



## TENNESSEE REAL ESTATE COMMISSION'S GROUP ERRORS AND OMISSIONS (E&O) PROGRAM

Administered by Rice Insurance Services Company (RISC)  
Issued by Continental Casualty Company  
www.risceo.com

502-897-1876 / 1-800-637-7319  
4211 Norbourne Blvd, Louisville, KY 40207  
PO Box 6709, Louisville, KY 40206

### Benefits of a Group Program with the Individualized Attention You Deserve

The Tennessee Real Estate Commission awarded RISC the contract to provide the upcoming state group errors and omissions (E&O) insurance program. We are pleased to continue our decades-long tradition of exceptional service to Tennessee licensees.

#### BASIC POLICY only \$230 for a 2-year policy!

**Limits of Liability** – \$100,000 per Claim / \$300,000 Annual Aggregate with a \$1,000 damage deductible, no defense cost deductible.

**Increased Limits of Liability Endorsements Available to Individual Licensees** – \$250,000 per Claim / \$750,000 Annual Aggregate (\$150) or \$500,000 per Claim / \$1,000,000 Annual Aggregate (\$260).

#### AUTOMATICALLY INCLUDES

**First Dollar Defense / Unlimited Defense Costs** – First dollar defense available with NO CONDITIONS for all covered claims and NO CAP on defense costs for claims covered under the basic policy limits (limited defense costs apply to subpoenas and regulatory complaints, which were not covered at all under traditional E&O policies).

**Expanded Definition of Professional Services** – In addition to licensed activity, insured services include opinions on recommended listing or purchase prices under certain conditions and services performed or advice given (including as a notary public and as a real estate consultant or counselor) in connection with licensed activity.

**Environmental Claim Sublimits** – \$100,000 per environmental claim / \$300,000 annual aggregate with no limit on defense costs.

**Escrow / Earnest Money Claim Sublimits** – \$5,000 per earnest money claim / \$10,000 annual aggregate with no limit on defense costs.

**Fair Housing / Discrimination Claim Sublimits** – \$5,000 per discrimination claim / \$10,000 annual aggregate with no limit on defense costs.

**Primary Residence Claim Sublimits** – \$100,000 per primary residence claim involving the sale or listing for sale of the licensee's primary residence / \$300,000 annual aggregate.

**Regulatory Complaint Coverage** – \$2,500 per regulatory complaint / \$5,000 annual aggregate (defense costs).

**Subpoena Coverage** – \$2,500 for attorneys' fees to represent the insured in connection with a covered subpoena (maximum annual aggregate of \$2,500 for all subpoenas).

**Lock Box Claim Sublimits** – \$5,000 per lock box claim / \$10,000 annual aggregate (damages) with no limit on defense costs, reduced damage deductible of \$250.

**Firm / Franchise / Team Coverage** – Real estate firm, real estate franchisor, and real estate team insured for vicarious liability for covered claims.

**Spousal Coverage** – Your spouse or domestic partner is considered an insured in certain situations.

**Retroactive / Prior Acts Coverage** – Insures prior transactions, provided you have maintained continuous real estate E&O insurance from the date of the professional services to the date the claim is first made.

**Security Breach Notification Coverage** – \$5,000 per real estate firm for cost incurred to notify clients of a security breach (\$5,000 maximum per real estate firm, regardless of the number of insureds or incidents involved).

#### OPTIONAL ENDORSEMENTS AVAILABLE TO INDIVIDUAL (NOT FIRM) LICENSEES

**Appraisal Endorsement, \$50** – Adds licensed appraisal services to the activity insured by the group policy. Eligibility Requirement: active Tennessee real estate and appraiser licensees.

**Appraiser Trainee Endorsement, \$50 per appraiser trainee** – Adds specific appraiser trainees listed as insureds under the supervising appraiser's insurance for services assisting with the supervising appraiser's professional services. Eligibility Requirement: must also purchase an appraisal endorsement.

**Residential Personal Interest Coverage Endorsement, \$60** – Sublimits of \$100,000 per residential personal interest claim involving the sale or listing of residential property in which the licensee has an ownership interest / \$300,000 annual aggregate (conditions apply).

