

MISCELLANEOUS PROFESSIONAL LIABILITY (Mortgage Brokers)

Application Instructions

- A. Please type or complete the application in ink.
- B. If additional space is needed, please use your firms letterhead.

Instant Indication

A. Applicant Information

1. Applicant Company Name: _____
DBA: _____
2. Address 1: _____
Address 2: _____
3. City: _____ State: _____ Zip Code: _____
4. Effective Date: _____
5. Expiration Date: _____

B. Operations

1. Past Fiscal Year Total Gross Revenues: \$ _____
2. List all professional activities and services provided and their respective previous year's gross revenue:
Billing Services: \$ _____
Mortgage Brokers : \$ _____
3. During the past 12 months what approximate percentage of the applicant's clients were new to the applicant: _____
4. Number of Employees (Full-time / Part-time): _____ / _____
5. Is there a full time licensed Real Estate Broker on staff? YES/NO
6. Who is filing the surplus lines taxes? _____
7. Does the applicant currently have Professional Liability Coverage? YES/NO
8. Please indicate the desired policy effective and retroactive date of this policy (mm-dd-yyyy): _____

9. Does the applicant use a written contract or agreement with clients? *(circle one)*

In All Cases Sometimes Never

10. Have any Errors and Omissions claims been made against the Applicant Firm or any of its past or present owners, officers, partners, members, employees or solicitors, or to the knowledge of the Applicant, in behalf of its predecessors in business within the last 5 years? YES/NO

If 'YES', please add claim information for the last 5 years:

Date of claim (mm-dd-yyyy): _____

Current Status: OPEN/CLOSED

Total Loss Paid including Deductible (include Defense Expense and Indemnity): \$ _____

Applicant's Loss Reserve and Payments (include Defense Expense and Indemnity): \$ _____

Defendant's offer for settlement? \$ _____

C. Supplement

1. Please provide a percentage breakdown of the Applicant's gross revenues for the past 12 months:

Mortgage brokering fees and commissions: _____

Mortgage Warehousing: _____

Mortgage Banking: _____

Escrow or closing fees: _____

Other: _____

2. Does the applicant arrange for appraisals, title searches, or escrow closings to be made? YES/NO

If 'YES', advise details including nature, scope and extent of the applicant's activity in this regard:

D. Coverages & Endorsements

**Please Note: TRIA and full terrorism coverage is provided on ALL of our policies*

E. Policy Limits

1. Combined Limit: _____

2. Deductible: _____

Application

A. Applicant Information

1. Contact Name: _____
2. Phone: _____ Fax: _____
3. Type of Business: _____

B. Applicant's Practice

1. Date Established: _____
2. Has any one client (includes affiliated clients) account for 25% or more of the applicant's gross revenues during the past 12 months? YES/NO
If 'YES', please provide the name(s) of the client(s) and percentage of billings:

3. Does any member of the applicant provide professional services other than those mentioned previously? YES/NO
If 'YES', please provide full details:

4. Current Projected Total Gross Revenues: \$ _____
5. Past Fiscal Year Total Gross Revenues: \$ _____
6. Previous Past Fiscal Year Total Gross Revenues: \$ _____
7. Number hired within the past 12 months (Full-time/Part-time):
_____ / _____
8. Number terminated, retired, or resigned within the past 12 months (Full-time/Part-Time):
_____ / _____
9. Does responsibility for the applicant's other offices rest with the management at the applicant's principal location? YES/NO

10. To what professional association(s) does the Applicant belong?

11. Please list the names of all predecessor firms of the Applicant (Name only those firms where the applicant is a successor to the former firm's assets and liabilities):

12. Do Principals, Partners, Owners and Key Employees have 5 or more years industry experience? YES/NO

C. Risk Management

1. Is the applicant controlled, owned or associated with any other firm, corporation or company, or does the applicant have any wholly or partially owned subsidiaries? YES/NO
If 'YES', please explain:

2. Are any of the professional activities provided to business enterprises that are listed above? YES / NO
If 'YES', please explain:

3. Does any current member of the applicant provide any professional services to any clients in which any applicant member or SPOUSE serves as a director, officer or partner or own any equity or financial interest? YES / NO
If 'YES', please explain:

4. How many suits for fees have been filed in the last two years? _____

D. Mortgage Brokers Supplement

1. Total Dollar amount of all mortgages placed (or brokered)
(Residential/Commercial): \$ _____

2. Maximum value of any one mortgage (residential)
(Residential/Commercial): \$ _____

3. Number of mortgages (Residential/Commercial): _____

4. **Within the past five years, has the applicant placed or brokered any mortgage loans for any commercial or industrial properties? YES/NO**
If 'YES', advise how many different mortgage loans the applicant placed, along with any estimate of their approximate collective loan amounts:

5. **Does the applicant have any form of discretionary loan making or loan underwriting authority? YES/NO**
If 'YES', please describe:

E. Claim History

1. **Loss History: (Please include information for all losses in the past five years for your Errors and Omissions and Fiduciary Liability policy. To add a claim, return to the instant indication section.)**

