



**Presented by:**

- **Deb Feinen**  
*Vice President - Downstate Operations*  
Attorneys' Title Guaranty Fund, Inc.

1-3

## Background - 215 ILCS 155/18(b)

- **The Title Insurance Act in Section 18(b) requires Disclosure of Financial Interest be made by:**
  - Any producer/associate with a financial interest in the title insurance company
  - Independent escrowee
  - The title insurance agent
- **Disclosure is to be made to any party paying for the services of any entity to which they are referred.**
- **Disclosures are limited to residential properties.**

## Definition of Producer

- **Producer – any person, firm, partnership, association, corporation, or other legal entity engaged in this State in the trade, business, occupation, or profession of (i) buying or selling interests in real property, (ii) making loans secured by interests in real property, or (iii) acting as a broker, agent, attorney, or representative of natural persons or other legal entities that buy or sell interests in real property or that lend money with such interests as security. (215 ILCS 155/1)**
- **A producer includes an attorney representing clients in a real estate transaction.**



## New DS-1 Proposed 2018

- **Current DS-1 Form May 1, 1997.**
- **In April of 2018 the IDFPR promulgated a new DS-1 Form which was later amended in May of 2018.**
- **In June of 2018 ATG filed a motion for TRO to stay implementation of the new form.**
  - The form required disclosure of attorneys' fees
  - The form included non-title relate fees
- **In July of 2018 ATG filed a lawsuit objecting to the language of both the new form and the new instructions for completing the form**

## Why ATG Objected to the Proposed DS-1

- **ATG's position was that**
  - The new form and instructions included language that went beyond the State's statutory authority.
  - The new form and instructions discouraged consumers from using the services of their trusted lawyer.
- **ATG's litigation was successful**
  - The IDFPR was enjoined from implementing the new form while acceptable new language was negotiated for the form.
- **ATG continued to work with IDFPR on language for the DS-1 Form**

# Marked Up Draft of May 2018 Version of DS-1

## ESTIMATED CHARGES

Fees charged at your closing include: 1) title insurance policy, service charges or administration fee; 2) abstracting, searching and examining title; 3) preparing or issuing preliminary reports, property profiles, commitments, binders or like product; 4) closing fees, escrow fees, settlement fees and like charges. [215 ILCS 155/19]

	<u>ESTIMATED SELLER CHARGES</u>	<u>ESTIMATED BUYER CHARGES</u>
1. Title policy, servicing, or admin.	\$ _____	\$ _____
2. Abstracting, searching, examining	\$ _____	\$ _____
3. Preliminary report, commitment, etc.	\$ _____	\$ _____
4. Closing, escrow, settlement, etc.	\$ _____	\$ _____
<b>Total estimated title charges</b>	\$ _____	\$ _____
<b>Estimated title agent <u>retained premium</u> fee*</b>	\$ _____	\$ _____
<b>Estimated <u>non title related fee(s)</u> of the referring producer of title business <del>(choose only the one applicable fee)</del>**</b>		
<u>Attorney's fee,</u>	\$ _____	\$ _____
Broker's commission/other fees	\$ _____	\$ _____
Lender's charge(s)	\$ _____	\$ _____

\*Under the agreement between the title agent and the insurer, the agent will receive a certain amount of money for statutorily authorized services that must actually be performed and, other than such compensation, the exchange of a thing of value as inducement or compensation to obtain title business is prohibited under state and federal law. [12 USC §2607; 215 ILCS 155/24; and 8100.2402(a)].

\*\*It is a violation of state and federal law to offer or accept free or discounted attorney fees, real estate broker commissions, lender charges, etc., for the referral of title business to a title agent, insurer or escrowee and may result in criminal prosecution and/or fine for each offense. [215 ILCS 155/24 and 23; 12 USC §2607(d)]

## Negotiated Language Approved in December 2021

- ATG and our Co-Plaintiff in the litigation (ILTA) reached an agreement with the IDFPR on language in December of 2021.
- The agreed language removes objectionable language that discouraged consumers from having their lawyers provide title insurance.



## The New DS-1 Form

- **Requires disclosure of much the same information as the current disclosure**
  - Estimates of charges for title insurance policies
  - Estimates of charges for escrow or closing fees
- **Has two new requirements**
  - Any “abstracting, searching, or examining fees and any fees for a Preliminary Report or Commitment” must be disclosed.
  - The percentage (or dollar amount) retained by the Producer (title agent) for the Owner and Mortgagee policies must be disclosed.





# DISCLOSURE OF FINANCIAL INTEREST

[By a Producer of Title Business or Associate - 215 ILCS 155/18(b)]

New DS-1 Form  
as of March 1, 2022

## TRANSACTION INFORMATION

Property Address: \_\_\_\_\_  
 Buyer/Borrower(s) Name: \_\_\_\_\_  
 Seller(s) Name: \_\_\_\_\_  
 Title Agent Name/Address/Registration #: \_\_\_\_\_  
 Escrow Service Provider Name/License #: \_\_\_\_\_  
 Title Insurance Company Name/License #: \_\_\_\_\_

## IMPORTANT CONSUMER INFORMATION

- **The party paying for any title insurance policy has the right to choose** their title insurance agent, company and escrow (closing) service provider, and **you are not required** to use the title insurance service providers referred to you for this transaction. You may consult with your attorney as to which title insurance related services you are obligated to pay for under the terms of your real estate contract.
- **When there is a financial interest** between the person or company referring you for title insurance and the entity to whom you are referred, that relationship must be disclosed to you.
- **Consider shopping around** for title insurance related services to make sure that you get the best value for your cost. Being a knowledgeable consumer can potentially save you money at closing!
- **State law requires that this disclosure be provided** to you before the title commitment is issued.
- **State and federal laws help protect consumers** by making them aware of the cost of title insurance and closing fees before these items are purchased.

## ESTIMATED SELLER AND BUYER TITLE AND ESCROW CHARGES

Products	Estimated Seller Charges	Estimated Buyer Charges
1. Owners title insurance policy premium	\$	\$
2. Loan title insurance policy premium	\$	\$
3. Abstracting, searching, examining	\$	\$
4. Preliminary report, commitment, etc.	\$	\$
5. Closing escrow, settlement, etc.	\$	\$
<b>Total estimated title and escrow charges</b>	<b>\$</b>	<b>\$</b>

**PLEASE NOTE:** [ NAME OF PRODUCER ] IS ESTIMATED TO RECEIVE \_\_\_ % (OR \$ \_\_\_\_\_) OF THE OWNER'S POLICY PREMIUM; and  
 [ NAME OF PRODUCER ] IS ALSO ESTIMATED TO RECEIVE \_\_\_ % (OR \$ \_\_\_\_\_) OF THE LOAN TITLE POLICY PREMIUM

## CERTIFICATION OF DISCLOSURE

The undersigned, \_\_\_\_\_ (name), certifies that my role in the transaction is as producer of the title business [ and as title agent], and that I caused this disclosure to be provided to the Seller(s) and Buyer(s) or their representatives prior to the issuance of the title commitment.