**Developed / Constructed by Spouse Endorsement, \$300** – Sublimits of \$100,000 per developed / constructed by spouse claim involving the sale or listing for sale of residential property constructed or developed by the licensee's spouse / \$300,000 annual aggregate (conditions apply).

**Property Management Endorsement, \$126** – Adds specific property management services to insured professional services.

**Contingent Bodily Injury / Property Damage Endorsement, \$50** – Sublimits of \$10,000 per claim / \$10,000 aggregate for damages and defense costs, combined, for bodily injury and property damage claims that arise from professional services under certain conditions.

**Endorsement Bundle (following 4 endorsements), \$40** – *Increased Fair Housing / Discrimination Claim Sublimits* – Increases fair housing / discrimination claim sublimits to \$50,000 per discrimination claim / \$50,000 annual aggregate.

*Increased Lock Box Claim Sublimits* – Increases lock box claim sublimits to \$50,000 per claim / \$50,000 annual aggregate.

*Increased Subpoena Coverage* – Increases subpoena coverage to \$5,000 for attorneys' fees per subpoena / \$5,000 annual aggregate (legal costs to represent the insured in connection with a covered subpoena).

*Increased Regulatory Complaint Coverage* – Increases regulatory complaint coverage to \$5,000 per regulatory complaint / \$5,000 aggregate.

#### OPTIONAL ENDORSEMENT AVAILABLE TO INDIVIDUAL AND FIRM LICENSEES

**Conformity Endorsement, \$30** – Conforms the licensee's coverage under the Tennessee group policy to comply with another mandated state's E&O requirements where the licensee has an active real estate license. Eligibility Requirement: actually domiciled in Tennessee or treated as domiciled in Tennessee under the policy terms.

#### WHERE COVERAGE APPLIES

For licensees domiciled in Tennessee, the policy applies to professional services provided anywhere in the world, provided the licensee is duly licensed in where the services were provided, and the services would require a real estate license had they been performed in Tennessee. Licensees not actually or considered under the policy terms to be domiciled in Tennessee are insured only for professional services rendered in Tennessee.

#### FIRM EXCESS COVERAGE

Firm excess policies (written by Continental Casualty Company) with \$1,000,000 limits (subject to underwriting approval). To qualify, all of the firm's licensees must participate in the group program. The firm's broker or officer must complete an application to obtain a quote for a firm excess policy.

#### RISK REDUCTION MATERIAL

Available on our website. We incorporate our knowledge of the policy and extensive claims handling experience into educational articles and videos.

Visit [www.risceo.com](http://www.risceo.com) to enroll online, view sample policy and endorsement forms, and obtain additional information.

Feel free to contact us with any questions or concerns. We are always happy to hear from Tennessee licensees.



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### Please Support Your State Program.

More than **\$30 Million** in defense costs and damages have been incurred as of September 30, 2020 since RISC began administering the Tennessee state group program in 2001. RISC and the carrier share a commitment to their insureds and to providing valuable coverage to Tennessee licensees. When shopping for insurance, it's important to ask about the company's experience and paid claims in Tennessee. If a company is charging a very low amount, you may find the carrier doesn't provide much coverage or pay many claims.

The state group program offers affordable E&O insurance to each and every licensee by spreading the risk over a large number of insureds. Without the group program's low premium, other carriers have no incentive to offer real estate E&O policies at affordable prices. In states without a group program, real estate E&O premiums may cost thousands of dollars and some licensees report being unable to obtain insurance at any price.

### Rely on the Most Experienced Provider in the Business.

The Rice family and their colleagues have specialized in mandated real estate E&O programs since 1989. We provide group policies in the vast majority of states that have group programs and require licensees to maintain insurance. The carrier is Continental Casualty Company, a CNA company. CNA has more than 50 years experience in E&O programs, including more than 20 years in real estate E&O. CNA is the top provider of real estate liability insurance, delivering more than 100 years of experience, industry knowledge, and financial strength to manage even the most complex risks. You can be confident we will be here for you even after you purchase coverage.