2. **Have any Errors and Omissions claims been made against the Applicant Firm or any of its past or present owners, officers, partners, members, employees or solicitors, or to the knowledge of the Applicant, in behalf of its predecessors in business within the last 5 years? List details of claims over \$10,000. YES/NO**

3. **Does any principal, owner, partner or employee know of any incident, act, error or omission that could result in a claim or suit against the applicant firm or any of its predecessor firms, if any? YES/NO**

4. **Have all matters in the above two questions been reported to the applicant's former or current insurer(s) or to the former insurer of any predecessor firm or former insurer of a current member of the Firm? YES/NO**

5. Has any principal, owner, partner or employee for whom coverage is sought been the subject of a disciplinary complaint made to any court, administrative agency or regulatory body? YES/NO

If 'YES', please provide full details and documentation:

F. Policy History

1. Previous Insurer(s) (Past Three Years; Be sure to include Effective Date, Expiration Date, Limits of Liability, Deductible/Retention, and Premium):

2. Has the applicant ever purchased an extended reporting endorsement? YES/NO

If 'YES', please provide date purchased and term of endorsement:

3. In the past five years, has the applicant or any of its members ever had professional liability insurance or similar insurance declined, cancelled or non-renewed? YES / NO

4. Does the applicant carry General Liability coverage? YES/NO

G. Coverages and Endorsements

1. Amended Territory Provision: YES/NO

2. Business Broker Amendatory: YES/NO

3. Designated Entity Exclusion

Name: _____

4. Designated Operation Exclusion

Name: _____

5. Reimbursement Amount: \$ _____

6. Employers Liability Exclusion: YES/NO

- 7. Escrow Agents Amendatory: YES/NO
- 8. Failure To Maintain General Liability Exclusion: YES/NO
- 9. Fair Housing – Defense Costs Only: YES/NO
- 10. Joint Venture Exclusion: YES/NO
- 11. Limits of Liability Amendatory: YES/NO
- 12. Office Space Sharing Exclusion: YES/NO
- 13. Property Management Operations With Ownership Amendatory Endorsement: YES/NO
- 14. Regulatory Authority Exclusion: YES/NO
- 15. R.I.C.O. Exclusion: YES/NO
- 16. Securities And Financial Interest Exclusion: YES/NO
- 17. Specified Individual Prior Acts Limitation: YES / NO
- 18. Stacking of Limits: YES/NO
- 19. Trustee: YES/NO

20. Additional Insured

Name: _____

Address 1: _____

Address 2: _____

City: _____ State: _____ Zip Code: _____

21. Additional Name Insured

Name: _____

**Please Note: TRIA and full terrorism coverage is provided on ALL of our policies*

IMPORTANT NOTICE

IN GRANTING COVERAGE TO ANY OF THE INSURED, THE INSURER HAS RELIED UPON THE DECLARATIONS AND STATEMENTS IN THIS APPLICATION FOR COVERAGE. ALL SUCH DECLARATIONS AND STATEMENTS ARE THE BASIS OF COVERAGE AND SHALL BE CONSIDERED INCORPORATED IN AND CONSTITUTING PART OF THE POLICY SHOULD ONE BE ISSUED.

ALL WRITTEN STATEMENTS AND MATERIALS FURNISHED TO THE COMPANY SUBMITTED IN CONJUNCTION WITH THIS APPLICATION ARE HEREBY INCORPORATED BY REFERENCE INTO THIS APPLICATION AND MADE A PART HEREOF. NOTHING CONTAINED HEREIN OR INCORPORATED HEREIN BY REFERENCE SHALL CONSTITUTE NOTICE OF A CLAIM OR POTENTIAL CLAIM SO AS TO TRIGGER COVERAGE UNDER ANY CONTRACT OF INSURANCE.

THIS APPLICATION DOES NOT BIND THE APPLICANT TO BUY, OR THE COMPANY TO ISSUE THE INSURANCE, BUT IT IS AGREED THAT THIS FORM SHALL BE THE BASIS OF THE CONTRACT AND SHOULD A POLICY BE ISSUED, IT WILL BE ATTACHED TO AND MADE A PART OF THE POLICY.

THE UNDERSIGNED APPLICANT DECLARES THAT THE STATEMENTS SET FORTH IN THIS APPLICATION ARE TRUE. THE APPLICANT FURTHER DECLARES THAT IF THE INFORMATION SUPPLIED ON THIS APPLICATION CHANGES BETWEEN THE DATE OF THIS APPLICATION AND THE EFFECTIVE DATE OF THE POLICY, SHOULD A POLICY BE ISSUED, THE APPLICANT WILL IMMEDIATELY NOTIFY THE COMPANY OF SUCH CHANGES, AND THE COMPANY MAY WITHDRAW OR MODIFY ANY OUTSTANDING QUOTATIONS AND/OR AUTHORIZATIONS OR AGREEMENT TO BIND THIS INSURANCE.

IF AND WHEN A POLICY IS ISSUED, THIS APPLICATION IS ATTACHED TO AND MADE A PART OF THE POLICY, SO IT IS NECESSARY THAT ALL QUESTIONS BE ANSWERED IN DETAIL. THE APPLICANT HEREBY ACKNOWLEDGES THAT HE/SHE IS AWARE THAT BY SIGNING BELOW WHERE INDICATED, THAT THIS SIGNED STATEMENT WILL BE ATTACHED TO THE POLICY.

