

TITLE NEWS



OFFICIAL PUBLICATION

AMERICAN TITLE ASSOCIATION



VOLUME XXXIX

NOVEMBER, 1960

NUMBER 11

A MESSAGE



from

THE PRESIDENT

November, 1960

Greetings:

This, my first message to the members of the ATA after having been elected its president at the Dallas Convention, is being written with the full knowledge that I must exert a tremendous amount of effort to provide the type of leadership the Association has been accustomed to in the past. This I hope to do.

The Dallas Convention was a huge success. The premiere showing of the film "A Place Under the Sun" was enthusiastically received. The Villanova Study has been completed and is ready for printing. The Standard Forms Committee, after completing a prodigious job, received unanimous approval by the Convention of the standard owners form of policy and the revised mortgagee policy form.

There is a constantly growing abundance of evidence that the ATA is a vital and dynamic organization representing an industry which is an important segment of our economy. Therefore, we must strive to strengthen our adherence to the highest standards of ethics, both among our own members and in our relations with the public, so that we may merit the stature and prestige which our industry deserves. Any suggestions or ideas you may have will be gratefully received.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "W. H. ...". The signature is fluid and cursive, written over a light-colored background.



TITLE NEWS

The official publication of the American Title Association

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Features

THE CASE OF THE MISSING UNION SOLDIER	2
<i>Ernest G. Ward</i>	
A DRAMATIC CLOSE	5
<i>Highlights of the 54th Annual Convention</i>	
A THOUGHTFUL BEGINNING.....	37
<i>New ATA President Takes Over</i>	
TITLE INSURANCE IN CEYLON.....	47
<i>T. Sri Ramanathan</i>	

Departments

A MESSAGE FROM THE PRESIDENT.....	Inside Front Cover
ON THE COVER.....	17
IN THE ASSOCIATION SPOTLIGHT.....	42
IN MEMORIAM	46
MEETING TIMETABLE	46

"The Case of the Missing Union Soldier"



By

ERNEST G. WARD,

Partner in Ouachita County Abstract Company, Camden, Arkansas

The human interest situations encountered daily by members of the American Title Association, if reported as is "The Case of the Missing Union Soldier", would fill volume after volume and provide fascinating reading. It was through the efforts of ATA's newly elected Vice President, Arthur Reppert, that the author was persuaded to describe in such an entertaining manner this intriguing situation.

The setting is Camden, a beautiful and prosperous little city of some 15,000 population in south Arkansas. It is a city abounding in azaleas, camelias, magnolia trees and antebellum homes, so typical of the South. Known as the Port City of south Arkansas, it is located on the Ouachita River, a navigable stream that carries barges and shipping down to the mouth of the Mississippi and beyond to New Orleans and the gulf. International Paper Mills is one of the principal industries and has contributed greatly to the growth of the city.

The date is 1923. Camden and Ouachita County are experiencing an oil boom that has been quite unique in Arkansas history. The famous and fabulous Smackover oil strike was bringing in traders, speculators and laborers by the hundreds and the City of Camden was being sorely taxed to accommodate the influx.

Inspired and influenced by this unusual situation, some developers acquired title to a parcel of land adjacent to the city with a view of opening a residential subdivision. This tract of land, for the most part, had been lying out as pasture land until recent years, when it has been used for truck gardening. However,

now within a very short time, the surveyors have laid out blocks and lots. Streets have been paved. Sewer and water lines have been laid. Some of the homes have been completed and even occupied and others are under construction.

Quite by accident, in a casual review of the abstract covering the acreage, a discovery was made that threw a bombshell into the plans of the developers. A routine letter had been written to the General Land Office in Washington to confirm the Entry on the parcel of land in question which appeared in the abstract, and they were advised that the original Entry had been cancelled in 1895, and that title to this tract of land was still vested in the United States Government.



This disturbing discovery set into motion a number of fast moving events. Frantic calls and trips to Washington revealed that one of the few ways that an open parcel of land could be selected and a Patent issued, would be to the owner of Military Land Warrants. This method of selection was made possible by an Act of Congress approved June 4, 1897. The investigators in this case would have done credit to Scotland Yard or Sherlock Holmes, for they ferreted out the data that a certain Military Land Warrant had been issued to one Walter N. Bush, whereabouts unknown, and again the search was on.

After many false leads and fruitless investigations the trail led to Helena in Lewis & Clark County, Montana, where the Collins Land Company was located. This company actually owned this Military Land Warrant with Power of Attorney attached, executed by Walter N. Bush,

on June 11, 1900, in the city and county of San Francisco, California. After a brief negotiation a purchase of this Military Land Warrant with Assignment of Power of Attorney was made, and application for a Patent on the land in question in Ouachita County was forwarded to the General Land Office in Washington. Again, the developers were held up for about 12 months, during which time the General Land Office made their usual routine investigation to ascertain that no gold or other precious metals or stones might lie under the land in question.

In due time a Patent was issued to Walter N. Bush and a subsequent Quit Claim Deed was issued to the developers by the investigator who held the substitute Attorney in Fact.

However, the situation is far from being cleared, for shortly thereafter the developers were confronted by an attorney representing the heirs of the said Walter N. Bush, claiming that Bush was deceased prior to the execution of the assignment of the Attorney in Fact, and thus the deed was of no effect. This new turn of events presented more problems. After many conferences and much deliberation a suit was filed in Chancery Court of Ouachita County where the Bush heirs were plaintiffs and the developers, et al were defendants. After much delay and many conferences it resulted in a compromise settlement and a Decree on a Cross Bill quieted the title to each and all of the defendants named therein.

Much valuable time had been lost and a lot of additional expense had been incurred, but the developers were at last ready to safely proceed with their operations.

The incident of the Missing Union Soldier has long since been forgotten. Children are now playing happily in the streets. The mocking birds sing from the magnolia trees and all is now peaceful and quiet in Park View Addition to the city of Camden, Arkansas.

