



**Zoning - Completed Improvement
Non-Conforming Use
ALTA Endorsement 3.3-06**

Certificate Number:

1. For purposes of this endorsement:

- a. "Improvement": A building located on the Land at the Date of Certificate.
- b. "Non-Conforming Use": The use of the Land described in 2.a. existing at the Date of Certificate and before the Zoning Ordinance was enacted, although the use is not authorized in the Zoning Ordinance.
- c. "Zoning Ordinance": A municipal or county zoning ordinance or zoning regulation applicable to the Land at the Date of Certificate.

2. ITG guarantees against actual loss or damage sustained by the Guaranteed resulting from:

- a. The following Non-Conforming Use not being allowed by the municipality or county because the Non-Conforming Use violates a Zoning Ordinance:

[DRAFTING INSTRUCTION: Describe the existing Non-Conforming Use]

- b. A final decree of a court of competent jurisdiction either prohibiting the Non-Conforming Use or requiring the removal or alteration of the Improvement because, at the Date of Certificate, the Non-Conforming Use violates a Zoning Ordinance with respect to any of the following matters:

- i. The area, width, or depth of the Land as a building site for the Improvement;
- ii. The floor space area of the Improvement;
- iii. A setback of the Improvement from the property lines of the Land;
- iv. The height of the Improvement; or
- v. The number of parking spaces.

3. Section 2 does not guarantee against loss or damage and ITG will not pay costs, attorneys' fees, or expenses resulting from:

- a. The lack of compliance with any condition, restriction, or requirement contained in a Zoning Ordinance regarding the continuation or maintenance of the Non-Conforming Use;

CERTIFICATE NO.:

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- b. The failure to secure necessary consents or authorizations as a condition for continuing the Non-Conforming Use;
- c. The invalidity of a Zoning Ordinance, the effect of which is to prohibit the Non-Conforming Use;
- d. Any change, cessation, abandonment, or replacement of the Non-Conforming Use or an Improvement;
- e. A prohibition to restore an Improvement;
- f. The violation of or the lack of compliance with any law, order, or regulation regarding the continuation or maintenance of the Non-Conforming Use or an Improvement;
- g. Any law, order, or regulation requiring the amortization, expiration, or elimination by passage of time of the Non-Conforming Use; or
- h. Any refusal to purchase, lease, or lend money on the Title.

This endorsement is issued as part of the certificate. Except as this endorsement expressly states, it does not (i) modify any of the terms and provisions of the certificate, (ii) modify any prior endorsement, (iii) extend the Date of Certificate, (iv) guarantee against loss or damage exceeding the Amount of Coverage, or (v) increase the Amount of Coverage. To the extent a provision of the certificate or any prior endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the certificate and any prior endorsement.

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