\_\_\_\_\_  
 Producer's Signature

\_\_\_\_\_  
 Date

## ACKNOWLEDGEMENT

I/We have read the Disclosure of Financial Interest and understand that [Name of Producer]: 1) is referring or has referred me/us to purchase title services from title insurer/service provider(s) noted above; and 2) will receive money or other benefit for the work provided, which is a direct result of this referral.

**Seller(s)** \_\_\_\_\_  
 Signature Date

**Buyer(s)** \_\_\_\_\_  
 Signature Date

**Seller(s)** \_\_\_\_\_

**Buyer(s)** \_\_\_\_\_

## **INSTRUCTIONS FOR COMPLETING THE DISCLOSURE OF FINANCIAL INTEREST FORM (DS-1)**

### **PURPOSE**

This form is required under the Title Insurance Act (Act) and has been updated to inform the parties purchasing title insurance products and services, i.e. sellers and buyers, that:

- the parties paying for any title insurance policy have the right to choose their title insurance agent, company, and escrow (closing) service provider [215 ILCS 155/18.1 and 12 USC §2608(a)];
- other consumer protection information is provided to consumers;
- the producers of title business or associates of producers of title business (collectively, "Producer/Associate") have disclosed the title insurers, title agents or independent escrowee to whom they have referred the seller(s) and buyer(s) [215 ILCS 155/18(b)]; and
- the estimated costs of the title and escrow products and services are disclosed [215 ILCS 155/19].

### **GENERAL INFORMATION**

Except for the signatures for sellers and buyers, the blanks are fillable by clicking on the blank and typing in the required information.

### **TRANSACTION INFORMATION**

Fill in the property address that is the subject of the transaction, the date the disclosure is being made, the names and addresses of the seller(s), buyer(s), title agent, title insurer, and/ or independent escrowee to which the party is being referred.

### **CERTIFICATION OF DISCLOSURE**

This portion is not fillable. Provide signature of the Producer/Associate along with appropriate date.

### **PURPOSE OF THE FORM - IMPORTANT CONSUMER INFORMATION**

This is information for the seller(s) and buyer(s), i.e. nothing to fill in.

### **ESTIMATE TITLE CHARGES-- DISCLOSURE OF ASSOCIATED BUSINESS INTEREST**

Fill in the estimated charges for seller and buyer. The breakdown of charges is derived from the Act. [215 ILCS 155/19]

Fill in name of Producer/Associate above and below [NAME OF PRODUCER/ASSOCIATE]. Fill in the dollar amounts or percentages of the lender's policy and owner's policy title insurance premium that the Producer/Associate will receive in the transaction.

**PLEASE NOTE:** The Real Estate Settlement Procedures Act provides that, "no person shall give and no person shall accept any portion, split, or percentage of any charge made or received for the rendering of a real estate settlement service in connection with a transaction involving a federally related mortgage loan other than for services actually performed." 12 U.S.C. 2607 (RESPA Section 8(b)).

### **CERTIFICATION OF DISCLOSURE**

The Producer/Associate must check the box if they are also acting as title agent. The signature of the representative of the Producer/Associate and the date are required and can be completed digitally or as follows: /s/John Smith. **The signed disclosure shall be forwarded to the parties prior to the issuance of the title commitment.**

**PLEASE NOTE:** The Disclosure shall be sent electronically, by U.S. mail, or personal delivery by the Producer/Associate to the seller(s) or buyer(s).

In situations where the Owner's Policy and Lender's Policy are recommended by separate Producers/Associates, two disclosures are required.

### **PLEASE NOTE:**

The Illinois Department of Financial and Professional Regulation (the "Department") has regulatory authority over the title industry. Its authority derives from the Title Insurance Act, Administrative Rules and through the Real Estate Settlement Procedures Act ("RESPA").

### **ACKNOWLEDGEMENT**

Disclosures signed by the seller(s) and buyer(s) should be returned to the Producer/Associate. The Producer/Associate shall send the Disclosures by electronic mail, personal delivery, or by first class U.S. mail to the seller(s) and buyer(s) or their representatives. The Producer/Associate will retain a copy of the electronic mail or letter sent by personal delivery or U.S. mail in its file **for a period of 3 years** to confirm that the Disclosures were sent.

### **RECORDKEEPING**

The Act requires that the Disclosure be provided to the parties paying for title insurance prior to the issuance of the title commitment and that it be maintained by the title insurer, agent or independent escrowee for three years. [215 ILCS 155/18(b)]. The Department recommends that

ALL title entities involved in the transaction, i.e. the Producer/Associate, insurer, agent/agency, independent escrowee, and settlement service provider maintain access to the signed DS-1 Form for their records. This ensures that the entities are properly authorized to complete the transaction.

Questions may be submitted to [DFI.Title@illinois.gov](mailto:DFI.Title@illinois.gov).

## Instruction Sections

- Purpose
- General Information
- Transaction Information
- Estimated Charges
- Certification of Disclosure
- Acknowledgement
- Record Keeping



## Instruction Highlights

- Purpose
  - Parties have a right to choose agent, company, closing provider. 215 ILCS 155/18.1 and 12 USC Sec. 2608(a)
  - Producers/Associates have disclosed who they referred the consumer to. 215 ILCS 155/ 18(b)
  - Estimated costs are disclosed to consumer. 215 ILCS 155/19



## Instruction Highlights

- **Estimated Charges**

- A reminder about RESPA that no person shall accept money involving a federally related mortgage loan other than for services actually performed. RESPA 12 USC 2607 RESPA Section 8(b)



## Instruction Highlights

- **Certification of Disclosure**

- Check the box if you are also acting as the title agent
- Can sign digitally
- Reminder of regulatory authority of IDFPR

- **Two disclosure forms are required when there is more than one producer/associate for example in a bifurcated transaction.**



## Instruction Highlights

- **Acknowledgment/Record Keeping**
  - Disclosure shall be sent by email, personal delivery or first class US mail. Prior to the commitment being issued.
  - Retain copy for 3 years to confirm it was sent.
  - Disclosure SHOULD be returned to the producer/associate.
    - No control over if it comes back
    - Keep proof if you have it but it isn't required
  
- **Questions may be submitted to [DFI.Title@illinois.gov](mailto:DFI.Title@illinois.gov)**

## The New Form

- **Sections of the New Form**
  - Transaction information
  - Consumer Information
  - Estimated charges for Buyer/Seller for Title and Escrow
  - Premium Split
  - Certification of Disclosure
  - Acknowledgement

# Transaction Information



DS-1 (03/21)

## DISCLOSURE OF FINANCIAL INTEREST

[By a Producer of Title Business or Associate - 215 ILCS 155/18(b)]

### TRANSACTION INFORMATION

Property Address: \_\_\_\_\_  
Buyer/Borrower(s) Name: \_\_\_\_\_  
Seller(s) Name: \_\_\_\_\_  
Title Agent Name/Address/Registration #: \_\_\_\_\_  
Escrow Service Provider Name/License #: \_\_\_\_\_  
Title Insurance Company Name/License #: \_\_\_\_\_



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# www.idfpr.com

The screenshot shows the IDFPF website interface. The navigation menu is open, and 'Title Insurance' is highlighted with a red box. A red arrow points from the 'Financial Institutions' menu item to the 'Title Insurance' option. The website features a 'Coronavirus Help' section with a warning icon and a 'Health Care Workers - Join the Fight!' section. At the bottom, there are links for 'CRA Comments', 'Print My License', 'License Look Up', and 'License Renewal'.



