

Underwriting Bulletin: UNKS-2023-011

Date: October 24, 2023
To: All Kansas Agents
From: Underwriting Department
RE: **Kansas Court System Affected by Security Incident**

Update 1-3-2024

In our previous bulletin, FNTI reported a network security incident that disrupted access to Kansas court systems. This incident interrupted user access to online systems including the Kansas District Court Public Access Portal. Other than Johnson County, Kansas, there is currently only limited access to search court records and no ability to e-file court documents.

FNTI has learned that the Kansas District Court Public Access Portal is now available, BUT: the case information in the Portal is currently out-of-date while the courts work to input case information filed on paper.

From the Kansas Judicial Branch website:

Case information

Case information in the portal is not current. It will take time for courts to add and update cases with information processed October 12 and after.

If a case existed prior to October 12, you may search it on the portal. However, the register of actions may not show actions or documents processed October 12 or after. Courts are adding case events and documents now to bring information up to date.

If a case was initiated after October 12, you will not be able to search it through the courthouse portal until the court adds it.

At this time, please resume searching the Portal. Results returned will be up to and including October 11, 2023. Until the courts have completed the input update, agents will be unable to accurately search from October 12, 2023 to present. Therefore, please continue to require the Affidavit and Indemnity sent in prior bulletin and follow FNTI's existing guidelines contained in the bulletin.

Thank you for your patience and understanding during this challenge. Please contact your Agency Manager or Underwriting if we can provide any additional guidance and/or if you learn of other issues affecting Kansas Court systems.

Kansas Agents,

We have learned about a network security incident that has disrupted access to Kansas Court Systems.

The network security issues faced by the judicial branch have interrupted user access to several online systems, including, but not limited to the Kansas District Court Public Access Portal (Odyssey). Currently, there is no ability to search court records or e-file court documents. This includes all counties in Kansas **EXCEPT JOHNSON COUNTY**.

Until all issues related to the network security incident have been resolved, please add the following requirement to the commitment of any affected property in Kansas:

OP: Any defect, lien, encumbrance, adverse claim, or other matter created by or arising out of the inaccessibility of the Odyssey platform in the State of Kansas including, but not limited to:

1. An inability to search the public records or
2. Any dealing in recordation or filing of documents affecting title to the land in the public records.

LP: Any defect, lien, encumbrance, adverse claim, or other matter created by or arising out of the inaccessibility of the Odyssey platform in the State of Kansas including, but not limited to:

1. An inability to search the public records or
2. Any dealing in recordation or filing of documents affecting title to the land and/or the priority of the lien of the Insured mortgage in the public records.

In order to remove these exceptions from a policy, FNTI requires the following:

- An owner's affidavit (signed by seller and/or borrower (based on transaction type) stating no court action in Kansas exists wherein the owner is subject to/maybe become subject to a judgment lien that might attach to the property.
- Indemnity signed by the owner – *attached to the bulletin*.

If you have additional questions, please contact your friendly First National Title Insurance Company underwriter.

This Underwriting Bulletin becomes a part of the principles and practices with which you are to comply under the terms of your Underwriting Agreement with First National Title Insurance Company. Should the content of this bulletin address the closing and escrow function, this information should be considered a directive and part of the principles and practices if non-compliance would result in liability to FNTI under either the insured closing service letter or policy of title insurance notwithstanding that the Underwriting Agreement does not include the closing and escrow functions of your agency.