



Dear Colleagues,

On behalf of the ALTA Forms Committee, it is my pleasure to provide you with an update on ALTA Forms releases, and to thank you for your continuing interest in the ALTA Forms collection.

The committee continues its ongoing work to develop and modify forms to align with legal, regulatory, and social justice considerations. Having finalized the Public Comment period on December 3, 2024, we are pleased to announce the final publication on January 2, 2025 of several ALTA Policy Forms which will be of interest to you, including new and revised endorsement forms, and a technical corrections to an existing endorsement.

### **Revised ALTA Forms**

On October 16, 2024, the ALTA Board of Governors approved a recommendation to adopt the following revision to the 2021 ALTA Forms Collection, and the subsequent public comment period ran through December 3, 2024. The final publication date for this Form is on January 2, 2025, and may be accessed at <https://alta.org/policy-forms> under the section labeled “Forms Effective January 2, 2025”.

#### **ALTA 48 Endorsement – Tribal Limited Waiver and Consent Endorsement (2021 v. 02.00 01-02-2025)**

When determining the scope of coverage under a title insurance policy, it is sometimes advisable to seek judicial guidance through a declaratory relief action. Because Native American tribes enjoy sovereign immunity, filing a declaratory relief action may be unavailable without a waiver of sovereign immunity. The original ALTA 48 Endorsement, issued in 2022, was designed to address these situations by providing a limited waiver of sovereign immunity as part of the policy. This new revision of the ALTA 48 Endorsement (2021 v. 02.00 01-02-2025) addresses questions that have been raised as to purpose and scope of the original 01.00 version of the endorsement.

## **New ALTA Endorsements**

On October 16, 2024, the ALTA Board of Governors approved a recommendation to adopt the following new Endorsements for the 2021 ALTA Forms Collection. The public comment period ran through December 3, 2024. The final publication date for these Forms is on January 2, 2025 and may be accessed at <https://alta.org/policy-forms> under the section labeled “Forms Effective January 2, 2025”.

### ALTA 48.1 Endorsement – Tribal Limited Waiver and Consent Agreement (2021 v. 01.00 01-02-2025)

While the ALTA 48 Endorsement mentioned above provides for a limited waiver of sovereign immunity for a particular transaction, some tribes and tribal entities have their own form of sovereign waiver that they prefer, and in some cases would prefer to provide a waiver for a series of transactions. The ALTA 48.1 Endorsement provides the option of entering into separate sovereign immunity waiver agreements between an underwriter and the tribal entity. This sovereign immunity waiver agreement would then be referenced and incorporated into the policy by the ALTA 48.1 on each transaction, avoiding the need to require tribal authorization and execution for each and every transaction.

### ALTA 36.9 Endorsement – Energy Project – Minerals and Other Subsurface Substances – Land Under Development (2021 v. 01.00 01-02-2025)

This endorsement coverage for removal or alterations of an Electric Facility that is built according to endorsement defined Plans, where the loss or damage results from the later use of the surface to extract (or otherwise develop) subsurface substances, including minerals.

### ALTA 22.2 Endorsement – Land Address (2021 v. 01.00 01-02-2025)

This new ALTA Endorsement provides coverage for loss or damage if the unimproved land is not known by a specific stated address within the records of a specified entity. These entities could be, as examples, the Assessor’s Office or Post Office, for a given endorsement issuance.

## Technical Corrections

After ALTA Forms Committee review, we are pleased to announce the following technical correction to the ALTA Forms Collection, for final publication on January 2, 2025:

### ALTA JR1 Endorsement (2021 v. 01.01 01-02-2025)

This technical corrections to the ALTA JR1 Endorsement includes the following revisions as shown in the highlights below:

1. Changing the format on a drafting instruction to comply with current standards (Paragraph 3);
2. Adding two additional drafting instructions for clarity (Paragraph sections 4.a. and 4.b.);
3. Removing an extra period on two different romanettes (Paragraph sections 4.a.ii. and 4.b.ii.).

3. The Identified Mortgage means: **[Drafting instruction: describe the Identified Mortgage].**
4. The Company insures against loss or damage sustained by the Insured by reason of:
- a. Any document purporting to vest the Title recorded in the Public Records subsequent to the Date of Policy and on or prior to the Date of Endorsement, except:  
**[Drafting instruction – enumerate documents, if any, in the following format:]**  
**[i.**  
**ii.]**
  - b. Any Monetary Lien other than the Identified Mortgage, recorded in the Public Records subsequent to the Date of Policy and on or prior to the Date of Endorsement except:  
**[Drafting instruction – enumerate documents, if any, in the following format:]**  
**[i.**  
**ii.**  
**... .**

## ALTA Forms Development Process

As always, new and revised forms have been developed by the ALTA Forms Committee and approved by the ALTA Board. An opportunity to review and comment for new and revised ALTA forms was extended to ALTA Members, Policy Forms Licensees, and industry customers before final publication.

Technical corrections, designed to address smaller non-substantive changes to existing ALTA Forms, are published upon the recommendation of the ALTA Forms Committee.



## **Purpose and Use of ALTA Forms Collection**

The forms, in general, are made available for customer convenience. The parties are free in each case to agree to different terms and the use of these forms is voluntary unless required by law. The Forms are copyrighted, and use is restricted to ALTA Policy Forms Licensees (including ALTA Members) in good standing as of the date of use. Permission to reprint may be requested by contacting [publications@alta.org](mailto:publications@alta.org). The ALTA Forms are available at <https://alta.org/policy-forms>.