

- vi. The number, availability, service and quality of other abstractors available to perform abstracting and whether the grant of a permanent waiver will adversely impact the business of other participating abstractors;
- vii. The applicant demonstrates the inability to abstract under the supervision and control of an exempt attorney.

c. Permanent waivers for NON-Attorneys. The legislature recognized in Iowa Code section 16.91(5) that a (non attorney) abstractor providing abstract services could be granted a waiver to be exempt from the title plant requirement.

(1) The Board may grant a permanent waiver with limitations as to county, and/or transaction type.

(2) In determining whether to grant a waiver, the board shall consider, at a minimum, the following:

- i. The applicant's abstract experience and whether they maintain a title plant in any other county
- ii. Professional references;
- iii. Samples of abstracts prepared by the applicant;
- iv. The applicant's business plan;
- v. Evidence of clients and volume of additional transactions that will be brought into the title guaranty abstract/attorney system as a result of the waiver;
- vi. The number, availability, service and quality of other abstractors available to perform abstracting and whether the grant of a permanent waiver will adversely impact the business of other participating abstractors;

9.7(9) Title plant certification. The division shall inspect the title plant and certify to the division board as to the completion of the title plant before the board may grant the up-to-date title plant status to the applicant. Upon certification of up-to-date title plant status, the applicant must obtain approval from the division to conduct business under a name other than the entity to which the provisional waiver was granted. Any transfer of a title plant must be approved by the division in order for the title plant to retain its status as a title guaranty abstractor.