(Grateful recognition is given to prominent Arkansas attorneys Emmet Gaughan of Camden and Harry E. Meek of Little Rock for information furnished for this story.)

ATA's
SPARKLING NEW MOVIE

A Place
under the Sun

*21 Minutes of Animated Entertainment
and Education*

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Ideally Suited for

SERVICE ORGANIZATIONS — HIGH SCHOOL ASSEMBLIES
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YOUR LOCAL ABSTRACT OR TITLE INSURANCE COMPANY

or

AMERICAN TITLE ASSOCIATION

A DRAMATIC CLOSE



THE STAGE IS SET



Long before the opening gavel touched off the beginning of what many members have described as "one of the most, if not the most, successful conventions in ATA's history," your officers and members of the Board of Governors had devoted hours of serious discussion of the vital issues confronting the association at this critical period in its history.

On Saturday, October 8, the Executive Committee, consisting of Lloyd Hughes, President; George C. Rawlings, Vice President; Mortimer Smith, Chairman of the Finance Committee; Joseph S. Knapp, Treasurer; and Arthur Reppert, Chairman of the Abstracters Section, put in a full day of deliberation on such important subjects as anticipated income and expense, the Villanova Project, recommendations for an expanded program of public relations, relationships with bar association sponsored title insurance companies, development of educational programs, and other matters intimately affecting the welfare of the industry. The events of the following five days were to provide a dramatic close to an action-packed year under the presidency of Lloyd Hughes.

Pictured above are the members of the Board of Governors as they met in conference on Sunday, October 9. Again on Tuesday, October 11, the Board met for breakfast; and once more on Thursday, October 13, following the final general session, the newly elected President, George C. Rawlings, called for a full Board meeting.

A WARM WELCOME from the Honorable Robert L. Thornton, Mayor of Dallas, launched the 54th Annual Convention.

Mayor Thornton is pictured here as he held the audience spellbound. President Hughes watches amused.



ATA's TREASURER, Joseph S. Knapp, looks pained, but he is merely thoughtful as he outlines the association's financial situation at the opening general session.



A BULWARK of ATA's network of hard-driving committees, Otto S. Zerwick reports as Chairman of the Committee on Title Plants and Photography. His workshop session, "Every Office Has a Gladys", was one of the convention highlights.





STRONG

An avalanche of serious material was presented to members attending the convention. The audience (left) is attentive as F. W. Audrain (upper left), Larry Ptak (upper right), Herman Berniker (lower left), and Arthur Reppert (lower right) take the platform.





MEDICINE

A wealth of information is presented by Hiram Stonecipher (upper left), Thomas P. Dowd (upper right), Watson A. Bowes (lower left), and James Schmidt (lower right).

CENTER: Delighted titemen compare notes during brief coffee break.

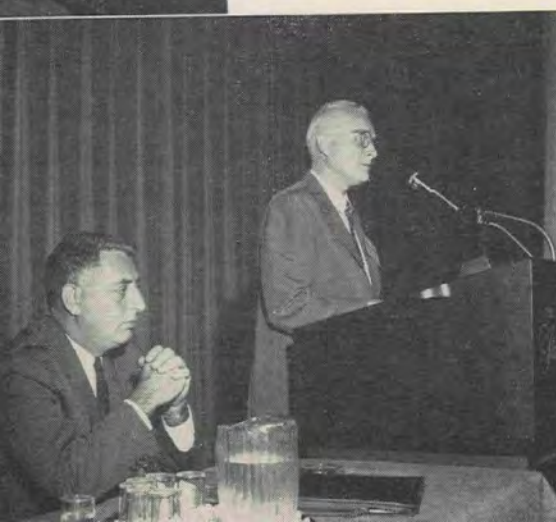




MORE CONVENTION SPEAKERS

CLOCKWISE: August Mitchell, Henry Vietmeyer, Kirk Mallory, Harold A. Lenichuk, Benjamin Henley and Morton McDonald.

OPPOSITE PAGE: Top Row — J. J. O'Dowd and Philip N. Cheaney. Center Row—J. Mack Tarpley, Frank Kennedy and Richard M. Hart. Bottom Row—Joseph A. Watson and Drake McKee.





WORKSHOPS THAT



TOP: Members listen attentively as moderator Gordon Smith leads a discussion of "Relations Between Agents and Underwriters."

BOTTOM: Always a meeting of great interest to state association officers, Jimmie Pigman presides as affiliated presidents and secretaries discuss "State Association Ideas and Improvements."

REALLY WORKED



TOP: "Pensions—Profit Sharing—Fringes" was the subject of one workshop session moderated by Ernest J. Loebbecke.

BOTTOM: The Statler-Hilton's giant ballroom is needed to accommodate members who showed up to take part in the workshop sessions on "What Are We Charging For?" The moderator, C. Edwin Courtney, was assisted by Drake McKee and J. Mack Tarpley.

WORKSHOP LEADERS

History was made at the 54th Annual Convention in Dallas when, for the first time, a series of workshop sessions dealing with specific abstract and title insurance subjects were held. The extent of gratification expressed by ATA members attending these workshops is a tribute to the planning of Past President Lloyd

Hughes and would seem to indicate assurance that similar workshops will be included as part of future conventions.

Our cameraman failed to catch Frank J. McDonough as he presented a panel on "More and More Demands on Title Companies."



ABOVE: James Schmidt took on the difficult task of "Interpreting the Title Policy".
BELOW: "Relations Between Agents and Underwriters" was the subject of Gordon Smith's workshop.



ABOVE: C. Edwin Courtney assisted by Drake McKee and J. Mack Targley discusses "What Are We Charging For?".

CENTER: Alvin R. Robin moderates meeting on "Abstract Office Forms and Systems".

BELOW: Ernest J. Loebbecke presides at workshop devoted to consideration of "Pensions—Profit Sharing—Fringes".

