

TITLE 13 INSURANCE
CHAPTER 14 TITLE INSURANCE
PART 8 ENDORSEMENTS

13.14.8.1 ISSUING AGENCY: Office of Superintendent of Insurance (“OSI”).
[13.14.8.1 NMAC – Rp, 13.14.8.1 NMAC, 1/1/2021]

13.14.8.2 SCOPE: This rule applies to all title insurers, all title insurance agencies, and all title insurance agents conducting title insurance business in New Mexico.
[13.14.8.2 NMAC – Rp, 13.14.8.2 NMAC, 1/1/2021]

13.14.8.3 STATUTORY AUTHORITY: Sections 59A-2-8, 59A-2-9, 59A-30-4, 59A-30-6, 59A-30-6.1, 59A-30-6.2 and 59A-30-8 NMSA 1978.
[13.14.8.3 NMAC – Rp, 13.14.8.3 NMAC, 1/1/2021]

13.14.8.4 DURATION: Permanent.
[13.14.8.4 NMAC – Rp, 13.14.8.4 NMAC, 1/1/2021]

13.14.8.5 EFFECTIVE DATE: January 1, 2021, unless a later date is cited at the end of a section.
[13.14.8.5 NMAC – Rp, 13.14.8.5 NMAC, 1/1/2021]

13.14.8.6 OBJECTIVE: The purpose of this rule is to establish requirements for endorsements to title insurance policies.
[13.14.8.6 NMAC – Rp, 13.14.8.6 NMAC, 1/1/2021]

13.14.8.7 DEFINITIONS: See 13.14.1 NMAC.
[13.14.8.7 NMAC – Rp, 13.14.8.7 NMAC, 1/1/2021]

13.14.8.8 USE OF CORRECTION/MULTIPURPOSE ENDORSEMENT: NM form 11 may be used only as follows:

- A.** to modify any promulgated form if the modification is authorized by these rules;
 - B.** to insert, delete or add to a commitment, policy or endorsement, language required or authorized by any of these rules when appropriate to do so; or
 - C.** to correct errors in the information inserted in the appropriate spaces of any preprinted commitment, policy or endorsement (but not to change, alter or waive the promulgated terms) in the following manner: “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.]” No other amendments are made by this endorsement.”
- [13.14.8.8 NMAC – Rp, 13.14.8.8 NMAC, 1/1/2021]

13.14.8.9 [RESERVED]
[13.14.8.9 NMAC - Rn, 13 NMAC 14.8.9, 5/15/2000; A, 3/1/2002; Repealed 1/1/2021]

13.14.8.10 [RESERVED]
[13.14.8.10 NMAC - Rn, 13 NMAC 14.8.11, 5/15/2000; A, 7/1/2006; A, 8/17/2009; Repealed 1/1/2021]

13.14.8.11 IDENTIFIED RISK COVERAGE ENDORSEMENT: NM form 85 may be attached to a policy only when authorized by order of the superintendent and subject to such terms, conditions and rate(s) specified by the superintendent.
[13.14.8.11 NMAC – Rp, 13.14.8.12 NMAC, 1/1/2021]

13.14.8.12 INSURING AROUND ENDORSEMENT:
A. NM form 43 may be attached to a policy to insure around a lien or other adverse matter excepted to in Schedule B if the title insurer has determined that the lien or other adverse matter does not pose a material risk under the policy.

B. In lieu of attaching NM form 43, the exception to the lien or other adverse matter may be omitted from the policy provided the insured requests the omission, and the request and approval are documented or otherwise memorialized in writing.

[13.14.8.12 NMAC – Rp, 13.14.8.13 NMAC, 1/1/2021]

13.14.8.13 CO-INSURANCE ENDORSEMENTS: NM form 77 or 77.1 shall be attached to a policy or policies to provide coordinated and proportionate coverage by two or more title insurers. Such coverage may be provided, either by endorsement attached to a single policy and executed by or on behalf of the co-insuring title insurers, or by the issuance of separate policies by or on behalf of each of the co-insuring title insurers.

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

B. If multiple policies are issued, NM form 77.1 shall be attached.

C. In either case, the aggregate 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 title insurers to be in accord with the percentage or proportion of loss or cost for which each title insurer is liable under the policy or policies.