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# Search for Registration Number



Search for a License

Search Criteria

License Type:   
Credit Union  
Currency Exchange  
Debt Management  
Debt Settlement

License Status:

Credential Number:

Business Name/DBA:

First Name:  Last Name:

Address:

City:  State:

Zip:

# Registration Number

	Licensing/Registration #	Status	Name	City	State	DBA
<a href="#">Detail</a>	TA.02.0203247	INACTIVE	Feinen, Deborah Frank	Champaign	IL	



## Search For Title Underwriter

Login

**ILLINOIS DEPARTMENT OF FINANCIAL & PROFESSIONAL REGULATION** [HOME](#) [ONLINE SERVICES](#)

Search for a License

License Type: Safe Deposit  
Sales Finance Agent  
Title Insurance Agent  
Title Insurance Independent Escrowee  
**Title Underwriter**

License Status:

Credential Number:

Business Name/DBA: **Attorneys' Title Guaranty Fund, Inc.**

First Name:  Last Name:

Address:

City:  State: **Illinois**

Zip:

Current Filters



## ATG Registration

	Licensing/Registration #	Status	Name	City	State	DBA
<a href="#">Detail</a>	TU.0000002	ACTIVE	Attorneys' Title Guaranty Fund Inc	Champaign	IL	



## Consumer Information

### IMPORTANT CONSUMER INFORMATION

- **The party paying for any title insurance policy has the right to choose** their title insurance agent, company and escrow (closing) service provider, and **you are not required** to use the title insurance service providers referred to you for this transaction. You may consult with your attorney as to which title insurance related services you are obligated to pay for under the terms of your real estate contract.
- **When there is a financial interest** between the person or company referring you for title insurance and the entity to whom you are referred, that relationship must be disclosed to you.
- **Consider shopping around** for title insurance related services to make sure that you get the best value for your cost. Being a knowledgeable consumer can potentially save you money at closing!
- **State law requires that this disclosure be provided** to you before the title commitment is issued.
- **State and federal laws help protect consumers** by making them aware of the cost of title insurance and closing fees before these items are purchased.



## Estimated Charges

### ESTIMATED SELLER AND BUYER TITLE AND ESCROW CHARGES

Products	Estimated Seller Charges	Estimated Buyer Charges
1. Owners title insurance policy premium	\$	\$
2. Loan title insurance policy premium	\$	\$
3. Abstracting, searching, examining	\$	\$
4. Preliminary report, commitment, etc.	\$	\$
5. Closing escrow, settlement, etc.	\$	\$
<b>Total estimated title and escrow charges</b>	<b>\$</b>	<b>\$</b>



## Premium Split dollar or percentage

PLEASE NOTE: [ NAME OF PRODUCER ] IS ESTIMATED TO RECEIVE \_\_\_% (OR \$\_\_\_\_\_) OF THE OWNER'S POLICY PREMIUM; and  
[ NAME OF PRODUCER ] IS ALSO ESTIMATED TO RECEIVE \_\_\_% (OR \$\_\_\_\_\_) OF THE LOAN TITLE POLICY PREMIUM



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## Certification of Disclosure

### CERTIFICATION OF DISCLOSURE

The undersigned, \_\_\_\_\_(name), certifies that my role in the transaction is as producer of the title business [ and as title agent], and that I caused this disclosure to be provided to the Seller(s) and Buyer(s) or their representatives prior to the issuance of the title commitment.

\_\_\_\_\_  
Producer's Signature

\_\_\_\_\_  
Date



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## Signature on Acknowledgement

- Wet Ink
- Digitally - *Deborah Frank Feinen*
- As follows - /s/Deborah Frank Feinen

## Acknowledgement – Not Required To Be Returned

### ACKNOWLEDGEMENT

I/We have read the Disclosure of Financial Interest and understand that [Name of Producer]: 1) is referring or has referred me/us to purchase title services from title insurer/service provider(s) noted above; and 2) will receive money or other benefit for the work provided, which is a direct result of this referral.

<b>Seller(s)</b> _____	<b>Buyer(s)</b> _____
Signature _____ Date _____	Signature _____ Date _____
<b>Seller(s)</b> _____	<b>Buyer(s)</b> _____

For more information visit

<https://www.idfpr.com/DFI/TitleInsur/pdf/DFITIBrocUpd.pdf>

## Process

- The disclosure must be provided prior to the title commitment being issued.
- All Producers (title agents) must keep proof of delivery of the form to the sellers and buyers for a period of three (3) years. Note others are not required to keep (underwriter)
- The form may be sent via electronic mail, personal delivery, or first-class U.S. Mail.

## Penalties

- Revocation of title agent's registration
- Fines of \$1,000 per violation and/or
- Consumer Fraud lawsuits

# How Will You Get the New DS-1 Form





# New Order Confirmation will include DS-1

Subject: Disclosure of Financial Interest Form (DS-1) and 9001-9005: 123 Test Email, Chicago, IL 60606: Todd Buyer: New Order

Thank you for your title order relating to the above referenced property. The new order number is noted above. **This email also contains a draft of your DS-1 form.**

Beginning March 1, 2022, the Illinois Department of Financial and Professional Regulation (IDFPR) requires any producer of title business, which includes attorneys issuing title commitments and policies, to issue the revised DS-1 Disclosure of Financial Interest Form. A draft copy of the form is attached to this email for you to review and revise if necessary. You must sign and date the Certification of Disclosure section of the form as of the date of the disclosure. You must also send a copy of the form to the buyer and seller prior to the commitment being issued. You are required to keep a copy of the signed disclosure form for 3 years and you should also keep proof that you sent the copy of the form as required.

If you can obtain your clients owner or mortgage policy, please forward it to: [searchdepartment@atgf.com](mailto:searchdepartment@atgf.com).

The New Order process will proceed as follows:

1. ATG will upload the Initial Title Search Package and Title Examination Form to ATG Go for your review.
2. Please complete your Title Examination on ATG Go or forward the completed Title Examination Form to [title@atgf.com](mailto:title@atgf.com).
3. ATG will prepare the Title Commitment and upload it to ATG Go for approval.