The Piece De Resistance



It would be impossible to pinpoint any one feature of the 54th Annual Convention as being primarily responsible for the success of the meeting. It seems appropriate, however, to pay special tribute to the three non-industry speakers who contributed so much in the way of information, eloquence and inspiration.

A complete transcript of the entire convention proceedings will be published in an early issue of **TITLE NEWS**. In the meantime, the officers and staff of the American Title Association express their sincere appreciation to Watson A. Bowes, Vice President, A. G. Bowes & Son, Inc., Denver, Colorado (see page 9); Arthur H. Motley, President, U.S. Chamber of Commerce and Publisher of Parade Publications, Inc.; and Paul Carrington,

President, State Bar of Texas, and member of Carrington, Johnson and Stephens, Dallas, Texas.

Pictured above is Mr. Motley as he made an impassioned plea for a more serious and personal participation on the part of businessmen everywhere in the political life of the nation. In conclusion he said, "I have enough confidence in the American people, and I have seen enough happen since the inception of the Chamber of Commerce program to know that they make the right choice. The only thing necessary for evil to triumph is for good men to do nothing. We need good men, big and little, no matter where they live or to what party they belong. There is no longer an excuse for anyone to say, 'I don't know how'."

"Nonpartisanship as to Foreign Politics" was the topic of Paul Carrington's address to the convention. This distinguished lecturer declared, "Not by partisanship but unpartisanship. 'United we stand, divided we fall'; I want America to stand", as he presented a thoughtful analysis of America's position in the world of power politics today.

Tracing the great strength that has been drawn from the tradition of checks and balances between the various branches of government, Mr. Carrington went on to deplore irresponsible, critical partisanship which has hampered the achievement of real unity in our relationships with other governments.

ON THE COVER

We salute George C. Rawlings, President of Lawyers Title Insurance Corporation, Richmond, Virginia, who was elected President of the American Title Association at its 54th Annual Convention.

A native Virginian, George Rawlings' service with Lawyers Title began in 1934 as field representative. He progressed successfully to Assistant Vice President, Vice President, and in 1947, Executive Vice President, during which time he was active in the development of the company's business throughout the nation. In 1956, George Rawlings was elected President of Lawyers Title. His inexhaustible supply of energy has permitted him to devote much time and effort to the work of ATA, while at the same time, guiding the destinies of his own company.



PAUL CARRINGTON holds ATA members spellbound as he discusses "Nonpartisanship as to Foreign Politics".

Fort Worth Takes Over

Words are inadequate to describe the superb manner in which Victor Hexter II and his committee of Dallas men and women made ATA members welcome during the convention. The finest in banquet entertainment, a superb style show and "brunch" at the world famous Neiman-Marcus, a typically western rodeo and barbecue—these are just a few of the features sponsored by the Dallas group that prompted members to say, "What a convention!"

Not to be outdone, the titlemen from Fort Worth provided their

own scintillating brand of hospitality. Led by A. B. Waldron, arrangements were made for the mayor of Fort Worth to transport President Hughes and his wife by helicopter to the scene of the convention rodeo and barbecue. And what a reception was accorded in Fort Worth! Lynn Carpenter (Miss Fort Worth) was on hand to present our President with a giant fountain pen, an honorary citizenship award, and a mammoth deed conveying one square inch of Texas real estate. President Hughes commented, "I've never felt so welcome in my life".

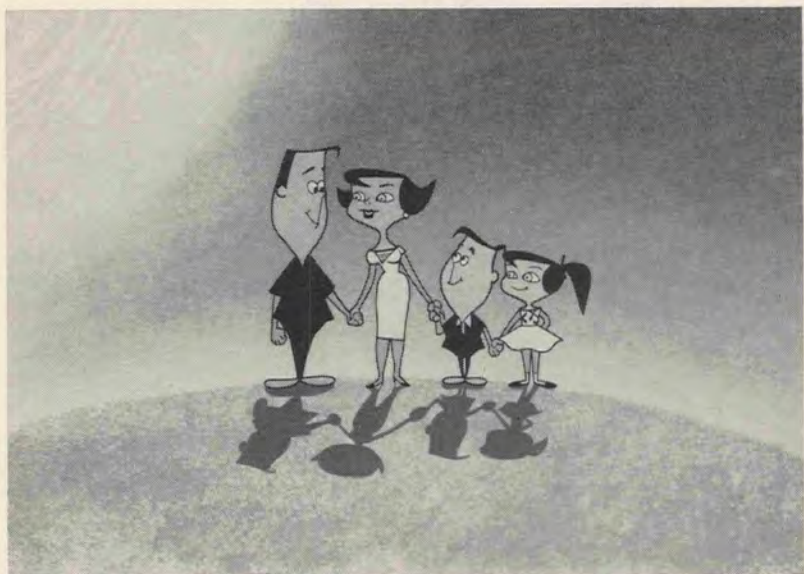


LLOYD AND VIRGINIA HUGHES are greeted in Fort Worth by the city's dignitaries and prominent titlemen as they arrive from Dallas via chartered helicopter.