### When a Claim is Made, Our Claims Adjusters Focus on You.

Some people assume insurance companies look for reasons to deny coverage. Our duty to find coverage where the policy supports it is our utmost concern. Most insurance providers use one entity to sell the policy and another to handle claims. Because we do both, the information we provide about the policy reflects how it will actually apply in the event of a claim, which may not be the case with providers that don't administer claims.

**Did you know minor details often lead to major claims?** Leaving one blank initial line, assuming a home in a new subdivision has city sewer, and failing to urge a buyer to follow up with the lender have all resulted in claims against real estate licensees.

**Did you know real estate licensees sometimes have little or no control of the root cause of a claim?** For example, many real estate licensees have represented buyers who had a friend or relative (instead of a licensed inspector) look at the property to save money. When problems arise after closing, the buyers may go after the real estate licensees involved rather than blaming the friend or relative who did them a "favor."

**Don't wait until you're faced with a claim to discover whether your E&O provider is knowledgeable and responsive (like RISC) or inexperienced and difficult reach.** Many claims are frivolous, but they can still create headaches. RISC's in-house adjusters work with you through the entire process with experience and understanding.

### Questions?

Call us at 1-800-637-7319 or visit our website at [www.risceo.com](http://www.risceo.com). We look forward to hearing from you.

### We Stand by You Even if there is a Claim.

You may be involved in a claim even if you did everything by the book. Some providers won't write your coverage if you have had a claim. Or if you have a claim, they may not renew your policy. There is no need to fear reporting a claim under our program. We understand that having a claim does not mean that you did anything wrong. Anyone can be involved in a transaction that goes sour. Never think it can't happen to you. And we are here to help if it does.

### All E&O Providers are Not the Same . . . Neither are All E&O Policies.

**Always Review the Actual Policy Provisions** – The most accurate representation of what a policy covers is the policy itself. You should review any policy you are considering and ask these questions:

**Does the policy provide first dollar defense? Yes.** There is no deductible for defense costs. Other policies may have stringent requirements that must be followed to qualify for first dollar defense.

**Does the policy offer unlimited defense costs? Yes.** There is no limit on the amount of defense costs under the basic policy (defense costs are limited for subpoenas and regulatory complaints; however, traditional E&O policies offered no coverage at all for these risks).

**Does the policy insure transactions you do for relatives? Yes.** The policy applies to claims involving professional services performed for your and your spouse's relatives. This is important, since buyers and sellers often turn to a trusted relative to represent them in a transaction.

**Does the policy apply to claims relating to all types of real property? Yes.** The RISC policy applies to any claim relating to professional services, regardless of the type of property involved. Other policies may limit coverage to a specific type of property, such as residential, or require additional premium for coverage for other kinds of property. Even if you currently handle only residential transactions, consider whether you are willing to forgo an opportunity to work with commercial property or farmland or to risk not having coverage for a claim resulting from the transaction.

**Does the policy insure your firm for its vicarious liability for your professional services? Yes.** Claims are often made against real estate firms as a result of their licensees' negligence. The RISC policy applies to covered claims alleging the firm's vicarious liability for negligence in the insured licensee's professional services. Some other policies issued to individuals may not provide coverage for the firm's vicarious liability for their actions, which may leave the firm uncovered in the event of a claim.

**Are Insureds satisfied with the provider's service? Yes.** Excerpts from actual emails we have received from TN insureds:

*I very much appreciate your support. Every experience I've ever had with Rice has been positive. You all are great to work with. J.S.*

*I just didn't realize, especially these days, how many [people] are out there who can AND WILL bring suit against us even when we have done everything right, legal and proper. It is frightening, so I thank God for E&O insurance, RISC, and for the [attorney you retained to represent me]. N.G.*

*I can't thank you enough for your support and backing during this 4½ year ordeal. I can't tell you how grateful I am that you provided me such an able, dynamic young attorney... [W]e've prevailed in this major portion of the lawsuit. [I]t's not only because you had an innocent insured but that [defense counsel] was able to convince the jury of our innocence. C.V.*