#### Attorneys' Title Guaranty Fund, Inc. contact information:

- New orders [Orders@ATGF.com](mailto:Orders@ATGF.com)
- Commitment revisions [GO@ATGF.com](mailto:GO@ATGF.com) or 217-403-0300
- Underwriting assistance [Legal@ATGF.com](mailto:Legal@ATGF.com) or 312-752-1990
- Search and Chicago zoning certification requests [Searchdepartment@ATGF.com](mailto:Searchdepartment@ATGF.com)
- Closing Protection Letters [CPLrequest@ATGF.com](mailto:CPLrequest@ATGF.com) or 217-403-7401
- Chicago water certification [Watercert@ATGF.com](mailto:Watercert@ATGF.com)
- Schedule Closings [Scheduling@ATGF.com](mailto:Scheduling@ATGF.com) or 312-752-1585, fax 312-752-1585
- Send Payoffs, Sellers and Buyers figures to [Figures@ATGF.com](mailto:Figures@ATGF.com)

NOTE: ATG never sends new or revised wire instructions via email.

The contents of this email message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and its attachments. Do not deliver, distribute, or copy this message and/or any attachments and, if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

The contents of this email message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and its attachments. Do not deliver, distribute, or copy this message and/or any attachments and, if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

# Paperless Closer

ordersatgf.com

SEARCH GOOGLE MAPS

Transaction Type\*  
Loan Cash Refinance

LOAN AMOUNT \$ 0.00

STREET NUMBER\* STREET DIRECTION -None-

STREET NAME\* STREET SUFFIX -None-

SUITE/UNIT CITY\* STATE\*

ZIP\* COUNTY\*

SALES PRICE \$ 0.00

Property Type

Residential Condo Other

New Construction Vacant

PIN Property PIN

Additional Order Information

Help

ATG LEGAL EDUCATION

Preparing for the New DS-1 Form Implementation

ATG LEGAL EDUCATION

37

# Fillable PDF- On Website

ATG ATTORNEYS' TITLE GUARANTY FUND, INC.

Transaction Tools Agent Support Underwriting Help Services/Publications ATG Legal Education Search

1099 Reporting Agent Manuals ALTA Best Practices Change and Service Fees Contact Your Representative Forms Hot Topics Request Request Rate Schedules Software Support Help Desk Training and Procedures

2/16 | Prepa Learn what changes

Transaction Tools

For ATG agents in Cook, DuPage, Kane, Kendall, Lake, and Will Counties.

ATGO

Place title orders, review documents, schedule closings, and more. View Demo

Register/Sign In

Hot Topics

ATG Announces Merger Agreement with Guarantees... Use MyDec to Process Real Property Transfer Tax... ATG Settles Litigation with State over DS-1...

Preparing for the New DS-1 Form Implementation

ATG LEGAL EDUCATION

38

1. To enter data, press <TAB> to move to the first field and begin typing.  
 2. Press <TAB> to move to next field or <SHIFT>+<TAB> to move back.  
 3. Check/uncheck boxes with the <SPACE BAR> or a mouse click.  
 4. Go directly to any field with a mouse click.

# Form 3084 - Fillable PDF

Print ... Save As ... Clear Form

ATTORNEYS' TITLE GUARANTY FUND, INC.

## DISCLOSURE OF FINANCIAL INTEREST BY A PRODUCER OF TITLE BUSINESS OR ASSOCIATE – 215 ILCS 155/18(B) (DS-1)

### Transaction Information

Property Address: \_\_\_\_\_  
 Buyer/Borrower(s): \_\_\_\_\_  
 Seller(s): \_\_\_\_\_  
 Title Agent: \_\_\_\_\_  
 Title Agent Address: \_\_\_\_\_ Registration No.: \_\_\_\_\_  
 Escrow Service Provider: \_\_\_\_\_ License No.: \_\_\_\_\_  
 Title Insurance Company: Attorneys' Title Guaranty Fund, Inc. License No.: TU.0000002

### Important Consumer Information

- **The party paying for any title insurance policy has the right to choose** their title insurance agent, company, and escrow (closing) service provider, and **you are not required** to use the title insurance service providers referred to you for this transaction. You may consult with your attorney as to which title insurance-related services you are obligated to pay for under the terms of your real estate contract.
- **When there is a financial interest** between the person or company referring you for title insurance and the entity to whom you are referred, that relationship must be disclosed to you.
- **Consider shopping around** for title insurance-related services to make sure that you get the best value for your cost. Being a knowledgeable consumer can potentially save you money at closing!
- **State law requires that this disclosure be provided** to you before the title commitment is issued.
- **State and federal laws help protect consumers** by making them aware of the cost of title insurance and closing fees before these items are purchased.

### Estimated Seller and Buyer Title and Escrow Charges

Products	Estimated Seller Charges	Estimated Buyer Charges
1. Owner's Title Insurance Policy Premium	\$ _____	\$ _____
2. Loan Title Insurance Policy Premium	\$ _____	\$ _____
3. Abstracting, Searching, Examining	\$ _____	\$ _____
4. Preliminary Report, Commitment, etc.	\$ _____	\$ _____
5. Closing Escrow, Settlement, etc.	\$ _____	\$ _____
<b>Total Estimated Title and Escrow Charges</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>

**PLEASE NOTE:** \_\_\_\_\_ IS ESTIMATED TO RECEIVE \_\_\_\_\_ % (OR \$ \_\_\_\_\_) OF THE OWNER'S POLICY PREMIUM; and \_\_\_\_\_ IS ALSO ESTIMATED TO RECEIVE \_\_\_\_\_ % (OR \$ \_\_\_\_\_) OF THE LOAN POLICY PREMIUM.  
Name of Producer

### Certification of Disclosure

The undersigned, \_\_\_\_\_, certifies that my role in the transaction is as producer of the title business  and as title agent], and that I caused this disclosure to be provided to the Seller(s) and Buyer(s) or their representatives prior to the issuance of the title commitment.

\_\_\_\_\_  
Producer's Signature                      Date

### Acknowledgement

I/We have read the Disclosure of Financial Interest and understand that \_\_\_\_\_ 1) is referring or has referred me/us to purchase title services from title insurer/service provider(s) noted above; and 2) will receive money or other benefit for the work provided, which is a direct result of this referral.  
Name of Producer

SELLER(S)		BUYER(S)	
_____ <small>Signature</small>	_____ <small>Date</small>	_____ <small>Signature</small>	_____ <small>Date</small>
_____ <small>Signature</small>	_____ <small>Date</small>	_____ <small>Signature</small>	_____ <small>Date</small>

For more information visit <https://www.idfpr.com/DFI/TitleInsur/pdf/DFITIBrocUpd.pdf>

# Instructions Form 3084-A On Website

 ATTORNEYS' TITLE GUARANTY FUND, INC.