MOVIETIME



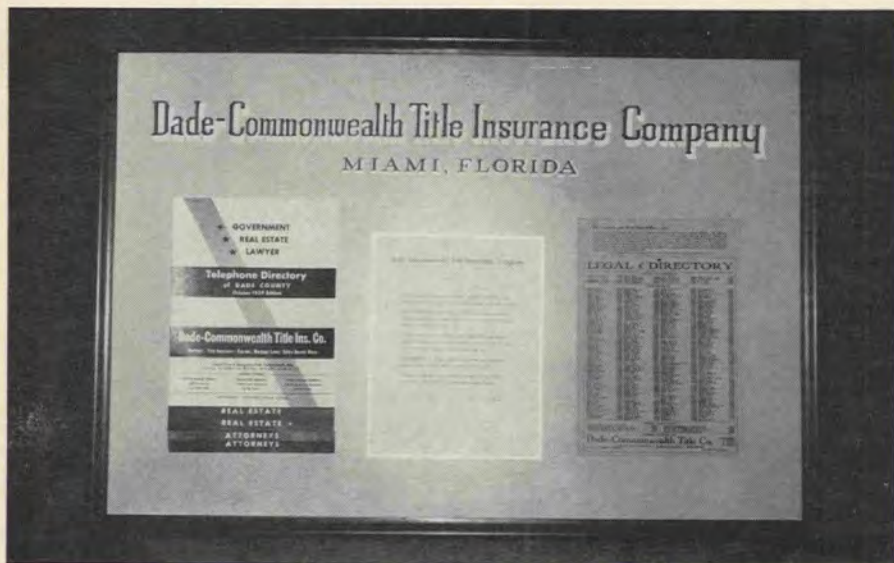
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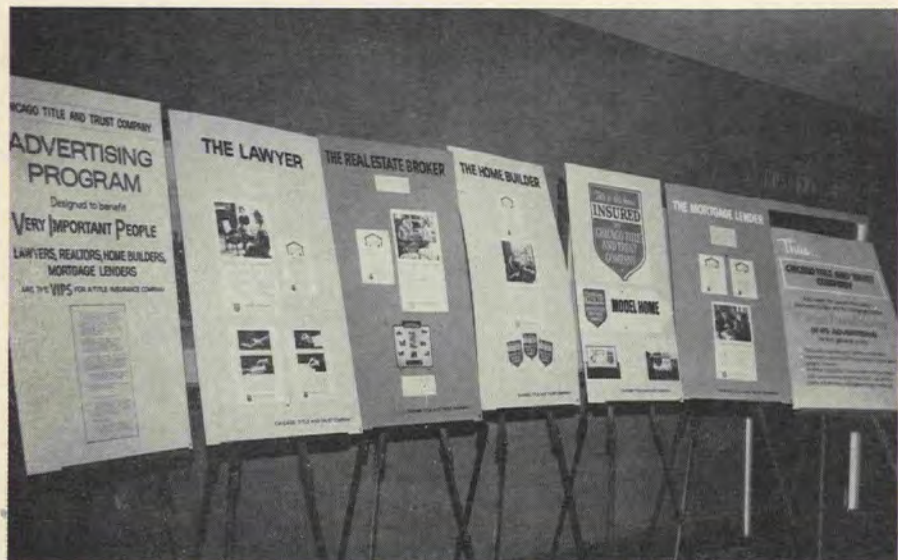
Nearly two years of thoughtful deliberation, a half dozen Film Committee meetings in widely scattered cities, dozens of compromises on the precise wording of the script, and mounting nervous tension as the time schedule for the first showing draws near, all reach a climax as Robert K. Maynard, Advertising Manager, Lawyers Title Insurance Corporation, Richmond, Virginia, who served as Chairman of the Film Committee, introduces ATA's new movie, "A Place Under the Sun". Alvah Rogers, Jr., President of Title Insurance Corporation of St. Louis, one of the committee members, observes the proceedings with some evidence of strain.

The movie's grand premiere was held in the Grand Ballroom of the Statler-Hilton Hotel on October 13.

A WORLD OF IDEAS



FROM ATA'S



1960 ADVERTISING CONTEST

GRAND PRIZE WINNER



ABOVE: "Best of show", this display sponsored by the Broward County Title Company, Fort Lauderdale, Florida, was selected by the Judges as the best over-all exhibit in the 1960 Advertising Contest.

BELOW: Philip N. Cheaney, Broward County Title Company's Vice President, accepts the grand prize trophy from C. J. McConville, Chairman of the Advertising and Publicity Committee.



The Title Guaranty Company
Denver, Colorado

1000

When this war is over...

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ED. N. MAIN
PL. 600
NEWBORN

ALBRIGHT TITLE

ALBRIGHT'S DEFENSE ABSTRACTS LIBRARY

ED. N. MAIN
PL. 600
NEWBORN

ALBRIGHT TITLE

OVER 60
ABSTRACTS

When this war is over...

ALBRIGHT'S DEFENSE ABSTRACTS LIBRARY

ED. N. MAIN
PL. 600
NEWBORN

ALBRIGHT TITLE

TITLE INSURANCE CORPORATION OF ST. LOUIS

STARTING

most are defective home titles

radio

M

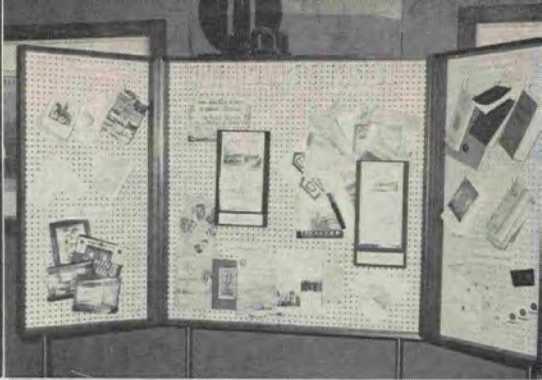
PROM

ID

OREGON LAND TITLE ASSOC.

AN INVITATION

OF THE ALBRIGHT'S



CONGRATULATIONS



After a lapse of five years, ATA members were invited to participate in the 1960 Advertising Contest sponsored by the Advertising and Publicity Committee. The response was terrific! Twenty-three companies (pictured on the preceding pages) prepared exhibits which afforded members attending the convention the opportunity to pick up fresh, new merchandising ideas. In addition the following companies, not eligible to compete for prizes, provided other idea-producing exhibits:

**Title Insurance and Trust Company
Los Angeles, California**

**Chicago Title and Trust Company
Chicago, Illinois**

**Lawyers Title Insurance Corp.
Richmond, Virginia**

Oregon Land Title Association

Pictured above, Alvah H. Rogers receives award from Chairman McConville as other representatives of winning companies look on. In addition to the grand prize awarded to the Broward County Title Company, plaques were presented to Land Title Guaranty Company, Sioux Falls, South Dakota; Dade-Commonwealth Title Insurance Company, Miami, Florida; Security Title Company, Salt Lake City, Utah; Title Insurance Corporation of St. Louis, St. Louis, Missouri; Title Insurance Company of Minnesota, Minneapolis, Minnesota; Commonwealth Land Title Insurance Company, Philadelphia, Pennsylvania; and Home Title Guaranty Company, New York, New York.