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**NOTICE – Tennessee law requires that all active individual real estate licensees carry and maintain uninterrupted E&O insurance to cover all licensed activities.** If you are currently enrolled in TREC's group policy, your insurance expires January 1, 2021. TREC will not renew the license of any individual licensee who does not obtain insurance through the group policy or provide proof of other complying coverage by December 31, 2020. Licensees who want to inactivate or retire their licenses in 2021 must file a TREC Form 1 to change license status before December 31, 2020 or else obtain insurance for the January 1, 2021 to January 1, 2023 period. Tennessee law requires principal brokers to adequately supervise all their firm's affiliate licensees. Principal brokers who fail to ensure their affiliate brokers maintain E&O insurance will be disciplined with a civil penalty up to \$1,000 per uninsured affiliate broker. Licensees may purchase insurance outside the group program, provided coverage meets state requirements and proof of coverage is provided to TREC as required by state law.

**PROTECTION FROM THE MOST EXPERIENCED PROVIDER IN THE BUSINESS –** RISC's management team has been involved in state-mandated real estate E&O insurance programs longer than any other group in the business. This program is specially tailored to meet the specific needs of Tennessee licensees. The carrier is Continental Casualty Company, a CNA company (rated "A" by A.M. Best). RISC's experience and excellent claims service, combined with CNA's strong financial performance, ensures a quality program.

**OPTION FOR RENEWING E&O COVERAGE FOR MULTIPLE LICENSEES –** Companies with 10+ licensees can request a Multiple Licensee Renewal Form to electronically submit enrollment information for all the firm's licensees timely and expediently.

**REVIEW THE FOLLOWING IMPORTANT INFORMATION AND SIGN BELOW**

**What Is and Is Not Covered –** We urge all licensees to review a sample policy, including the Exclusions section. A sample policy and additional information are available on our website, [www.risceo.com](http://www.risceo.com), or by calling us toll-free at 1-800-637-7319, ext. 1.

**This is a Claims-Made-and-Reported Policy –** There is no coverage for claims first made before the beginning or after the end of your individual policy period. If you have any knowledge of a claim; potential claim; or any act, error, omission, fact, or situation that may give rise to a claim against you or your company, it must be reported in writing immediately to your insurance carrier before your current policy period expires. Failure to do so may jeopardize any coverage that would have otherwise been available. Any claim under the group policy must be reported to us in writing during the individual policy period in which it is first made against the insured. For further instructions and a notice of claim form, visit our website, [www.risceo.com](http://www.risceo.com), then select the "Resources" tab and click "Forms" or call us toll free at 1-800-637-7319, Option 2.

**Prior Acts and Importance of Timely Renewal –** Your "retroactive date" determines whether your insurance applies to claims involving services performed before the policy's effective date. The retroactive date is the date from which you have continuously maintained uninterrupted E&O insurance, with no breaks between policy periods. Even a one-day gap will result in loss of coverage for ALL professional services performed before the new policy's effective date, even if you had E&O insurance when the services were provided and again when the claim arises. If you fail to enroll timely, call RISC immediately to see if you qualify to backdate your individual policy period to January 1, 2021 (subject to approval, \$20 cost if requested more than 60 days after group policy inception). This procedure will not remedy noncompliance with mandatory insurance requirements.

**If You are Not Renewing –** There is no coverage for claims that arise after the end of your individual policy period unless an extending reporting period (ERP) is in place. Claims often arise years after the subject transaction occurred. If you are not renewing coverage for any reason, (e.g. inactivating or retiring your license or switching to a firm policy), you should consider purchasing an ERP endorsement. Licensees insured under the 2019 – 2021 group policy who do not renew for the 2021 – 2023 group policy may purchase a 1, 2, or 3 year ERP endorsement to extend the policy's reporting date to apply to claims that are first made and reported within that period. Licensees insured under the 2021 – 2023 group policy who do not renew for the 2023 – 2025 group policy may purchase a 1, 2, 3, or 5 year ERP endorsement. ERP endorsements may only be purchased during the individual policy period or up to 90 days after the end of the individual policy period.

