

Legal indemnities and rights to light solutions for real estate

Legal indemnity insurance is used to reduce the risk in property transactions by offering protection to owners, occupiers, developers, and lenders against known title defects identified during the property due diligence process, as well as those which cannot be identified.

Legal indemnity insurance can also be used to provide cover where no title warranty is being provided, or it is limited. Common risks for which we can provide solutions include:

- **Rights to light** – if your development is likely to infringe neighbouring property owners' rights to light, we can insure your strategy to manage this risk.
- **Judicial review** – the risk that your planning permission is challenged.
- **Restrictive covenants** – if a third party enforces covenants which restrict the way your property can be used or developed.
- **Title to property** – if limited or no title guarantee is being provided or there is limited due diligence being carried out.
- **Title to shares** – if limited or no title guarantee is being provided.
- **Lack of easements** – if your property lacks sufficient legal rights of access or services.
- **Mines and minerals** – the risk that a third party enforces their rights to the mines and minerals underneath your property.
- **Third-party rights** – if a third party claims rights over your property which adversely affect the way you use your property.
- **Missing deeds** – if there is a deed or document containing rights or easements burdening your property, but these are unknown.
- **Adverse possession** – if legal title to the property cannot be evidenced and there is a risk that a third party could claim better title.
- **Search indemnity** – if searches have not been carried out or the results will not be back in time for exchange of contracts.
- **Planning documents** – if the relevant planning documents cannot be evidenced or conditions within them have not been complied with.
- **Lender's contingent buildings** – protects the lender against losses caused by inadequate or missing material damage insurance coverage for the secured property.

Through our dedicated legal indemnity specialists and their deep industry knowledge of the real estate sector, Marsh Specialty is able to provide clients with broad legal indemnity solutions and full insurance services.



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