Not "honored guests" but "distinguished members" are Perry Bouslog, left, and Louis C. Lambert, right, pictured here with ATA's Executive Vice President. Mr. Bouslog was present at the meeting of titlemen in 1907 at which time the ATA's predecessor group was formed. Mr. Lambert is one of two living charter ATA members.

ATA's immediate past president, Ernest J. Loebbecke, chats with an outstanding speaker, Arthur H. Motley, President, U.S. Chamber of Commerce, and President of Parade Publications, Inc., during one of the rare moments of relaxation in Mr. Motley's busy schedule.



Newly elected Vice President, Arthur L. Reppert, is caught by the TITLE NEWS cameraman as he stands close to Mrs. Reppert (Louella) at the annual banquet.

The association's insurance consultant, Clifford Gould, C.L.U., was on the job to tell members about a special insurance program now available. This display drew many inquiries from interested members.

YOUR A. T. A. GROUP INSURANCE PLAN

GROSS MONTHLY COSTS OF THESE BENEFITS

Life Insurance	\$10.00
Accident & Sickness	\$5.00
Medical	\$3.00
Disability	\$2.00
Unemployment	\$1.00
Total	\$21.00

Member's net cost is only \$10.00 per month. (See separate literature for details.)

FOOD FOR THOUGHT!

SCHEDULE OF BENEFITS

Life Insurance	\$10,000
Accident & Sickness	\$5,000
Medical	\$3,000
Disability	\$2,000
Unemployment	\$1,000

NOW AVAILABLE! A Special Program for Individual Members with no employees. Let us tell you all about it.

GRAND FINALE



Texas' own Fred Timberlake was selected to serve as Master of Ceremonies at the banquet on Thursday, October 13. With consummate charm and grace, he presided over a social function that will be long remembered by all those attending. Recognizing that after four full days of serious business discussions the members were in no mood for long speeches or involved presentations, Fred deftly engineered the brief ceremonies that preceded the evening's entertainment.

The selection of orchestra to provide the background music for the evening couldn't have been more appropriate. The melodies of Jan Garber and his orchestra struck a responsive chord among those who recalled with some nostalgia having danced to the same tunes at a somewhat earlier age. It was a laughing, dancing crowd; and if the remarks overheard are any standard, future convention committees will be hard put to provide a more entertaining evening.

A LASTING MOMENTO



Those industry leaders who have the most to offer are called upon most frequently to help "carry the ball". Immediate past president, Ernest J. Loebbecke, had already contributed greatly to the success of the convention. He moderated the workshop session "Pensions—Profit sharing—Fringes" on Tuesday afternoon. To him fell the task of introducing the outstanding guest speaker, Arthur H. Motley, on Thursday.

At noon that same day, Mr. Loebbecke, for the good of the association, was the principal

speaker at the weekly meeting of the Dallas Real Estate Board. And now at the annual banquet, he is pictured presenting the president's plaque to retiring president, Lloyd Hughes.

Newly designed to provide greater beauty and readability than has been true of plaques presented to ATA presidents in the past, this beautiful walnut shield in a very small way expresses the deep appreciation of the members for the loyalty and devotion shown by Lloyd Hughes during the past year.

APPRECIATION

... is expressed to those members of the Board of Governors who have completed three years of continuous service to the ATA.

On these pages President Lloyd Hughes is pictured smiling broadly as he presents the retiring Board members with Certificates of Appreciation.

BELOW: L. A. Reuder (top) and James L. Boren (below) receive their certificates from President Hughes.

OPPOSITE PAGE: Ernest J. Loebbecke (top), J. J. O'Dowd (center), and Russell Smiley (bottom) each received the engraved expression of appreciation for their contribution to the welfare of the association.







LIGHTER MOMENTS

Visible evidence of the joyful temper of the group is shown on these pages as the 54th Annual Convention comes to a close at the banquet on Thursday, Oct. 13.



A UNIQUE TRIBUTE

Presentations, awards, and testimonials are "old hat" to modern day business leaders. It is a rare occasion, however, when a group of customers will band together to pay tribute to a man who has been soliciting their business over the years.

Such a situation developed at the 54th Annual Convention. Benjamin J. Henley, Chairman of Board, California Pacific Title Insurance Company, San Francisco, California, received unusual recognition from the Life Counsel

who were guests and members of the ATA.

Referring to his work which has extended over a period of more than 30 years in the development of standard forms of insurance policies as an "outstanding contribution" to the title industry and to the Life Insurance Counsel, E. P. (Steve) Carrier, The National Life and Accident Insurance Company, Nashville, Tennessee, presented to Mr. Henley, on behalf of the life counsel group, a handsomely framed citation.



BENJAMIN J. HENLEY, Chairman of ATA's Standard Title Insurance Forms Committee, receives citation for outstanding service from **E. P. (Steve) Carrier**, Counsel, Investments, The National Life and Accident Insurance Company, Nashville, Tennessee, at the annual banquet.

A THOUGHTFUL BEGINNING





"Any historian can summarize the events of the past. Any economist can predict what will happen in the future."



"Where confusion prevails is in evaluating the demands, the efforts, and the challenges of today."



"Bad business practices are placing in jeopardy the integrity of the business world."



"We have a sacred trust to make the most fruitful use of the organizational structure built by past officers."