**Territory –** Licensees domiciled in Tennessee are insured for real estate services performed anywhere they hold an active real estate license, provided the services would require a real estate license if performed in Tennessee. Licensees not domiciled in Tennessee are insured for Tennessee transactions only. Out-of-state licensees may be considered domiciled in Tennessee if their principal real estate license is affiliated with a real estate office in Tennessee and they reside within 50 miles of the Tennessee state line.

**Effective Date –** Licensees who enroll prior to January 1, 2021 will have a January 1, 2021 inception date. Licensees who enroll after January 1, 2021 will have an inception date of the day we receive the licensee's *completed application and premium*. Licensees not enrolled in the current group policy may request a different inception date (after January 1, 2021) for the carrier's consideration: \_\_\_\_\_

**Premium / Deductible –** All premiums are fully earned at policy inception and no refunds are permitted after that date. If your payment is returned for nonsufficient funds, you are responsible for payment of any resulting bank fees or penalties. The deductible will be due in accordance with the policy. Applicant agrees to reimburse the Company for any and all costs and expenses it incurs by employing a collection agency to collect any overdue deductible.

Applicant has reviewed and understands the information contained herein. Applicant declares that the above statements are true and that Applicant has not suppressed or misstated any material facts. Applicant understands that 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. Applicant agrees that this application shall be the basis of the contract with the Company and that coverage, if written, will be provided on a claims-made-and-reported basis. Applicant understands and agrees that the completion of this application does not bind the Company to issue a policy.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

CNA is a service mark and trade name registered with the US Patent and Trademark Office. The program referenced herein is underwritten by Continental Casualty Company, a CNA insurance company. The information included on both pages of this document is for illustrative purposes only and is not a contract. It is intended to provide a general overview of the products and services offered. Only the policy can provide the actual terms, coverages, amounts, conditions, and exclusions. This program is only available in Tennessee. © 2020





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**INDIVIDUAL ENROLLMENT FORM**

**Tennessee law requires that all active individual real estate licensees carry and maintain uninterrupted E&O insurance. Licensees who enroll after December 31, 2020 will be in violation of Tennessee law and risk facing fines, penalties, and loss of prior acts coverage.**

**ENROLL ONLINE at [www.risceo.com](http://www.risceo.com) and download a certificate of coverage immediately (Visa or MasterCard, \$5 nonrefundable convenience fee applies).**

**ENROLL BY MAIL – Send completed form (both pages) with a check or money order payable to RISC by December 1, 2020. Allow 7 – 10 business days for processing.**

<b>Mailing Address</b> RISC, PO Box 6709, Louisville, KY 40206-0709	<b>Overnight Delivery</b> RISC, 4211 Norbourne Blvd, Louisville, KY 40207-4048
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**LICENSEE INFORMATION – Correct any incorrect information and fill in any blanks. Failure to do so may delay issuance of your coverage and confirmation to TREC. This form is for individual licensees only. Real estate firms that wish to purchase optional firm license insurance should use the firm enrollment form.**

Licensee Name		Licensee Type	License No.
Real Estate Firm		Last 4 Digits of SSN	
Address			
City		State	ZIP
Work Phone	Home Phone	Fax	
Cell Phone	Email*		

Check here if you would like text reminders if/when that option is available

\*We occasionally send important notices by email. To receive these notices, provide your current email address and add our email domain (@risceo.com) to your address book.

**Select Desired Coverages Below – This is a claims-made-and-reported policy. An endorsement will only apply to a claim if the endorsement is in effect when the claim is first made, which may be after this policy period expires. You should consider continuing to purchase an endorsement for as long as you would like the coverage to apply (provided you continue to meet any eligibility requirements).**