## INSTRUCTIONS FOR COMPLETING THE DISCLOSURE OF FINANCIAL INTEREST (DS-1)

### Purpose

This form is required under the Title Insurance Act (Act) and has been updated to inform the parties purchasing title insurance products and services, i.e., sellers and buyers, that:

- the parties paying for any title insurance policy have the right to choose their title insurance agent, company, and escrow (closing) service provider [215 ILCS 155/18.1 and 12 USC § 2608(a)];
- other consumer protection information is provided to consumers;
- the producers of title business or associates of producers of title business (collectively, "Producer/Associate") have disclosed the title insurers, title agents, or independent escrowee to whom they have referred the seller(s) and buyer(s) [215 ILCS 155/18(b)]; and
- the estimated costs of the title and escrow products and services are disclosed [215 ILCS 155/19].

### General Information

Except for the signatures for sellers and buyers, the blanks are fillable by clicking on the blank and typing in the required information.

### Transaction Information

Fill in the property address that is the subject of the transaction, the date the disclosure is being made, the names and addresses of the seller(s), buyer(s), title agent, and/ or independent escrowee to which the party is being referred.

### Purpose of the Form – Important Consumer Information

This is information for the seller(s) and buyer(s), i.e., nothing to fill in.

### Estimated Title Charges – Disclosure of Associated Business Interest

Fill in the estimated charges for seller and buyer. The breakdown of charges is derived from the Act. [215 ILCS 155/19].

Fill in name of Producer/Associate. Fill in the dollar amounts or percentages of the Owner's Policy and Loan Policy and title insurance premium that the Producer/Associate will receive in the transaction.

- **PLEASE NOTE:** The Real Estate Settlement Procedures Act provides that, "no person shall give and no person shall accept any portion, split, or percentage of any charge made or received for the rendering of a real estate settlement service in connection with a transaction involving a federally related mortgage loan other than for services actually performed." 12 U.S.C. 2607 (RESPA Section 8(b)).

### Certification of Disclosure

The Producer/Associate must check the box if they are also acting as title agent. The signature of the representative of the Producer/Associate and the date are required and can be completed digitally or as follows: /s/John Smith. **The signed disclosure shall be forwarded to the parties prior to the issuance of the title commitment.**

- **PLEASE NOTE:** The Disclosure shall be sent electronically, by U.S. mail, or personal delivery by the Producer/Associate to the seller(s) or buyer(s).

In situations where the Owner's Policy and Loan Policy are recommended by separate Producers/Associates, two disclosures are required.

- **PLEASE NOTE:** The Illinois Department of Financial and Professional Regulation (the "Department") has regulatory authority over the title industry. Its authority derives from the Title Insurance Act, Administrative Rules, and through the Real Estate Settlement Procedures Act ("RESPA").

### Acknowledgement

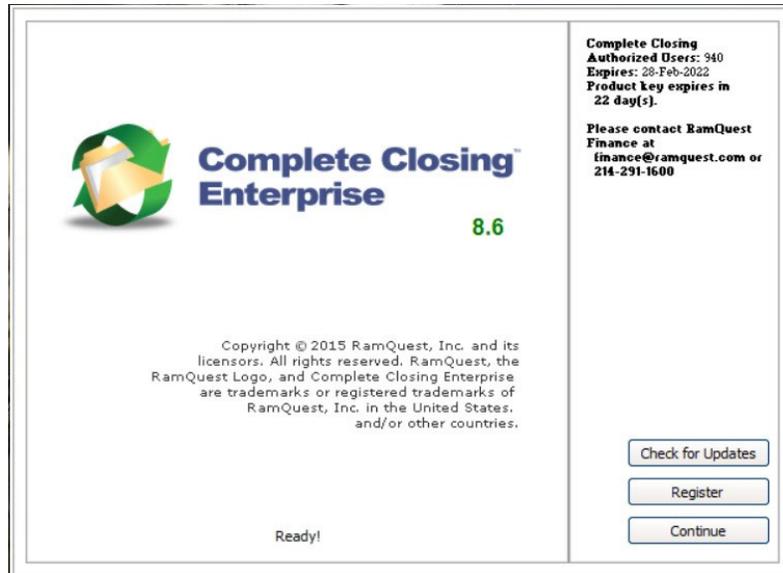
Disclosures signed by the seller(s) and buyer(s) should be returned to the Producer/Associate. The Producer/Associate shall send the Disclosures by electronic mail, personal delivery, or by first class U.S. mail to the seller(s) and buyer(s) or their representatives. The Producer/Associate will retain a copy of the electronic mail or letter sent by personal delivery or U.S. mail in its file **for a period of 3 years** to confirm that the Disclosures were sent.

### Recordkeeping

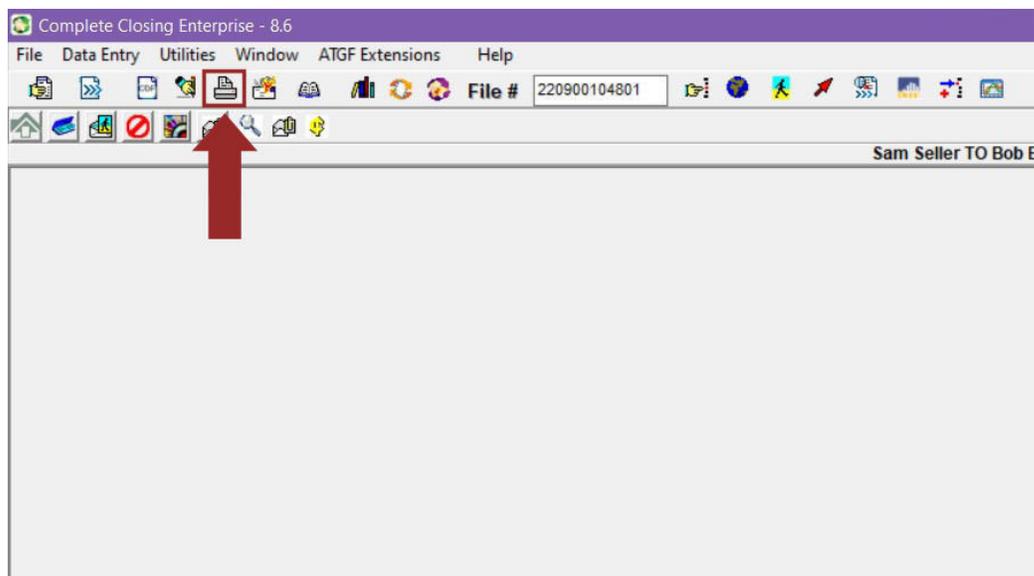
The Act requires that the Disclosure be provided to the parties paying for title insurance prior to the issuance of the title commitment and that it be maintained by the title insurer, agent, or independent escrowee for three years. [215 ILCS 155/18(b)]. The Department recommends that ALL title entities involved in the transaction, i.e., the Producer/Associate, insurer, agent/agency, independent escrowee, and settlement service provider maintain access to the signed DS-1 Form for their records. This ensures that the entities are properly authorized to complete the transaction.

