



AXIS MPL REAL ESTATE OPERATIONS SUPPLEMENT

AXIS INSURANCE

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www.axiscapital.com/insurance/professional-liability

SOLELY AS RESPECTS CLAIMS-MADE LIABILITY COVERAGES UNDER THE POLICY FOR WHICH THIS APPLICATION IS BEING SUBMITTED: THIS INSURANCE POLICY PROVIDES COVERAGE ON A CLAIMS-MADE AND REPORTED BASIS AND APPLIES ONLY TO CLAIMS FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD OR ANY APPLICABLE EXTENDED REPORTING PERIOD AND REPORTED TO THE INSURER AS SET FORTH IN THE REPORTING OF CLAIMS AND EVENTS SECTION. DEFENSE COSTS ARE INCLUDED IN THE LIMITS OF INSURANCE, AND PAYMENT THEREOF WILL ERODE, AND MAY EXHAUST, THE LIMITS OF INSURANCE.

ABOUT THIS APPLICATION

- The term "Applicant," herein refers individually and collectively to all proposed insureds. All responses shall be deemed made on behalf of all proposed insureds.
- This Application and all materials submitted herewith shall be held in confidence.
- The submission of this Application does not obligate the Applicant to buy insurance nor is the Insurer obligated to sell insurance or to offer insurance upon any specific terms requested.
- If the policy applied for is issued, this Application, which shall include all Supplemental Applications and material and information submitted in connection with this Application, will be deemed attached to and will form a part of the policy.

INSTRUCTIONS

- Respond to all questions completely, leaving no blanks. Check responses when requested.
- If space is insufficient, continue responses on your letterhead.
- This Application must be completed, dated, and signed by an authorized officer of the entity identified in the section entitled "Applicant Information" below.

APPLICANT INFORMATION

1. Name of the Applicant's firm: _____



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2. Please complete the appropriate sections stating the annual gross commissions and/or fees earned by the Applicant during the last twelve months from:

	<u>REVENUE</u>	<u>NUMBER OF TRANSACTIONS</u>
a. Real Estate Sales/Brokerage	\$ _____	_____
b. Real Estate Property Management Types of Properties Managed: _____	\$ _____	_____
c. Commercial Space Leasing	\$ _____	_____
d. Real Estate Appraisals	\$ _____	_____
e. Mortgage Brokerage/Banking	\$ _____	_____
f. Real Estate Consulting Describe type of consulting: _____	\$ _____	_____
g. Syndication/Partnerships (Attach sample offerings, agreements, descriptions of activities.)	\$ _____	_____
h. Property Development and/or Construction	\$ _____	_____
i. Business Opportunities Brokerage	\$ _____	_____
TOTAL:	\$ _____	_____

3. Indicate the percentage of the Applicant's total income derived from the following:

Commercial	_____%	Agricultural	_____%
Residential	_____%	Undeveloped Land	_____%
Industrial	_____%	Other	_____%

4. Please give a breakdown of the Applicant's sales personnel between employees and independent contractors:
(Please enclose a sample contract used with Independent Contractors.)

of Employees: _____
of Independent Contractors: _____

5. If the Applicant manages properties of others, please forward a representative contract and answer the following:
- a. Is a budget prepared for each property managed? ☐ Yes ☐ No
If no, why not? _____
- b. Does the Applicant obtain credit reports on prospective tenants? ☐ Yes ☐ No
If yes, describe procedure: _____
- c. Is the Applicant responsible for negotiating, effecting or maintaining insurance coverage on properties managed?
☐ Yes ☐ No If yes, describe the extent of the Applicant's involvement or services in this area.

6. Does the Applicant or any of the Applicant's direct relatives or affiliated/subsidiary entities, have any ownership or equity interest in any property being managed or held for sale? ☐ Yes ☐ No
If yes, please attach a schedule of such properties and describe the Applicant's interest.

Also, advise total revenues received from such properties annually:



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7. Please complete the following if the Applicant performs property appraisals:
(Please relate answer to Item 2.d. above.)

a. What percentage of the Applicant's total estimated commissions/fees for the next year does the Applicant anticipate to be derived from appraisals for:

Private Individuals:	_____%	Attorneys:	_____%
Banks:	_____%	Municipalities:	_____%
Insurance Companies:	_____%	Other:	_____%

b. What is the estimated number of appraisals the Applicant will perform during the next year for the following type of properties/projects? (If none are anticipated, please indicate so.)

1-4 Family Residences	_____	Industrial Facilities	_____
Multi-Family Residences	_____	Agricultural Properties	_____
Undeveloped/Vacant Land	_____	Property Syndication	_____
Shopping Centers/Malls	_____	Development Projects	_____
Office Building	_____	Portfolio Valuations	_____
Other Commercial Properties	_____		

8. Are there any other companies who own any percentage of the Applicant's company, does the Applicant own any percentage of any other company or is the Applicant in any other way affiliated with any other company?

☐ Yes ☐ No

a. If yes, advise who they are and explain the nature and extent of the relationships.

b. For which of these does the Applicant wish to extend coverage?

9. Does the Applicant have any written or oral agreements or understandings with any other company that involves the referral of business to or from the Applicant's company? ☐ Yes ☐ No

a. If yes, advise who they are and explain the nature and extent of the agreements or understandings.

b. If yes, advise if and how any compensation is exchanged under the agreements or understandings.

c. If yes, advise whether the relationships between the companies are disclosed to the individuals involved in the transactions involving these referrals.

d. Please indicate if any such written agreements and/or any such disclosures have been reviewed by an attorney.



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10. Is the Applicant a party to an “affiliated business arrangement” as defined by the Real Estate Settlement Procedures Act?

