

GAP INDEMNITY

MTX \_\_\_\_\_

WHEREAS, FIDELITY NATIONAL TITLE INSURANCE COMPANY (the Company) is about to issue its title insurance policy or policies (the Policies) to proposed insured(s) for property described in the above referenced commitment, insuring against loss by reason of defects in the title to said property (the Land);

AND, WHEREAS, The Company has made exception for defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching between the effective date of the title insurance Commitments and the date of recording of the deed and/or mortgage to be insured [Gap Defect(s) ];

AND WHEREAS, The Company has been asked to issue the Policies, and may hereafter in the ordinary course of its business issue title insurance policies or commitments in respect to the Land, or some part or interest in it (the Future Policies), removing or insuring against loss by reason of the Gap Defect(s);

NOW, THEREFORE, in consideration of the issuance of the Policies or Future Policies, the undersigned covenant(s) and agree(s) with The Company forever to protect, defend and save The Company harmless from and against Gap Defect(s) created, suffered or agreed to by the undersigned and except as disclosed in writing to The Company, and any right, interest or defect growing out of the same, including all loss, costs, damages, and attorneys' fees and expenses which it may incur by reason thereof, including loss, costs, damages, fees and expenses incurred in actions brought to enforce this agreement; to defend at undersigned's own cost any and every suit, action or proceeding in which the Gap Defect(s) was created, suffered or agreed to by the undersigned and, except as disclosed in writing to The Company, is or are asserted against the real estate; to satisfy or remove such Gap Defect(s) on written demand within thirty days; and that each and every provision herein shall extend to and be in force concerning Future Policies.

Dated \_\_\_\_\_

OWNER

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