<b>Basic Policy Premium</b> for effective dates of January 1, 2021 to January 1, 2023	<b>\$230</b>	<input checked="" type="checkbox"/>
<b>Limits of Liability – \$100,000 per claim / \$300,000 annual aggregate</b> <b>Deductible – \$1,000 (damages)</b>		
<b>Conformity Endorsement –</b> Conforms your TN policy to comply with E&O requirements other states where you have an active real estate license. To be eligible for this endorsement, you must be actually domiciled in TN or treated as domiciled in TN by the policy terms. Circle applicable state(s): <b>AK CO ID IA KY LA MS* MT NE NM ND RI SD WY</b> Other State License Type: _____ / #: _____ (identify conformity state if more than one) <i>*To be eligible for a MS conformity endorsement, your MS license must have been issued on or before July 1, 2007. If your MS license was issued after that date, contact RISC to obtain coverage for your MS license.</i>	<b>\$30</b> regardless of number of states at issuance	
<b>Appraisal Endorsement –</b> Adds insurance for licensed real estate appraiser services. Eligibility Requirements: (1) an active Tennessee real estate licensee and (2) an active Tennessee appraisal license. Appraisal License Number: _____	<b>\$50</b>	
<b>Appraiser Trainee Endorsement –</b> If you are a supervising appraiser and would like to add insurance for associate appraisers acting under your supervision and control while they are assisting you in your performance of professional services as a Tennessee licensed or certified real estate appraiser, you may purchase this endorsement to change the definition of insured to include specific associate appraisers listed in the endorsement. Eligibility requirements: the supervising appraiser must have (1) an active real estate license, (2) an active appraisal license, and (3) purchase an appraisal endorsement (above). <i>You must attach a list of appraiser trainees you would like listed in the endorsement. A separate premium applies to each appraisal trainee listed.</i>	<b>\$50</b> per trainee	
<b>Contingent Bodily Injury / Property Damage Endorsement –</b> \$10,000 per claim / \$10,000 aggregate for damages and defense costs, combined, combined, for bodily injury and property damage claims that arise from your professional services under certain conditions.	<b>\$50</b>	
<b>Property Management Endorsement –</b> Adds insurance for specific property management services.	<b>\$126</b>	
<b>Residential Personal Interest Coverage Endorsement –</b> Sublimits of \$100,000 per claim, up to \$300,000 annual aggregate for claims related to the sale or listing for sale of residential property in which the you or your spouse has an ownership interest (conditions apply).	<b>\$60</b>	
<b>Developed / Constructed by Spouse Endorsement –</b> Sublimits of \$100,000 per claim, up to \$300,000 aggregate for claims relating to the sale or listing for sale of residential property constructed or developed by the licensee's spouse (conditions apply).	<b>\$300</b>	
<b>Increased Limits Endorsements – You may purchase ONLY ONE of the following:</b>		
Increased Limits of \$250,000 per claim / \$750,000 aggregate	<b>\$150</b>	
Increased Limits of \$500,000 per claim / \$1,000,000 aggregate	<b>\$260</b>	
<b>Endorsement Bundle – Includes the Following 4 Endorsements</b>		
<ul style="list-style-type: none"> <li>• <b>Increased Fair Housing / Discrimination Claim Sublimits –</b> \$50,000 per claim / \$50,000 aggregate (basic policy automatically includes fair housing / discrimination claim sublimits of \$5,000 per claim / \$10,000 aggregate).</li> <li>• <b>Increased Regulatory Complaint Coverage –</b> Increases defense cost coverage to \$5,000 per regulatory complaint / \$5,000 aggregate (basic policy automatically includes defense costs of \$2,500 per regulatory complaint / \$5,000 aggregate).</li> <li>• <b>Increased Lock Box Claim Sublimits –</b> \$50,000 per lock box claim / \$50,000 aggregate for damages (basic policy automatically includes lock box claim sublimits of liability of \$5,000 per lock box claim, up to a \$10,000 aggregate).</li> <li>• <b>Increased Subpoena Assistance Coverage –</b> \$5,000 per subpoena, up to \$5,000 aggregate for legal assistance in responding to a covered subpoena (basic policy automatically includes sublimits of \$2,500 per subpoena, up to \$2,500 aggregate).</li> </ul>	<b>\$40</b>	
<b>BASIC PREMIUM</b>	<b>\$ 230</b>	
<b>+ OPTIONAL ENDORSEMENT PREMIUM (IF ANY)</b>	<b>\$ _____</b>	
<b>TOTAL DUE</b>	<b>\$ _____</b>	