



NEW HAMPSHIRE AGENCY

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TITLE TALK with Katie Button

INSURING NEW HAMPSHIRE ISLAND PROPERTY

Both Loan and Owner Policies for Title Insurance can be issued for a tract of land that is located on an island, or even a tract that makes up an entire island, in New Hampshire. However, special considerations must be made to account for the unique characteristics of these properties.

Policy Type. A Standard ALTA Loan and/or Owner policy may be issued if it is confirmed there is legal access to the Land being insured. An Expanded policy generally can not be issued because island property often does not have vehicular access.

Access to the Land.

When issuing a policy for title insurance for a parcel of land on an island it is necessary to confirm legal access to the property exists. Access may be via the water if it is a public water body that is accessible from a public road or public boat ramp. If the property does not have water frontage, access to the property from the water must also exist and is usually an easement since there aren't often public roads on an island.

If there is no legal access to the insured land the following exception must be taken:

The Land is located on an island. Legal access to the premises herein described is not insured.

Legal Description.

To issue a policy for land on an island the Company requires an insurable description. The description may reference the name of the body of water the island is surrounded by, the common name of the island, a surveyed description, a reference point on the shoreline, a survey reference, etc.

CAUTION: Common names for islands may be very common and may change over time. For example, on Lake Winnepesaukee there are currently three islands referred to as "Loon Island" with "Cow Island" sometimes referred to as "Guernsey Island".

Also consider if there are appurtenant easements (e.g. on shore parking spaces) to the insured land. If an easement is to be insured, as part of the Schedule A Legal Description, a search will need to be completed and any exceptions taken, where appropriate.

Unique Ownership Structures.

CAUTION: Watch for islands that have unique ownership interests. We have seen instances where the homeowner holds title to the improvements only and a fractional or shared interest in the island. Please reach out to your underwriter if you need assistance.

Docks, Wharves or Piers.

If the improvements include a dock, boathouse, pier or the like we cannot insure these improvements as they are over public water and subject to the regulation of the State of New Hampshire. Please include the following exception for these improvements when appropriate:

This policy does not insure any wharves, piers or docks adjacent to or utilized in connection with the insured premises or any personal property referred to in deeds in the chain of title or Exhibit A hereto or as disclosed on any plan(s) of survey(s) of the insured premises.

Water Exceptions.

Remember, the above exceptions are not the only exceptions that may relate to your file. Always remember to consult the [water exceptions handout](#) when insuring property located on any body of water within the State.

TO BE USED FOR NH UNDERWRITING PURPOSES

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