☐ Yes ☐ No

THE REAL ESTATE SETTLEMENT PROCEDURES ACT DEFINES “AFFILIATED BUSINESS ARRANGEMENT” AS AN “ARRANGEMENT IN WHICH (A) A PERSON WHO IS IN A POSITION TO REFER BUSINESS INCIDENT TO OR A PART OF A REAL ESTATE SETTLEMENT SERVICE INVOLVING A FEDERALLY RELATED MORTGAGE LOAN, OR AN ASSOCIATE OF SUCH PERSON, HAS EITHER AN AFFILIATE RELATIONSHIP WITH OR A DIRECT OR BENEFICIAL OWNERSHIP INTEREST OF MORE THAN ONE PERCENT IN A PROVIDER OF SETTLEMENT SERVICES; AND (B) EITHER OF SUCH PERSONS DIRECTLY OR INDIRECTLY REFERS SUCH BUSINESS TO THAT PROVIDER OR AFFIRMATIVELY INFLUENCES THE SELECTION OF THAT PROVIDER.”

a. If yes, advise who the parties to the arrangement are, and describe the nature of the arrangement.

b. If yes, advise whether “Affiliated Business Arrangement Disclosure Statements” are provided to the persons being referred.

☐ Yes ☐ No If yes, please provide a copy of such disclosure.

c. If yes, advise whether the persons being referred are required to use any particular provider of real estate settlement services.

d. If yes, advise what money or other thing of value is exchanged under the affiliated business arrangement.

REPRESENTATIONS AND SIGNATURE

By signing this document, the undersigned authorized representative of the Applicant represents on behalf of all persons and entities proposed for coverage, after inquiry, that to the best of their knowledge:

1. The statements and answers given in and all materials submitted with this Application are true, accurate and complete.
2. No facts or information material to the risk proposed for insurance have been misstated or concealed.
3. These representations are a material inducement to the Insurer to provide a proposal for insurance.
4. Any policy the Insurer issues will be issued in reliance upon these representations.
5. The Applicant will report to the Insurer immediately in writing any material change in the Applicant’s activities, products and services.
6. The Applicant will report to the Insurer immediately in writing any material changes to the answers provided in this Application which occur or are discovered between the date of this Application and the effective date of the policy for which coverage is sought by submission this Application.
7. The Insurer reserves the right, upon receipt of any such notice, to modify or withdraw any proposal for insurance the Insurer has offered.



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WARNING

PLEASE REVIEW THE STATE FRAUD STATEMENT CONTAINED AT THE END OF THIS APPLICATION APPLICABLE TO THE STATE IN WHICH THE APPLICANT RESIDES.

Any person who, with intent to defraud or knowingly facilitates a fraud against the insurer, submits an application or files a claim containing a false or deceptive statement may be guilty of insurance fraud.

This Application must be signed by the Applicant's Chief Executive Officer, Chief Financial Officer, Chief Operations Officer or General Counsel, or their functional equivalent, unless the Insurer instructs the Applicant otherwise.

Name _____

Name (signature) _____

Title _____

Date _____

TO BE COMPLETED BY PRODUCERS ONLY:

RETAIL PRODUCER		WHOLESALE PRODUCER	
Producer Name:		Producer Name:	
City, State:		City, State:	
Telephone No.:		Telephone No.:	
License No.:		License No.:	

Producer signature: _____



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STATE FRAUD STATEMENT

ALABAMA

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or who knowingly presents false information in an application for insurance is guilty of a crime and may be subject to restitution fines or confinement in prison or any combination thereof.

ARKANSAS

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.

COLORADO

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 agencies.

DISTRICT OF COLUMBIA

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.

FLORIDA

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 of the third degree.

KANSAS

A "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

KENTUCKY

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.

LOUISIANA

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.



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MAINE

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.

MARYLAND

Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

NEW JERSEY

Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

NEW MEXICO

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.

NEW YORK

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 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.

OHIO

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.

OKLAHOMA

WARNING: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

OREGON

Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents materially false information in an application for insurance may be guilty of a crime and may be subject to fines and confinement in prison.

In order for us to deny a claim on the basis of misstatements, misrepresentations, omissions or concealments on your part, we must show that:

- A. The misinformation is material to the content of the policy;
- B. We relied upon the misinformation; and
- C. The information was either:
 - 1. Material to the risk assumed by us; or



2. Provided fraudulently.

For remedies other than the denial of a claim, misstatements, misrepresentations, omissions or concealments on your part must either be fraudulent or material to our interests.

With regard to fire insurance, in order to trigger the right to remedy, material misrepresentations must be willful or intentional.

Misstatements, misrepresentations, omissions or concealments on your part are not fraudulent unless they are made with the intent to knowingly defraud.

PENNSYLVANIA

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.

PUERTO RICO

Any person who knowingly and with the intention of defrauding presents false information in an insurance application, or presents, helps, or causes the presentation of a fraudulent claim for the payment of a loss or any other benefit, or presents more than one claim for the same damage or loss, shall incur a felony and, upon conviction, shall be sanctioned for each violation with the penalty of a fine of not less than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000), or a fixed term of imprisonment for three (3) years, or both penalties. Should aggravating circumstances be present, the penalty thus established may be increased to a maximum of five (5) years, if extenuating circumstances are present, it may be reduced to a minimum of two (2) years.

RHODE ISLAND

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.

TENNESSEE

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.

VERMONT

Any person who knowingly presents a false statement in an application for insurance may be guilty of a criminal offense and subject to penalties under state law.

VIRGINIA

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.



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WASHINGTON

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.

WEST VIRGINIA

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.