

TITLE NEWS

DO NOT REMOVE



OFFICIAL PUBLICATION

American Land Title Association



VOLUME XLIII

SEPTEMBER, 1964

NUMBER 9



A MESSAGE

from

THE PRESIDENT

Fellow Members:

My farewell message to you from the pages of Title News is also a greeting to you in Philadelphia, where we hope to see nearly all of our ALTA members, September 20-23.

As this short year draws to a close, Nadine and I find ourselves looking both forward and backward. Headed down the home stretch, accelerating towards a great National Convention, the reflections in our rear-view "memory" mirror gleam with such exultant brightness that anticipation is slowed by nostalgia.

What a rewarding and challenging experience it has been to serve as your president. The privilege of visiting so many of the state conventions stands as one of the most abiding rewards. To see and to feel and to embrace the remarkable dedication of our title people everywhere, their sincere hospitality and warm friendships, and the impressive grandeur of our country's natural wonders is to feel ourselves supremely blessed.

It is gratifying to have seen some of the high ideals of our Association (dreams only a few years ago) translated into action and reality. Our industry is accepting and adjusting to the rapid changes of our times with intelligent planning. To our vice-president, Joe Knapp; to section chairmen, Don Nichols and George Garber; to our efficient executive staff, Joe Smith and Jim Robinson; to our dedicated Executive Committee members, Board of Governors, and members of appointed committees—may I express my appreciation for your loyal support and hard work.

To all of you, ALTA members everywhere, Nadine and I give thanks for this wonderful year in our lives.

Sincerely,

President



TITLE NEWS

Official publication of American Land Title Association

EDITORIAL OFFICE

Premier Building
1725 Eye Street N.W.
Washington, D.C. 20006
Telephone Federal 8-1460

SEPTEMBER, 1964

EDITOR: JAMES W. ROBINSON

Features

WHO OWNED GOVERNMENT ISLAND?	2
<i>Marvin C. Bowling, Jr.</i>	
DISTINGUISHED JURIST TO ADDRESS ALTA CONVENTION	15
<i>Judge Adrian Bonnelly to speak to abstracters</i>	
ALTA HOST TO PHILADELPHIA PRESS	16
<i>Grand turnout launches publicity</i>	
GLENN MILLER BAND	28
<i>Famous band to play at Convention</i>	
THE GOOD EARTH — HOME OWNERSHIP	30
<i>Richard A. Hogan</i>	

Departments

A MESSAGE FROM THE PRESIDENT	Inside Front Cover
IN THE ASSOCIATION SPOTLIGHT	8
STATE ASSOCIATION CORNER	
Montana	18
New Jersey	20
Illinois	22
Michigan	26
STRANGER THAN FICTION	32
MEETING TIMETABLE	Inside Back Cover

Who Owned Government Island?

By **MARVIN C. BOWLING, JR.**, Associate Counsel,
Lawyers Title Insurance Corporation

The subtle variations of the problems presented to title examiners are endless. We are privileged from time to time to bring to the readers of Title News many interesting situations which develop in the course of a day's work for a hard-working titleman.

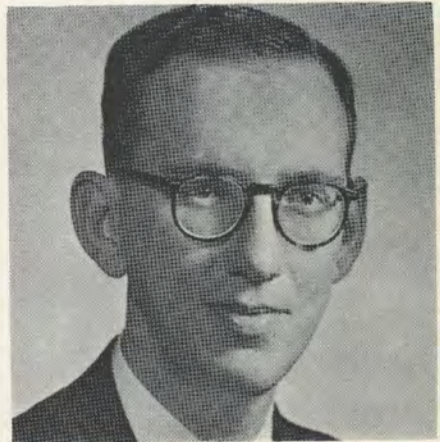
The article which follows is an excellent example. We have the elements of tradition, mystery, and greed. It is reprinted with the permission of the Editor of Lawyers Title News.

This is the story of an English King and a recusant, of sandstone and a seat of government, and of Federal sovereignty and state's rights. Probably nowhere in the realm of human experience does the past so strongly affect the present as in the realm of real estate titles. An excellent example of this involves a claim recently paid by Lawyers Title.