NOTICE TO ARKANSAS APPLICANTS: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT, OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

NOTICE TO COLORADO APPLICANTS: "IT IS UNLAWFUL TO KNOWINGLY PROVIDE FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES, DENIAL OF INSURANCE, AND CIVIL DAMAGES. ANY INSURANCE COMPANY OR AGENT OF AN INSURANCE COMPANY WHO KNOWINGLY PROVIDES FALSE, INCOMPLETE, OR MISLEADING FACTS OR INFORMATION TO A POLICYHOLDER OR CLAIMANT FOR THE PURPOSE OF DEFRAUDING OR ATTEMPTING TO DEFRAUD THE POLICYHOLDER OR CLAIMANT WITH REGARD TO A SETTLEMENT OR AWARD PAYABLE FROM INSURANCE PROCEEDS SHALL BE REPORTED TO THE COLORADO DIVISION OF INSURANCE WITHIN THE DEPARTMENT OF REGULATORY AUTHORITIES."

NOTICE TO DISTRICT OF COLUMBIA APPLICANTS: "WARNING: IT IS A CRIME TO PROVIDE FALSE OR MISLEADING INFORMATION TO AN INSURER FOR THE PURPOSE OF DEFRAUDING THE INSURER OR ANY OTHER PERSON. PENALTIES INCLUDE IMPRISONMENT AND/OR FINES. IN ADDITION, AN INSURER MAY DENY INSURANCE BENEFITS IF FALSE INFORMATION MATERIALLY RELATED TO A CLAIM WAS PROVIDED BY THE APPLICANT."

NOTICE TO FLORIDA APPLICANTS: "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE ANY INSURER FILES A STATEMENT OF CLAIM OR AN APPLICATION CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY IN THE THIRD DEGREE."

NOTICE TO KENTUCKY APPLICANTS: "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME."

NOTICE TO LOUISIANA APPLICANTS: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON."

NOTICE TO MAINE APPLICANTS: "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES MAY INCLUDE IMPRISONMENT, FINES OR A DENIAL OF INSURANCE BENEFITS."

NOTICE TO MINNESOTA APPLICANTS: "A PERSON WHO SUBMITS AN APPLICATION OR FILES CLAIM WITH INTENT TO DEFRAUD OR HELPS COMMIT A FRAUD AGAINST AN INSURER IS GUILTY OF A CRIME."

NOTICE TO NEW JERSEY APPLICANTS: "ANY PERSON WHO INCLUDES ANY FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR AN INSURANCE POLICY IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES."

NOTICE TO NEW MEXICO APPLICANTS: "ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES."

NOTICE TO NEW YORK APPLICANTS: "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE STATED VALUE OF THE CLAIM FOR EACH SUCH VIOLATION."

NOTICE TO OHIO APPLICANTS: "ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE IS FACILITATING A FRAUD AGAINST AN INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD."

NOTICE TO OKLAHOMA APPLICANTS: "WARNING: ANY PERSON WHO KNOWINGLY, AND WITH INTENT TO INJURE, DEFRAUD OR DECEIVE ANY INSURER, MAKES ANY CLAIM FOR THE PROCEEDS OF AN INSURANCE POLICY CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS GUILTY OF A FELONY" (365:15-1-10, 36 §3613.1).

NOTICE TO PENNSYLVANIA APPLICANTS: "ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES."

NOTICE TO TENNESSEE APPLICANTS: "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES INCLUDE IMPRISONMENT, FINES AND DENIAL OF INSURANCE BENEFITS."

NOTICE TO VIRGINIA APPLICANTS: "IT IS A CRIME TO KNOWINGLY PROVIDE FALSE, INCOMPLETE OR MISLEADING INFORMATION TO AN INSURANCE COMPANY FOR THE PURPOSE OF DEFRAUDING THE COMPANY. PENALTIES INCLUDE IMPRISONMENT, FINES AND DENIAL OF INSURANCE BENEFITS."

PLEASE READ THE FOLLOWING STATEMENT CAREFULLY AND SIGN BELOW WHERE INDICATED. IF THIS POLICY IS ISSUED, THIS SIGNED STATEMENT WILL BE ATTACHED TO THE POLICY.

The Applicant hereby acknowledges that he/she/it is aware that the limits of insurance contained in this policy shall be reduced, and may be completely exhausted, by the costs of defense expenses which include but are not limited to attorneys fees and, in such event, the insurer shall not be liable for the costs of defense expenses or for the amount of any judgement or settlement to the extent that such exceeds the limits of insurance of this policy.

This Applicant hereby further acknowledges that he/she/it is aware that defense expenses that are incurred shall be applied against the deductible amount, if any.

Signature of Owner, Partner, Member, Principal, or Officer Authorized to Sign as Applicant

Applicant's Printed Name: _____

Title: _____

Date: _____

Producer Name: _____

License #: _____