Questions may be submitted to [DFI.Title@illinois.gov](mailto:DFI.Title@illinois.gov).

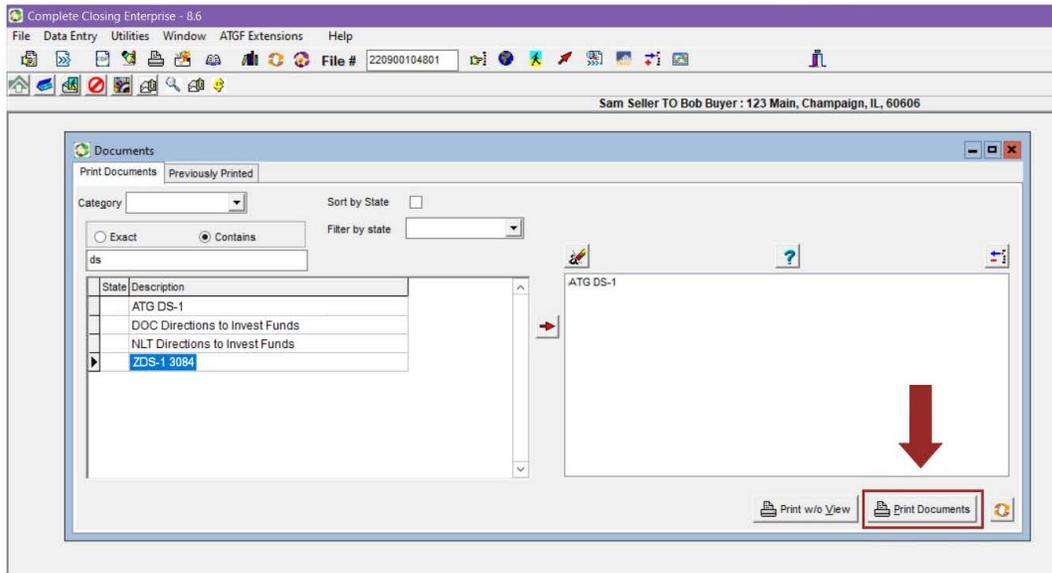
## REsource



## REsource How to Find DS-1



## Print Documents Tab

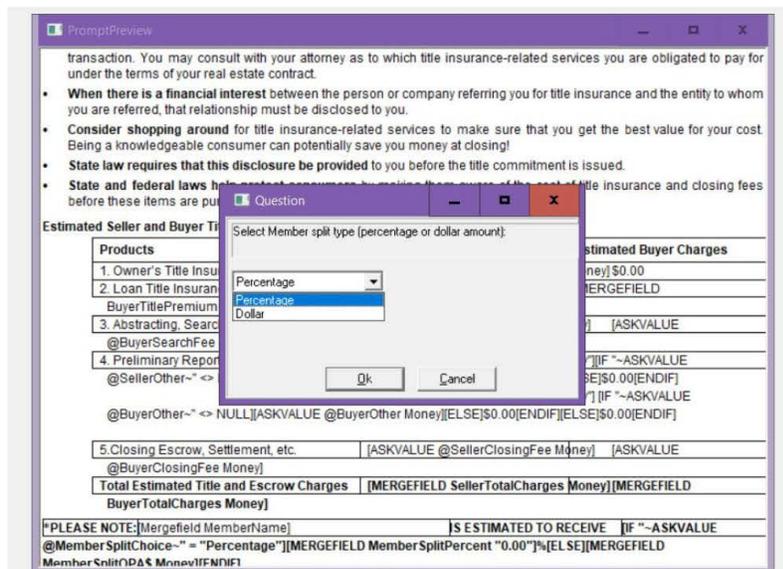


Preparing for the New DS-1 Form Implementation



43

## Choose Percentage or Dollar Amount to Disclose



Preparing for the New DS-1 Form Implementation



44

## Enter Seller's Search Charge

PromptPreview

```
Seller(s); [MERGELOOP "EXEC DocH_InsBuyerSeller '~ASKVALUE @GFNo~','Sell,0" "a; b; and c; "][IF "~MERGEFIELD BUSINESSNAME~" <> NULL][MERGEFIELD BusinessName][ELSE][MERGEFIELD Name1Full][IF "~MERGEFIELD Name2Full~" <> FULL] and [MERGEFIELD Name2Full]; [ELSE]; [ENDIF][ENDIF][ENDMERGE]
```

Question

Enter the Seller's portion of initial search fee of \$140.00

70.00

Ok Cancel



## Enter Buyer's Search Charge

PromptPreview

```
BUSINESSNAME~" <> NULL][MERGEFIELD BusinessName][ELSE][MERGEFIELD Name1Full][IF "~MERGEFIELD Name2Full~" <> FULL] and [MERGEFIELD Name2Full]; [ELSE]; [ENDIF][ENDIF][ENDMERGE]
```

Title Agent: [Mergefield MemberName]

Title Agent Address: [Mergefield MemberAddress], [Mergefield MemberCity], [Mergefield MemberState] [Mergefield MemberZip]

Question

Enter the Buyer's portion of the initial search fee of \$140.00

70.00

Ok Cancel



## Enter Any Preliminary, Report, Commitment Charges

The screenshot shows a software interface with two windows. The top window, titled 'PromptPreview', contains a text field with the following code: `FULL] and [MERGEFIELD Name2Full]; [ELSE]; [ENDIF][ENDIF][ENDMERGE]` and a label 'Title Agent: [Mergefield MemberName]'. Below it is a 'Question' dialog box with the text 'Are there any fees for preliminary report, commitment, etc.?' and two radio buttons: 'No' (selected) and 'Yes'. At the bottom of the dialog are 'Ok' and 'Cancel' buttons.

## Enter Seller's Portion of Closing Fee

The screenshot shows a software interface with two windows. The top window, titled 'PromptPreview', contains a table with the following data:

Escrow Service Provider:		License No.:	
--------------------------	--	--------------	--

Below it is a 'Question' dialog box with the text 'Enter Seller's portion of the following suggested closing fee: \$300.00'. A text input field contains '0.00' and is highlighted with a red box and a red arrow pointing to it. At the bottom of the dialog are 'Ok' and 'Cancel' buttons.

## Enter Buyer's Portion of Closing Fee

The screenshot shows a software interface with two windows. The top window, titled 'PromptPreview', contains a table with the following information:

Title Insurance Company:	Attorneys' Title Guaranty Fund, Inc.	License No.:	TU.0000002
--------------------------	--------------------------------------	--------------	------------

Below the table is the heading 'Important Consumer Information'. The bottom window, titled 'Question', contains the text: 'Enter Buyer's portion of the following suggested closing fee: \$300.00'. Below this text is a text input field containing the value '300.00'. A red arrow points to the input field. At the bottom of the 'Question' window are two buttons: 'Ok' and 'Cancel'.