It was with serious determination that George C. Rawlings, President of Lawyers Title Insurance Corporation, Richmond, Virginia, accepted the ATA president's gavel at the conclusion of the 54th Annual Convention in Dallas.

Calling for some fundamental soul searching and the establishment of a higher level of ethics for the title industry, Mr. Rawlings said, "I shall do everything within my capabilities to provide the leadership which will assure continuing and expanding service of the association to its members. I shall also encourage a broader public relations program directed toward the goal of an educated public which will understand our function better and so appreciate the integral part the title industry plays in today's economy and the necessary service it renders to commercial, industrial, and homebuyers and to mortgage money lenders."

AMERICAN TITLE ASSOCIATION OFFICERS 1960-61

PRESIDENT

George C. Rawlings, Richmond, Va.

VICE PRESIDENT

Arthur L. Reppert, Liberty, Mo.

TREASURER

Joseph S. Knapp, Baltimore, Md.

CHAIRMAN OF THE FINANCE COMMITTEE

Mortimer Smith, San Francisco, Calif.

CHAIRMAN OF THE ABSTRACTERS SECTION

Clem H. Silvers, El Dorado, Kans.

CHAIRMAN OF THE TITLE INSURANCE SECTION

William H. Deatly, New York, N.Y.

BOARD OF GOVERNORS

(Term Expiring in 1963)

Tim J. Campbell, Newton, Ia.
George B. Garber, Los Angeles, Calif.

Alvin R. Robin, Tampa, Fla.

George V. Russell, Boise, Idaho.

Jesse M. Williams, Louisville, Ky.



A PREVIEW of the next annual convention, scheduled for October 16-19, 1961 in Minneapolis is provided as the hard-working titleman from The Title Insurance Company of Minnesota, C. J. McConville displays this attractive exhibit in Dallas.



IN THE
ASSOCIATION
SPOTLIGHT

Liens and Obligations

The Federal Register dated October 25, 1960, contains in part, the following Housing and Home Finance Agency rulings:

Section 292a.24 is amended to read as follows:

292a.24 certification as to Liens and Obligations

Both the mortgagor and the builder who has been determined to be the eligible bidder shall certify at final endorsement of the loan for insurance that:

(a) The property covered by the mortgage is free and clear of all liens other than such mortgage; and

(b) There will not be outstanding any unpaid obligation contracted in connection with the mortgage transaction, the purchase of the mortgaged property, or the construction of the project, except such obligations as may be approved by the Commissioner.

New PR Head for K. C. Title

The appointment of Judson L. Palmer as Assistant Vice-President in charge of business promotion, advertising, and public relations for the Kansas City Title Insurance Company has been announced. Palmer became assistant vice-president of the company in May, 1959.

Palmer joined Kansas City Title as attorney and field representative in the agency department in 1956. Before becoming associated with Kansas City Title, he was a partner in the law firm of Palmer and Davidson

which was formed in 1951 in North Kansas City.

Kansas City Title Insurance Company now operates in 25 states and the District of Columbia with more than 150 employees in the home office in Kansas City.

Born in Tulsa, Okla., Palmer attended Kansas City public schools. He is a 1937 graduate of Williams Jewell College and received his law degree from the University of Kansas City in 1941. Mr. and Mrs. Palmer live at 607 Ridgeway Drive in Liberty with



JUDSON L. PALMER

their two children, Judson L., Jr., age 15, and Ann, age 13.

Palmer has served as president of the North Kansas City Kiwanis Club and is a past lieutenant-governor of Kiwanis for the Missouri-Arkansas District. He is a member of the Missouri Title Association, and is currently vice-president of the organization. A veteran of the Second World War, he was a flying instructor in the Air Force and a radar fighter director in the Navy.

Pioneer Staff Promotions

Allen C. McGurk and Hugh Holmes head the promotion and staff changes announced by Warren J. Pease, President of Pioneer Title Insurance Co., San Bernardino, California, in the creation of a two divisional organization.

McGurk, Vice President and General Counsel of the firm, will supervise the title operations as manager of operations.

Holmes, long-time vice president and personnel officer, becomes head of administrative services.

Allen McGurk came to California and to Pioneer Title in 1945 from Illinois where he was a member of the Illinois Bar. McGurk had experience in the title department of the company prior to being named associate counsel of the company under Robert M. Light. Following Light's retirement in 1956, McGurk became general counsel. He served in the Army in World War II as a field artillery officer.

31 Years With Firm

Hugh Holmes has just completed 31 years with Pioneer Title having joined the company in 1929. He has filled many administrative positions with the company in the placement of title orders, purchasing, indemnities, and personnel. Holmes is well known in civic affairs as a past president of the Community Chest, and years of Boy Scout work, serving presently as sectional chairman of an area comprising the counties of San Bernardino, Riverside, Imperial, San

Diego, Orange and the easterly portion of Los Angeles.

Holmes was chairman of the successful bond issue on the construction of the new Masonic Temple, and carries an additional job of chairman of the \$1 million building program of the First Presbyterian Church of San Bernardino.

Stephen W. Oram of the Trust Department of Title Insurance and Trust Co., Pioneer Branch, will assume McGurk's technical trust functions in the staff changes announced by Pease.

Thomas J. Richards, under the designation of Advisory Title Officer, will be in charge of the technical title functions formerly directed by McGurk. Richards, a research title officer with 20 years title experience, served overseas in France as sergeant major in the 20th General Hospital from 1942 to 1946.

New Combination

First American Title Insurance & Trust Co., which has an office in San Bernardino, California, is combining with Arizona Title Guarantee & Trust Co., announced Donald P. Kennedy, Executive Vice President of First American.

The Arizona operation will continue under its present name as a separate subsidiary of First American.

Exchange Stock

To effect the transaction, the Western States Title Investment Co., an Arizona corporation whose sole asset is the entire capital stock of Arizona Title, is exchanging all of its capital stock for an undisclosed number of shares in First American Title, Kennedy said.