The story began for Lawyers Title with an application for an owner's policy on 1,600 acres of land in Stafford County, Virginia, which is some 40 miles south of Washington. One of the ten tracts insured was described as an island in Aquia Creek containing about 14 acres. The creek is an arm of the Potomac River and is navigable.

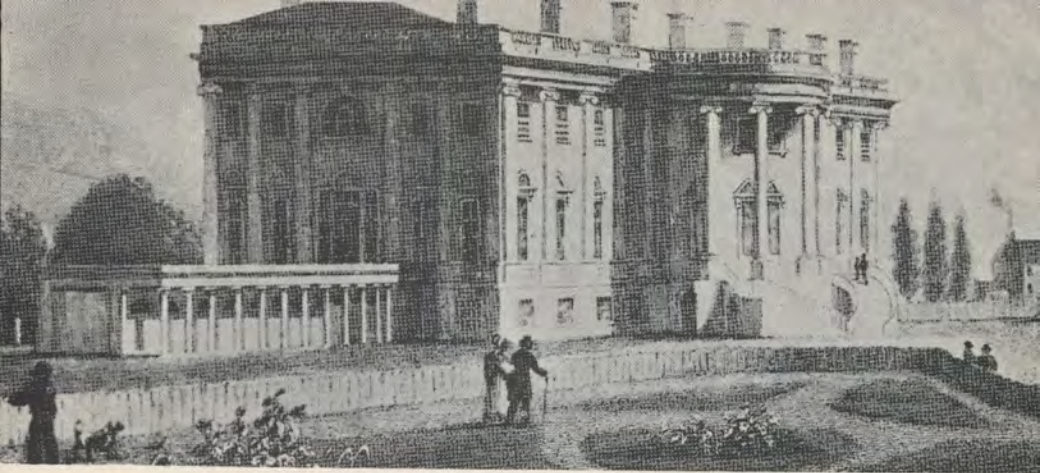
The examining attorney's report on title certified for the required 60 years and an abstract prepared by another attorney showed the title to the island as running back to the Commonwealth of Virginia in 1877. The policy was issued and our file closed.

It was not long, however, before it became necessary to reopen the file. We received a telephone call from the examining attorney in which he reported that our insured, while walking over his newly acquired land,



Marvin C. Bowling, Jr. is Associate Counsel for Lawyers Title Insurance Corporation and has worked in the Home Office Legal Department in Richmond since 1951. He was graduated from Hampden-Sydney College with a B. A. degree and from the Washington and Lee Law School. He is active in the American Bar Association and Virginia State Bar Association.

had come upon two large signs erected on his island. The signs were new and substantially constructed. They were painted red, white and blue and bore the words "Keep Off—Govern-



Freestone from aquia was used in the construction of the White House

ment Property." Why and by whom they were erected was a mystery.

Needless to say, this caused some anxiety on our part. Since we could get no information locally, we attempted to find out something in Washington. Several phone calls were made to government agencies which deal in real estate but none knew of any government land in the vicinity. The signs were torn down and we decided to let sleeping dogs lie. We were later advised that the signs were erected by a history buff who, for some reason, felt that the island had historical value and should belong to the United States. We breathed a sigh of relief. How little we knew!

PROVES TO BE NO FALSE ALARM

Several years went by before we heard any more about our island and this time it was no false alarm. We were advised by the attorney for the insured that an item had appeared in the newspaper stating that "Government Island" also known as "Wigington's Island" in Aquia Creek was to be sold at public auction by the United States through the General Services Administration. Our island had been known by those names and if the United States claimed it, we suspected we were in trouble.

Assuring our insured that we would protect him as provided in his policy, we decided that the first thing to do

was to see how good our insured's title was. The abstract had shown that the Commonwealth of Virginia had granted the title to an individual so we visited the Archives Department of the Virginia State Library in Richmond to take a look at the grant.

