall contain the following special exception: pending disbursement of the full proceeds of the loan secured by the mortgage or deed of trust set forth under schedule A hereof, this policy insures only to the extent of the amount actually disbursed but increases as each disbursement is made, in good faith, and without knowledge of any defect in or objections to, the title, up to the full amount of the policy. The two mortgages or deeds of trust filed on a HUD HECM reverse mortgage loan may be insured on one loan policy if the priority of the mortgages or deeds of trust are disclosed when describing the mortgages or deeds of trust being insured in schedule A. The bracketed language in Paragraph (4)(f) of NM form 71 may be deleted from the endorsement with the approval of the underwriter if: (1) the risk is deemed acceptable; and, (2) standard exception No. 4 from schedule B of the underlying loan policy has been deleted, at no extra premium. Otherwise, the brackets themselves shall be removed and the language of Paragraph (4)(f) of NM form 71 shall be included in the endorsement. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.32 NMAC - N, 09-15-10, A, 3-1-16]

13.14.8.33 SINGLE TAX PARCEL ENDORSEMENT: The “single tax parcel” endorsement, NM form 72, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.54 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.33 NMAC - N, 09-15-10]

13.14.8.34 MULTIPLE TAX PARCEL ENDORSEMENT: The “multiple tax parcel” endorsement, NM form 73, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.55 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.34 NMAC - N, 09-15-10]

13.14.8.35 DOING BUSINESS ENDORSEMENT: The “doing business” endorsement, NM form 74, may be attached to loan policies provided the premium in 13.14.10.56 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.35 NMAC - N, 09-15-10]

13.14.8.36 SUBDIVISION ENDORSEMENT: The “subdivision” endorsement, NM form 75, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.57 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.36 NMAC - N, 09-15-10]

13.14.8.37 EASEMENT - DAMAGE OR ENFORCED REMOVAL ENDORSEMENT: The “easement-damage or forced removal” endorsement, NM form 76, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.58 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.37 NMAC - N, 09-15-10]

13.14.8.38 CO-INSURANCE - SINGLE POLICY ENDORSEMENT: The “co-insurance single policy” endorsement, NM form 77, may be attached to owner’s policies and loan policies provided the premium in 13.14.10.59 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.
[13.14.8.38 NMAC - N, 09-15-10]

13.14.8.39 ENERGY PROJECT ENDORSEMENTS: Upon payment of the premium provided for in 13.14.10.60 NMAC, and where the underwriter determines the risk to be acceptable, an “energy project endorsement” may be attached to a loan policy or owner’s policy, as applicable. These endorsements shall not be issued on properties that are defined as “one-to-four family residential.” Each endorsement may be issued only upon the written authorization of the underwriter. The issuing agent shall retain such written authorization of the underwriter for a period of not less than two years following issuance of the endorsement.
[13.14.8.39 NMAC - N, 3-1-16]

13.14.8.40 MEZZANINE FINANCING ENDORSEMENT: Upon payment of the premium provided for in 13.14.10.62 NMAC, a “mezzanine financing endorsement” may be attached to an owner’s policy. This endorsement shall not be issued on properties that are one to four family residential property. This endorsement shall only be issued where the underwriter considers the risk acceptable.
[13.14.8.40 NMAC - N, 3-1-16]

HISTORY OF 13.14.8 NMAC:

Pre-NMAC History.

ID 74-1, Article 10, Chapter 58, Rule 2, Regulations for Filing Title Insurance Forms and Rates, filed 3-7-74.
SCC-85-6, Insurance Department Regulation 30 - Title Insurance, filed 9-6-85.
SCC-86-1, Insurance Department Regulation 30 - Title Insurance, filed 5-9-86.

History of Repealed Material. [Reserved]

Other History.

Re-promulgated a portion of SCC-86-1, Insurance Department Regulation 30 - Title Insurance (filed 5-9-86) and renumbered, reformatted and replaced as 13 NMAC 14.8, Endorsements, effective 11-01-1996.
13 NMAC 14.8, Endorsements (filed 10-2-96), was renumbered reformatted, amended and replaced by 13.14.8 NMAC, Endorsements, effective 5-15-2000, amended effective 7-31-14.
NMAC Endorsements, effective 7-31-14, amended effective 3-1-16.