

Stewart Title has been issuing title insurance policies for over a century and our financial strength, stability and claims paying ability make us an industry leader. The following are snapshots of select files resolved by our Claims Department:

### Stolen Identity

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Upon his return home from an extended vacation overseas, our insured received a knock on his door from an investigator of a major financial institution. The investigator informed our insured that when he was on vacation, a fraudster had assumed his identity for the purpose of transferring our insured's property to another individual, whose identity had also been stolen. Once the transfer was complete, the property was used to obtain financing from the lending institution.

**Resolution:** Upon receiving notice of this claim, Stewart Title immediately retained counsel to make the necessary court application to have our insured's title restored to the state that it existed prior to the fraud. It cost Stewart Title more than \$13,500 to rectify this matter.

### Unknown Encroachment

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Long after they purchased, our insureds' neighbour presented them with a survey disclosing the fact that our insureds' driveway, garage and back deck were, in fact, built on adjoining land. Our insureds did not have any legal claim to this land. The neighbour insisted that our insureds' encroachments be removed.

**Resolution:** Stewart Title negotiated a purchase of the adjoining land and covered the costs associated with the transfer. We also had the insureds' mortgage corrected to include the additional land and the policy was then amended to extend coverage to this larger parcel. Stewart Title paid approximately \$16,500 to rectify this matter.

### Title Fraud

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When our insureds were preparing to move into their newly purchased property, they were approached by an individual who claimed that he was the true owner of the property and had never sold it. It appeared that the previous owner's tenant had obtained information about him; impersonated him; and sold the property to our innocent insureds. The previous owner made a claim for the return of the property.

**Resolution:** Stewart Title hired counsel and paid all the legal fees to defend our insureds' ownership of the property. A court order validating the insureds' title was successfully obtained and the insureds were able to move into their home.

## Buried Underground Water Pipe

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While redeveloping his property, our insured discovered that a neighbour to the rear obtained water through an underground pipe which ran under our insured's property. There was no registered easement related to the buried water pipe; however, the neighbour claimed a right to a prescriptive easement for the water service. Our insured filed a claim inquiry under his owner's policy.

**Resolution:** Stewart Title was successful in negotiating with the neighbour's title insurer to share the expense of having the pipe removed and the water service relocated to a public laneway. Stewart Title retained a municipal lawyer to bring the matter before council and was successful in obtaining the municipality's approval to have the water service for the neighbour relocated to the public laneway to service the property.

## Identity Theft

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Several weeks after a British Columbia property was purchased mortgage free, the registered owner took out a mortgage. The lender was insured by Stewart Title. Shortly after advancing funds, our insured lender discovered that its mortgage had gone into default. In attempting to enforce, the lender discovered that the true owner of the property had been a victim of identity theft and that the property had been fraudulently transferred out of his name and into the name of a fraudster.

**Resolution:** Stewart Title retained counsel to defend our insured lender's position that it held an enforceable mortgage on the property.

## Property Encroachment

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Our insured homeowners purchased a newly built residential property. At the time of purchase, the builder did not provide our insureds with a survey. When our insureds had the property surveyed, it was discovered that the dwelling belonging to the adjacent property to the west encroached onto our insureds' property, and that the insureds' dwelling encroached onto the adjacent property to the east.

**Resolution:** Both our insureds and their neighbours agreed to sever the portion of their property affected by the encroachment. Stewart Title paid our insureds' proportionate share of retaining a lawyer to oversee the severance process and of retaining surveyors to prepare new reference plans for the respective properties.

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