



End User Defined

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All of Title Data's contracts define "End User" to be an individual or entity which will use a Title Information Product for such individual's or entity's own account and not for resale or dissemination (in any form) to others. Title Information Products include, without limitation, abstracts, title reports, title opinions, chains-of-title, ownership and encumbrance reports, property reports, nothing further certificates, limited liability reports, ownership reports, lien searches, real estate information, mineral information and ad valorem tax information. End Users include:

- Political subdivisions of the State of Texas (other than a Central Appraisal District) using information from the Title Plant and/or Image Library for the purpose of acquiring, leasing or disposing of real property in their own name, collecting taxes, abating nuisances, enforcing deed restrictions and zoning ordinances, investigating criminal activity and other such public purposes
- Agencies of the United States of America using information from the Title Plant and/or Image Library for the purpose of acquiring, leasing or disposing of real property in their own name, collecting taxes, investigating criminal activity and other such public purposes
- Public utilities using information from the Title Plant and/or Image Library for the purpose of acquiring rights-of-way, easements or real property *in their own name*
- Banks, mortgage companies and other lending institutions using information from the Title Plant and/or Image Library for the purpose of making a loan, servicing a loan or conducting a foreclosure
- Oil and gas producers, operators and brokers using information from the Title Plant and/or Image Library for the purpose of acquiring mineral interests, royalty interests, and pipeline rights-of-way *in their own name*
- An attorney using information from the Title Plant and/or Image Library in the general representation of his or her clients
- Licensed surveyors using information from the Title Plant and/or Image Library for the purpose of preparing a land survey
- Licensed appraisers, who are not employed by or working for a Central Appraisal District, using information from the Title Plant and/or Image Library for the purpose of preparing an appraisal
- Investors using information from the Title Plant and/or Image Library for the purpose of acquiring, leasing or disposing of real property *in their own name*

- Subdivision homeowner associations using information from the Title Plant and/or Image Library for the purpose of updating their ownership records
- Realtors[®] and real estate agents using information from the Title Plant and/or Image Library for the purpose of obtaining information on prospective or current listings

Non-End User Defined

All of Title Data's contracts define "Non-End User" to be an individual or entity which intends to use information from the Title Plant and/or Image Library for resale or dissemination to others, including, without limitation:

- Central Appraisal Districts
- Individuals and entities which sell or disseminate Title Information Products
- Abstracters, landmen and land title researchers unless they are a Bona Fide Employee (as that term is defined below) of an End User
- Oil and gas brokers which acquire mineral interests or royalty interests *in the name of others*
- An attorney who is a Fee Attorney [applies to Houston-area counties *only*]
- An attorney who intends to use information from the Title Plant and/or Image Library for the purpose of furnishing a Title Information Product to a third party
- Individuals and entities which intend to use information from the Title Plant and/or Image Library for the purpose of acquiring rights-of-way or easements *in the name of others*
- Individuals and entities which prepare environmental assessment letters and certifications or other analyses, opinions and reports pertaining to the environmental hazards situated within a parcel of real property
- Vendor management companies providing services to banks, mortgage companies and other lending institutions
- Individuals and entities which prepare, compile, assemble or update an abstract or land title evidence plant, database or other body of records or information relating to real property situated within the Title Data county
- A title insurance company, a title insurance agent, and their employers, agents and representatives if such entities and individuals are not authorized by contract with Title Data to access the Title Plant
- Any individual who is not a Bona Fide Employee of an End User

- Any individual or entity which intends to use information from the Title Plant and/or Image Library as an agent or fiduciary and not for such individual's or entity's own benefit

Bona Fide Employee Defined

All of Title Data's contracts define Bona Fide Employee to be an individual:

- Who is employed in good faith by an End User
- Whose employment is honest, open and genuine
- Whose employment is not feigned
- Who is working for salary or wages reportable by an End User to the Texas Workforce Commission in accordance with the Texas Unemployment Compensation Act (or a comparable state unemployment insurance commission, agency or department in accordance with comparable state law) and to the United States Internal Revenue Service in accordance with the Internal Revenue Code
- Who is subject to an End User's power or right to control or direct such individual's employment, including without limitation material details as to how the work is to be performed
- Who is not a contract laborer or contract employee