As a result, Lewis W. Douglas Sr. of Tucson, Lewis W. Douglas Jr. and George Potter Jr., both of Los Angeles, will join the First American board of directors.

Douglas Sr. is chairman of the Southern Arizona Bank & Trust Co. and a director of General Motors Corp., Mutual Life Insurance Company of Canada, Ltd., and Continental

Oil Co. He is a former ambassador to Great Britain.

Douglas Jr. is president and Potter vice president and treasurer of Christiana Oil Corp.

Parent Company

First American Title, with principal offices in Santa Ana, is the parent company of Orange County Title Co. and First American Title Companies of San Bernardino, Riverside, San Diego, San Luis Obispo, Santa Barbara and Ventura.

Arizona Title was incorporated in 1889 and has been in continuous operation in Arizona since that date. The firm's home office is located at 124 N. First Ave., Phoenix, and policies of title insurance are issued through its offices in Phoenix, Coolidge, Flagstaff, Globe, Prescott, Yuma and Safford. The company maintains escrow offices in Maricopa County, as well as the cities of Mesa, North Central, Scottsdale, and Glendale.

Kennedy said the officers of the company "feel that the Arizona firm will enable the company to materially increase its geographic coverage and to share profitably in the growth potential of a rapidly expanding and prosperous area."

The proposal was approved by the First American board of directors June 15 and later ratified by the stockholders at a special meeting. The transaction is subject to further approval by the insurance commissioner of California.

M.B.A. Elects Tharpe

Robert Tharpe, President of Tharpe & Brooks, Inc., Atlanta mortgage banking firm, was elected president of the Mortgage Bankers Association of America at the Association's annual convention which opened in Chicago October 3. He succeeds B. B. Bass of Oklahoma City.

Elected vice president was Carton S. Stallard, President of the Jersey Mortgage Company, Elizabeth, N.J., and named second vice president was Dale M. Thompson, President of the City Bond & Mortgage Company, Kansas City, Mo. George H. Dovenmuehle, Chairman of Dovenmuehle,



ROBERT THARPE

Inc., Chicago, was re-elected treasurer.

Mr. Tharpe is a native of Georgia and began his career in the insurance field in Atlanta, later becoming associated with the Metropolitan Life Insurance Company in its mortgage loan department. During the war he was in the Navy and was discharged with the rank of Lieutenant Commander. He was one of fifty applicants selected from a group of 7,000 to attend the Naval War College, where he graduated and served on the staff of the Chief of Naval Air Training. In 1947, with J. L. Brooks, Jr., he organized Tharpe & Brooks. He has served on various Association committees and in 1958 was awarded the Association's Distinguished Service Award. He is a graduate of the Georgia Institute of Technology, where he played tackle position on the football team for three years.

Active Titleman

Howard Bernstein, Executive Vice President of Realty Title Insurance Company, Inc., has been elected Treasurer of the Washington Real

Estate Board. In 1959-60 he served on the Board of Directors and was Chairman of the License Law Committee. He also served as Liaison Member of the Education Committee.

Retirement Note

W. Herbert Allen, Southland civic and business leader for more than 40 years, formally retired as chairman of the board of the Title Insurance and Trust Company this month. He will, however, continue to serve as a director of the company and will maintain offices at 433 South Spring Street, Los Angeles. He will also continue to devote time to numerous civic, cultural and educational activities.

Allen, a native of Pasadena and a son of one of the founders of the Title Insurance and Trust Company, attended Los Angeles High School, the Thacher School, Ojai Valley, and graduated from Harvard College in 1918. He joined the trust division of the Title Insurance and Trust Company in 1920, and two years later was elected a vice president and a member of the board of directors. Allen became treasurer of the company in 1933, and was elected executive vice president in 1946. He was elevated to the presidency in June, 1952, and became chairman of the board in 1955.

Active in many business and trade organizations, Allen is a past president of many groups including the All Year Club of Southern California, the Los Angeles Exchange Club, California Land Title Association, Town Hall, and the Los Angeles Area Council of Boy Scouts of America. Serving on many civic projects, he was, in 1956, chairman of the Global Airport Committee, 1953-54 chairman of the Annual Fund Campaign of the Los Angeles Chapter of the American Red Cross, and general chairman of the 1955-56 Community Chest Campaign. He is currently serving as a trustee of the Hollenbeck Home for the Aged, vice president of Merchants and Manufacturers Association, director of the Y.M.C.A. and a member of the executive committee of the Boy Scouts of America, Los Angeles Area Council.

In 1959, Allen was signally honored by the Los Angeles Realty Board when it presented him with a watch, annually awarded to Los Angeles' most useful citizen.

As a result of his close association with the title, trust and real estate fields, Allen has constantly analyzed and surveyed the tremendous growth in industry and population that has taken place in Southern California. In a projection made some years ago, Allen forecasted that by 1970 the entire Southern California coastal plain, from Santa Barbara south to the Mexican border, would be one vast continuous urban area, a prediction rapidly becoming a reality.

In 1925, Allen married Eleanor Bush, daughter of Irving T. Bush, who founded the Bush Terminals in Brooklyn. They have three children and seven grandchildren, all residing in Southern California.

Cuyahoga News

Election of Ralph C. Smith as executive vice president of Cuyahoga Title & Trust Company has been announced by Laurence J. Ptak, President of the Cleveland company. Smith joined Cuyahoga in April, 1959, and served as vice president and treasurer. In addition to his new duties, he continues direct responsibility for expanded escrow and trust services. Joseph D. Sentendrey, formerly assistant treasurer, has been elected treasurer.

Formerly with the Burton Abstract & Title Company, of Detroit, Smith served as vice president of that company from 1956 to April, 1959, with responsibility for title services and

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title insurance rates. He joined the legal department at Burton's upon graduation from the University of Michigan Law School in February, 1950. He is a member of the Ohio and Michigan Bars, and a member of the Cleveland Chamber of Commerce and the City Club of Cleveland. In addition to representing Cuyahoga at newly organized Cleveland Title Association meetings, Smith has also been active in Ohio Title Association and Ohio Title Underwriters matters. He has participated in the treaty group for automatic reinsurance, both at Burton's and Cuyahoga.