[13.14.8.13 NMAC – Rp, 13.14.8.14 NMAC, 1/1/2021]

13.14.8.14 RESTRICTIONS, ENCROACHMENTS, AND MINERALS ENDORSEMENTS:

A. Upon being furnished with a satisfactory survey:

(1) NM form 50 and NM form 50.1 may be attached to a loan policy;

(2) NM form 56 and NM form 56.1 may be attached to an owner's policy covering unimproved land;

(3) NM form 57 and NM form 57.1 may be attached to an owner's policy covering improved land; and

(4) NM Forms 50, 50.1, 56, 56.1, 57, and 57.1 shall not be attached to policies issued on one to four family residential property.

B. Each endorsement is to be issued only in conjunction with the issuance of survey coverage pursuant to Subsection C of 13.14.5.12 NMAC.

C. 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, may be deleted if minerals rights have been severed and the insurer, in its discretion, deems the risk of such coverage to be acceptable.

[13.14.8.14 NMAC – Rp, 13.14.8.16 NMAC, 1/1/2021]

13.14.8.15 LAND ABUTS STREET ENDORSEMENT: NM form 51 may be attached to a policy, upon being furnished with a satisfactory survey. This endorsement may not be attached to a policy that insures one to four family residential property.

[13.14.8.15 NMAC - Rp, 13.14.8.17 NMAC, 1/1/2021]

13.14.8.16 LOCATION ENDORSEMENT: NM form 52 may be attached to a policy upon being furnished with a satisfactory survey. This endorsement may not be attached to a policy that insures one to four family residential property.

[13.14.8.16 NMAC - Rp, 13.14.8.18 NMAC, 1/1/2021]

13.14.8.17 SAME AS SURVEY AND SAME AS PORTION OF SURVEY ENDORSEMENTS: NM form 78 or 79 may be attached to a policy upon being furnished with a satisfactory survey if the policy provides survey coverage. These endorsements may not be attached to a policy that insures one to four family residential property.

[13.14.8.17 NMAC - Rp, 13.14.8.19 NMAC, 1/1/2021]

13.14.8.18 CONTIGUITY OF PARCELS ENDORSEMENTS: NM form 54 or 66 may be attached to a policy upon being furnished with a satisfactory survey. These endorsements may not be attached to a policy that insures one to four family residential property.

A. For an owner's policy, the insured shall, 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 a loan policy the insured lender shall, have a lien upon an interest (in fee, leasehold, or easement) on both parcels referred to in NM form 54, or on all parcels referred to in NM form 66.

[13.14.8.18 NMAC - Rp, 13.14.8.20 NMAC, 1/1/2021]

13.14.8.19 FIRST LOSS ENDORSEMENT: NM form 58 may be attached to a loan policy. This endorsement may not be attached to a policy that insures one to four family residential property.
[13.14.8.19 NMAC - Rp, 13.14.8.21 NMAC, 1/1/2021]

13.14.8.20 AGGREGATION ENDORSEMENTS: NM form 60 or NM form 60.1 may be attached to a loan policy. These endorsements may not be attached to a policy that insures one to four family residential property.
[13.14.8.20 NMAC – N, 1/1/2021]

13.14.8.21 FOUNDATION ENDORSEMENT: NM form 61 may be attached to a loan policy upon being provided a satisfactory survey.
[13.14.8.21 NMAC - Rp, 13.14.8.24 NMAC, 1/1/2021]

13.14.8.22 ASSIGNMENT OF RENTS OR LEASES ENDORSEMENT: NM form 62 may be attached to a loan policy. This endorsement may not be attached to a policy that insures one to four family residential property.
[13.14.8.22 NMAC - Rp, 13.14.8.25 NMAC, 1/1/2021]

13.14.8.23 ZONING UNIMPROVED LAND ENDORSEMENTS: NM form 64 or NM form 64.1 may be attached to a policy. These endorsements shall not be attached to a policy that insures one to four family residential property.
[13.14.8.23 NMAC - Rp, 13.14.8.26 NMAC, 1/1/2021]

13.14.8.24 ZONING - COMPLETED STRUCTURE ENDORSEMENT, ZONING - LAND UNDER DEVELOPMENT ENDORSEMENT, AND ZONING - COMPLETED STRUCTURE - NO APPLICABLE ZONING ORDINANCES ENDORSEMENT: NM form 65, 65.1 or 65.2 may be attached to a policy upon being furnished with a satisfactory survey.