# Generated Form in REsource

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File Edit Send To Send All To Insert Window Help

ATTORNEYS' TITLE GUARANTY FUND, INC.

**DISCLOSURE OF FINANCIAL INTEREST  
BY A PRODUCER OF TITLE BUSINESS OR ASSOCIATE – 215 ILCS 155/18(B) (DS-1)**

**Transaction Information**

Property Address:	123 Main, Champaign, IL 60606		
Buyer/Borrower(s):	Bob Buyer and ;		
Seller(s):	Sam Seller and ;		
Title Agent:	Test R Member X		
Title Agent Address:	www.test.com	Registration No.:	
	1 South Wacker 24th Floor, Chicago, IL 60606		
Escrow Service Provider:	Attorneys' Title Guaranty Fund, Inc.	License No.:	TU.0000002
Title Insurance Company:	Attorneys' Title Guaranty Fund, Inc.	License No.:	TU.0000002

**Important Consumer Information**

- **The party paying for any title insurance policy has the right to choose** their title insurance agent, company, and escrow (closing) service provider, and you are not required to use the title insurance service providers referred to you for this transaction. You may consult with your attorney as to which title insurance-related services you are obligated to pay for under the terms of your real estate contract.
- **When there is a financial interest** between the person or company referring you for title insurance and the entity to whom you are referred, that relationship must be disclosed to you.
- **Consider shopping around** for title insurance-related services to make sure that you get the best value for your cost. Being a knowledgeable consumer can potentially save you money at closing!
- **State law requires that this disclosure be provided** to you before the title commitment is issued.
- **State and federal laws help protect consumers** by making them aware of the cost of title insurance and closing fees before these items are purchased.

**Estimated Seller and Buyer Title and Escrow Charges**

Products	Estimated Seller Charges	Estimated Buyer Charges
1. Owner's Title Insurance Policy Premium	\$825.00	\$0.00
2. Loan Title Insurance Policy Premium	\$0.00	
3. Abstracting, Searching, Examining	\$0.00	\$100.00
4. Preliminary Report, Commitment, etc.	\$0.00	\$0.00
5. Closing Escrow, Settlement, etc.	\$0.00	\$200.00
<b>Total Estimated Title and Escrow Charges</b>	<b>\$825.00</b>	<b>\$300.00</b>

**\*PLEASE NOTE:**

Test R Member X <small>Name of Producer</small>	<b>IS ESTIMATED TO RECEIVE</b>	<b>70.00%</b>
<b>OF THE OWNER'S POLICY PREMIUM; and</b>		
Test R Member X <small>Name of Producer</small>	<b>IS ALSO ESTIMATED TO RECEIVE</b>	<b>70.00%</b>
<b>OF THE LOAN POLICY PREMIUM</b>		

**Certification of Disclosure**

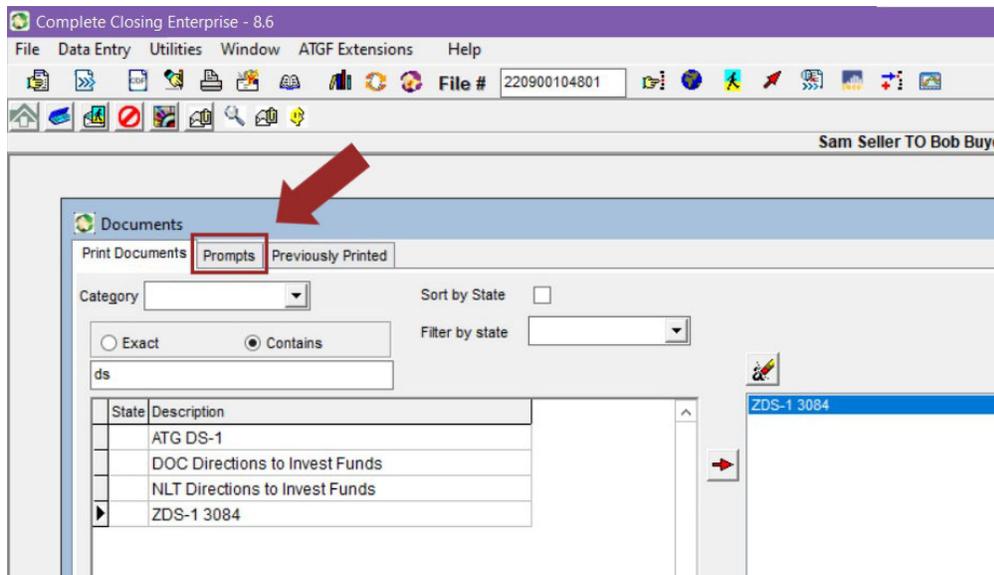
The undersigned, Test R Member X  
Name of Producer, certifies that my role in the transaction is as producer of the title business (  ) and as title agent), and that I caused this disclosure to be provided to the Seller(s) and Buyer(s) or their