A native of Flint, Michigan, Smith lives in Chagrin Falls, a Cleveland suburb, with his wife, Anita, and two sons.

In Memoriam



Minnesota Titleman

We are sorry to report the death of Leeds Darrah Cutter, who drowned August 29, 1960, in Chantrey Bay, north of the Arctic Circle while on a fishing trip with three companions.

Leeds Cutter was born November 12, 1914, in Anoka, the son of Leeds Hancock Cutter and Vivienne R. Cutter. A lifelong resident of Anoka with the exception of seven years' military service, he was County Attorney from 1946 to 1950, was the senior partner in the law firm of Cutter and Babock, owned and operated the Anoka County Abstract Office, was a past president of the Minnesota Title Association, and a member of the Minnesota State Bar Association, Anoka Kiwanis Club, Rifle Club and Anoka Methodist Church. He was married to Mary Helen White December 7, 1940.

Survivors are his wife, Mary Helen; eight children: Leeds, Mary Ellen, Anne, Andy, Milo, Marcus, Elizabeth and Sarah.



Meeting Timetable

NOVEMBER 12

Land Title Association
Of Arizona
Ramada Inn
Phoenix, Arizona

NOVEMBER 14, 15

Indiana Title Association
Sheraton-Lincoln Hotel
Indianapolis, Indiana

NOVEMBER 17, 18, 19

Florida Land Title Association
Everglades Hotel
Miami, Florida

FEB. 28 and MARCH 1, 2

American Title Association
Mid-Winter Conference
Mayflower Hotel
Washington, D.C.

TITLE INSURANCE IN CEYLON?

By

T. SRI RAMANATHAN

It was with interest that A.T.A.'s executive vice-president came across this article on title insurance, published in a law society journal in far-away Ceylon.

The author has expressed a keen desire to learn more about our title industry and has been deeply appreciative of the information furnished him from the association office.

To those of us who are accustomed to thinking of title insurance as "typically American" it comes as a pleasant surprise to learn that lawyers in other parts of the world recognize the advantages of our system of title evidence.

At the Fifth Annual Conference of the Law Society the following resolution was adopted:

"The Law Society of Ceylon feels that it should recommend to Insurance Companies to have title insurance indemnifying the policy holders against loss or damage resulting from defects in the title or from enforcement of existing liens, against it at the time of insurance."

In Black's Law Dictionary (4th Edition) Page 944, title insurance is defined as the assertion of the insurance company that the title to real estate is good, backed up by the financial strength of the insurer. Title insurance indemnifies the policy holder against loss or damage resulting from defects in the title or from the enforcement of existing liens against it at the time of insurance.

Title insurance would give (1) protection to an owner of land, (2) to a lender of money to land; against

loss or damage that could be sustained owing to (a) any defects in the title prior to the date of the policy, (b) unmarketability of title or unknown encumbrances.

In *Foehrenback vs. The German American Title & Trust Company* the Supreme Court of Pennsylvania defined title insurance as:

"Title insurance is not mere guess work, nor is it a wager. It is based upon careful examination of the muniments of title, and the exercise of judgment by skilled conveyancers. The quality of the title is a matter of opinion, as to which even men learned in the law to real estate may differ. A policy of insurance means the opinion of the company which insures it, as to the validity of title, backed by an agreement to make that opinion good, in case it should be mistaken and loss should result in consequence to the insured."

To understand the subject of title insurance fully one must not only consider what it is, but also understand its inception and development.

From early days immovable property was considered differently from movables. Immovable property could be owned by more than one person or could be held with concurrent interests. The result has been title to land has become more and more intricate. One must also remember that there are paramount rights to land by claims of governments in the form of taxes, e.g. Estate Duty. Free alienability of land has been recognized by several countries. This does not in any way mean that the title is marketable. The question of marketability would depend on the title of land.

It is for this reason the opinion of conveyancers is important. In the early days oral opinion of conveyancers was acceptable. Gradually conveyancers gave written opinions. In certain countries notaries or attorneys had to give what is called a "certificate of title," after due search of records.

What a title insurance company

*Joseph H. Smith, Esqr.,
Executive Vice President,
American Title Association,
Premier Building,
1725 Eye Street, N.W.
Washington 6, D.C., U.S.A.*

Dear Mr. Smith:

I appreciate your letter of the 3rd instant. I am delighted to note that my article in the Law Society Journal caught your attention, and that you think it worthwhile to have it published in your official publication entitled "TITLE NEWS." I consent to your publishing my article in your magazine. You may kindly mention at the foot of the article that (this article was published in the Ceylon Law Society Journal, Volume VI, Nos. 2 and 3).

I am very keen to sponsor title insurance in our country. Any documentation, forms, information sheets, and pamphlets will be of considerable assistance to me with regard to the study of this subject. If there is any particular books which you could refer me, I will be grateful if you will please assist me by letting me know as to where I can get them.

Thanking you,

does is to insure that the title is what it purports to be. The risks covered by the title insurance policy includes:

- (a) Any negligence or fraud on the part of the examining notary;
- (b) Affords protection against negligent failure to find or recognize a defect appearing in the public records.

Title insurance adds insurance protection to that provided by a lawyer's title examination. It would perform a service in conjunction with but not in competition with the notary. Title insurance tends to eliminate such repetitive examination of titles, for the title company having once insured a title will require a title examination only from the date of its policy.

It must be noted that a holder of a title insurance policy pays once. There are no annual premiums. Insurance companies are expected to issue owner's policy or mortgage policies.

Title insurance is a matter that should engage the attention of insurance companies.

*Yours sincerely,
T. Sri Ramanathan*

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