A. These endorsements shall not be attached to a policy that insures one to four family residential property.

B. The coverage provided by any part of each endorsement may not be increased, but may be deleted.
[13.14.8.24 NMAC - Rp, 13.14.8.27 NMAC, 1/1/2021]

13.14.8.25 ACCESS AND ENTRY ENDORSEMENT: NM form 67 may be attached to a policy upon being furnished a satisfactory survey. A separate endorsement shall be issued for each public street, road or highway for which the insured wants access and entry coverage, and a separate premium shall be paid for each endorsement issued.
[13.14.8.25 NMAC - Rp, 13.14.8.28 NMAC, 1/1/2021]

13.14.8.26 INDIRECT ACCESS AND ENTRY ENDORSEMENT: NM form 68 may be attached to a policy upon being furnished a satisfactory survey. A separate endorsement shall be issued for each public street, road or highway for which the insured wants access and entry coverage, and a separate premium shall be paid for each endorsement issued.
[13.14.8.26 NMAC - Rp, 13.14.8.29 NMAC, 1/1/2021]

13.14.8.27 UTILITY ACCESS ENDORSEMENT: NM form 69 may be attached to a policy upon satisfactory proof that the insured property has access to specified public utilities.
[13.14.8.27 NMAC - Rp, 13.14.8.30 NMAC, 1/1/2021]

13.14.8.28 COMMERCIAL ENVIRONMENTAL PROTECTION LIEN ENDORSEMENT: NM form 70 may be attached to a policy. This endorsement shall not be attached to a policy that insures one to four family residential property.
[13.14.8.28 NMAC - Rp, 13.14.8.31 NMAC, 1/1/2021]

13.14.8.29 REVERSE MORTGAGE ENDORSEMENT: NM form 71 may be attached to a loan policy that insures one to four family residential property.

A. The loan policy issued on a reverse mortgage may be issued in either the total amount of advances or one hundred-fifty percent of the total amount of advances as requested by the lender. Schedule B of the loan

policy 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.”

B. The two mortgages filed on a HUD HECM reverse mortgage loan may be insured on one loan policy if the priority of the mortgages is disclosed when describing the mortgages being insured in schedule A. The bracketed language in Subsection F of Paragraph 4 of NM form 71 may be deleted from the endorsement with the approval of the title insurer 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 additional premium. Otherwise, the brackets themselves shall be removed and the language of Subsection F of Paragraph 4 of NM form 71 shall be included in the endorsement.

[13.14.8.29 NMAC - Rp, 13.14.8.32 NMAC, 1/1/2021]

13.14.8.30 SINGLE TAX PARCEL ENDORSEMENT: NM form 72 may be attached to a policy. This endorsement shall not be attached to a policy that insures one to four family residential property.

[13.14.8.30 NMAC - Rp, 13.14.8.33 NMAC, 1/1/2021]

13.14.8.31 MULTIPLE TAX PARCEL ENDORSEMENT: NM form 73 may be attached to a policy. This endorsement shall not be attached to a policy that insures one to four family residential property.

[13.14.8.31 NMAC - Rp, 13.14.8.35 NMAC, 1/1/2021]

13.14.8.32 DOING BUSINESS ENDORSEMENT: NM form 74 may be attached to a loan policy. This endorsement shall not be attached to a policy that insures one to four family residential property.

[13.14.8.32 NMAC - Rp, 13.14.8.35 NMAC, 1/1/2021]

13.14.8.33 SUBDIVISION ENDORSEMENT: NM form 75 may be attached to a policy. This endorsement shall not be attached to a policy that insures one to four family residential property.

[13.14.8.33 NMAC - Rp, 13.14.8.36 NMAC, 1/1/2021]

13.14.8.34 EASEMENT - DAMAGE OR ENFORCED REMOVAL ENDORSEMENT: NM form 76 may be attached to a policy. This endorsement shall not be attached to a policy that insures one to four family residential property.