ZDS-1 3084 ZDS-1 3084





## Clear Prompts to Start New Form

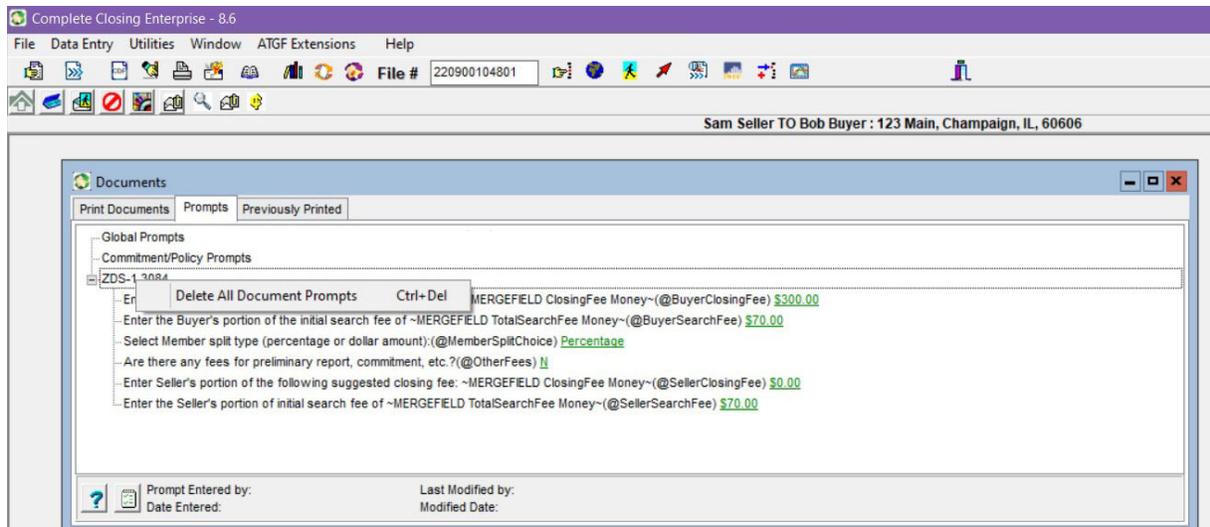


Preparing for the New DS-1 Form Implementation



52

## Delete All Prompts

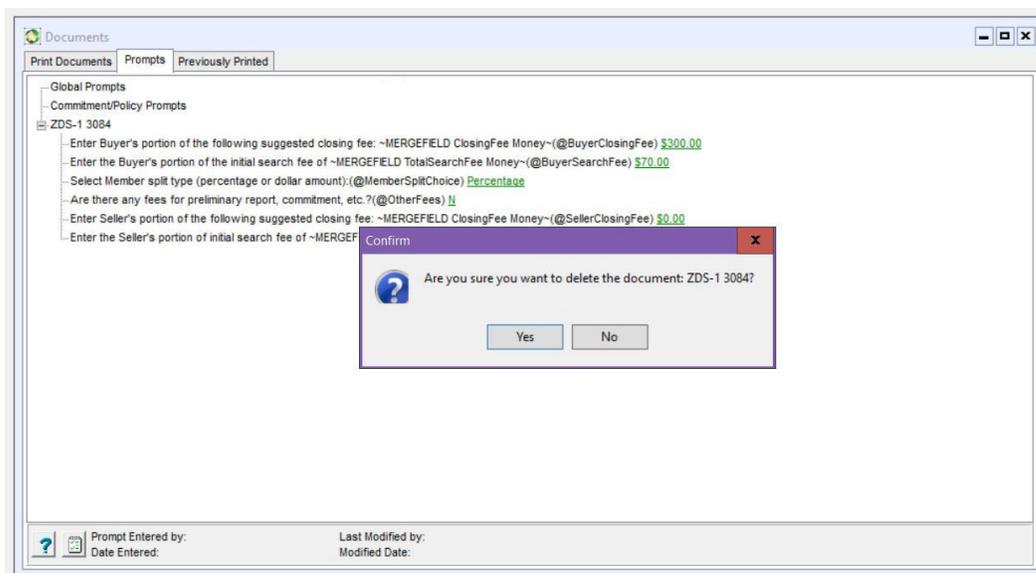


Preparing for the New DS-1 Form Implementation

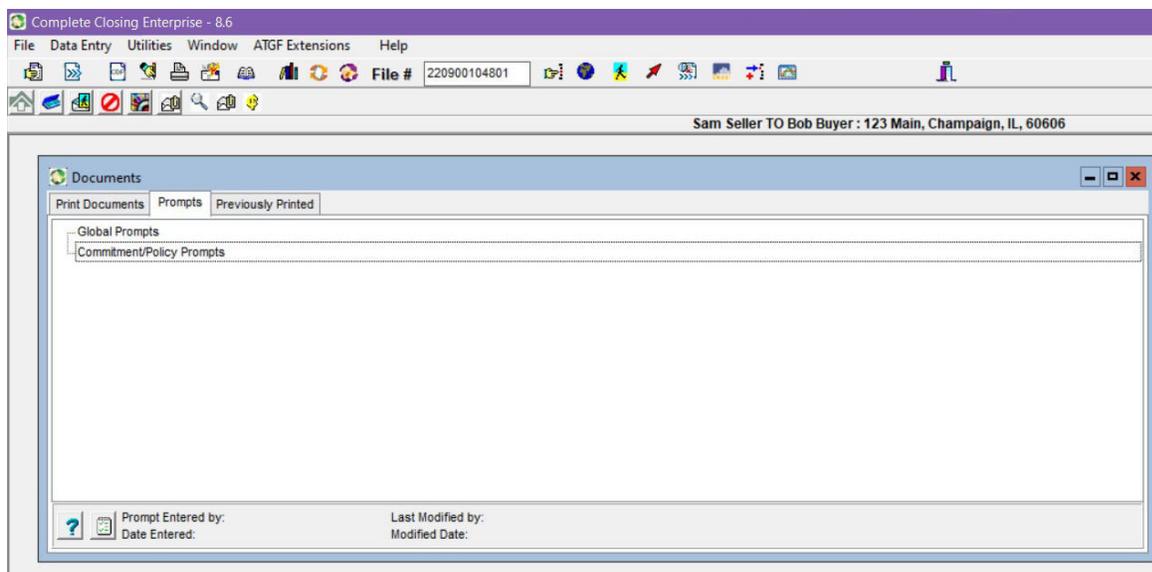


53

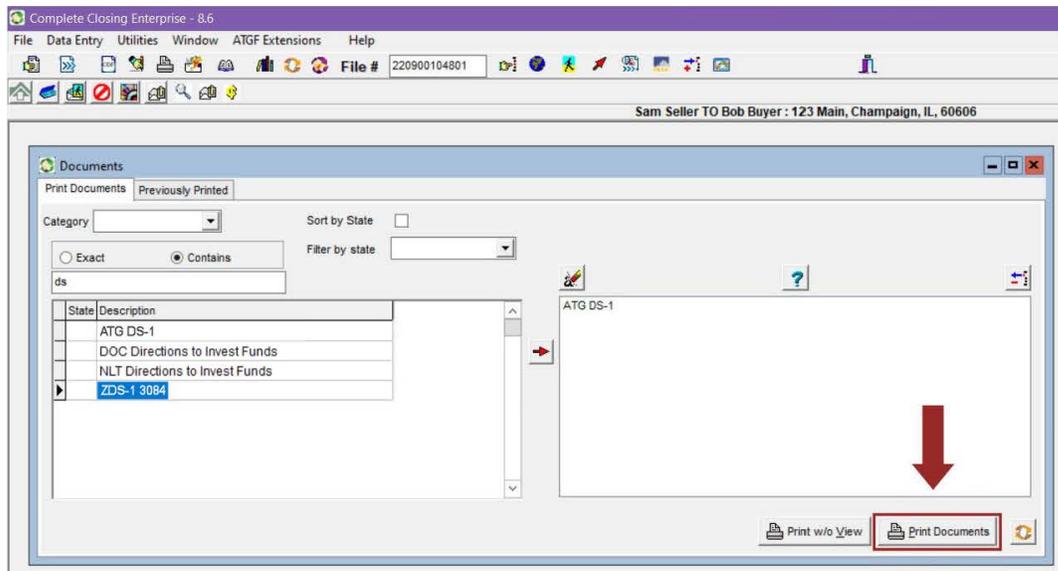
## Delete The Document



## Deleted Prompts



# Generate New Form



## MARCH 1, 2022 Implementation Date