[13.14.8.34 NMAC - Rp, 13.14.8.37 NMAC, 1/1/2021]

13.14.8.35 [RESERVED]

[13.14.8.35 NMAC – N, 9/15/2010; Repealed, 1/1/2021]

13.14.8.36 ENERGY PROJECT ENDORSEMENTS: NM form 88, 88.1, 88.2, 88.3, 88.4, 88.5, 88.6, 88.7, or 88.8 may be attached to a policy, as applicable. These endorsements shall not be attached to a policy that insures one to four family residential property.

[13.14.8.36 NMAC - Rp, 13.14.8.39 NMAC, 1/1/2021]

13.14.8.37 MEZZANINE FINANCING ENDORSEMENT: NM form 89 may be attached to an owner’s policy. This endorsement shall not be attached to a policy that insures one to four family residential property.

[13.14.8.37 NMAC - Rp, 13.14.8.40 NMAC, 1/1/2021]

13.14.8.38 [RESERVED]

[13.14.8.38 NMAC – N, 9/15/2010; Repealed, 1/1/2021]

13.14.8.39 [RESERVED]

[13.14.8.39 NMAC - N, 3/1/2016; Repealed, 1/1/2021]

13.14.8.40 [RESERVED]

[13.14.8.40 NMAC - N, 3/1/2016; Repealed, 1/1/2021]

13.14.8.41 [RESERVED]
[13.14.8.41 NMAC - N, 7/1/2018; Repealed, 1/1/2021]]

13.14.8.42 CONDOMINIUM ENDORSEMENTS: NM form 12 and NM form 30 may be attached to a policy, as applicable. Paragraph 3 of NM form 30 may be deleted at the option of the title insurer.
[13.14.8.42 NMAC – N, 1/1/2021]

13.14.8.43 PLANNED UNIT DEVELOPMENT ENDORSEMENTS: NM form 13 and NM form 13.1 may be attached to a policy, as applicable. Paragraph 1 of NM form 13 may be deleted at the option of the title insurer.
[13.14.8.43 NMAC - N, 1/1/2021]

13.14.8.44 [RESERVED]
[13.14.8.44 NMAC - N, 1/1/2021]

13.14.8.45 DOWN DATE ENDORSEMENT TO RESIDENTIAL LIMITED COVERAGE JUNIOR LOAN POLICY JR 1:

- A. NM form 46 may be issued one or more times after issuance of NM form 45.
 - B. NM form 46 may not be issued more than one year after the date of policy stated in NM form 45.
 - C. Upon request of the named insured and the proper recording of all necessary documents meeting the title insurer’s underwriting standards, the amount of the loan secured by the insured’s mortgage insurance previously stated in NM form 45 may be increased by adding a Paragraph D, which shall read as follows: “D. The amount of insurance of the policy is hereby amended to be \$____,” subject to the payment of the applicable premium, for the additional insurance.
- [13.14.8.45 NMAC - N, 1/1/2021]

13.14.8.46 [RESERVED]
[13.14.8.46 NMAC - N, 1/1/2021]

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 3/7/1974.
SCC-85-6, Insurance Department Regulation 30 - Title Insurance, filed 9/6/1985.
SCC-86-1, Insurance Department Regulation 30 - Title Insurance, filed 5/9/1986.

History of Repealed Material. 13.14.8 NMAC, Endorsements, (filed 5/15/2000), was repealed and replaced by 13.14.1 NMAC, Endorsements effective 1/1/2021.

Other History.

Re-promulgated a portion of SCC-86-1, Insurance Department Regulation 30 - Title Insurance (filed 5/9/1986) and renumbered, reformatted and replaced as 13 NMAC 14.8, Endorsements, effective 11/01/1996.

13 NMAC 14.8, Endorsements (filed 10/2/1996), was renumbered reformatted, amended and replaced by 13.14.8 NMAC, Endorsements, effective 5/15/2000, amended effective 7/31/2014.

NMAC Endorsements, effective 7/31/2014, amended effective 3/1/2016.

NMAC Endorsements, effective 3/1/2016, amended effective 7/1/2018.