The archivist produced a copy of a grant of the island in 1877 by the Governor of Virginia to two individuals by virtue of a Land Office Warrant. The grant described the entire island but the survey attached thereto described the island, less and except one acre, reserved by William Stuart as a quarry! There were no warranties and no source of title.

This bit of information left us hanging. Where did the state get its title? Who was William Stuart? Perhaps the next move should be to determine what title the United States claimed. A telephone call to the General Services Administration really opened "Pandora's Box." "Our title runs from Charles II," we were told. This would have been before 1885 so we were sure the grant didn't run to the government. In any event, the government attorney kindly agreed to furnish copies of the original deeds which are in government archives.

In the meantime we decided to go up to Stafford Courthouse and see what the public records showed. The grant from the Commonwealth and the succeeding deeds into our insured

were found but no indication that the United States had any interest in the island. We did find a 1786 deed from one George Brent to a Robert Stuart, "Mason and Stone Cutter of the Town of Baltimore," which conveyed one acre out of "Brent's Island" in Aquia Creek. Could this be the one acre reserved to William Stuart mentioned in the Commonwealth's grant? Many of the early documents had been torn from the Deed Books by Union soldiers. Had they destroyed the evidence of title of the government for which they fought?

DEALING WITH "SACRED SOIL"

A few days later we received copies of the instruments by which the United States claimed title and realized we were dealing with "sacred soil."

The earliest instrument was dated in 1678 and was from the "Governor and Captain General of Virginia" on behalf of Charles II to two individuals. The consideration was the transportation by the grantees of one person into the Colony. The island was described as 12 acres lying in Aquia Creek.

The next instrument was from Will Fitzhugh, agent for "Margaret Lady Culpeper, Thomas Lord Fairfax, Catherine, his wife and Alexander Culpeper, Esq." to George Brent. This instrument, dated 1694, recited that the grantors were the successors in interest to the original proprietors of the land and that the earlier grant from the governor was void. The description called for a 12-acre island known as Wigginton's Island.

There then followed the one-acre deed from George Brent to Robert Stuart which we had found of record.

FREESTONE NEEDED IN WASHINGTON

The next instrument furnished us by the Government was dated 105 years later. It was a deed of the island from George Brent to Peter Charles L'Enfant (this name seemed familiar) in 1791. It recited that L'Enfant and his successors were taking title for the benefit of the pub-

lic. The purchase price was 1,800 pounds. Two months later George Brent granted and confirmed title to the island (except the acre conveyed to Stuart) to Trustees for the Commissioners appointed to establish a "Seat of the Government of the United States." It was recited that the purchase was made in order to obtain "freestone for the public buildings and rises in the City of Washington." This ended the chain of title by which the United States claimed the island.

It became painfully clear to us that the government might have better title than our insured. Although our



insured had a perfect chain of title record, its source of title had begun with a grantor who had no title. Whereas, the United States, while its record title was incomplete, had deeds from the true owners. The recording acts alone do little to validate a title which begins with a trespasser.

But what about adverse possession under color of title for many years? This would not help because adverse possession does not apply as against the sovereign United States even though a state is the source of the title by which possession is gained.

Even though we were concerned over our position legally, we could not resist the historical aspects of the

problem and found ourselves abandoning the title records and law books for a moment and delving into the history books.

OBTAINED A GRANT FROM CHARLES II

It is common knowledge that the original proprietors of the "Northern Neck" (land lying between the Potomac and the Rappahannock Rivers) had obtained a grant from Charles II in 1669 and that Lord Culpeper had bought all of the interests of the other proprietors except a one-sixth interest of Alexander Culpeper, a relative. Upon Lord Culpeper's death, his interest became vested in his daughter Catherine, who had married the fifth Lord Fairfax. Catherine, Alexander, and Lord Culpeper's widow, Margaret, were the grantors in the deed to George Brent. This latter gentleman turned out to be an interesting member of a historical family.

The Brent family, having become Catholics in Anglican England, had migrated to Maryland in 1638. In 1650, in search of open land, Giles Brent removed to Virginia and settled near Aquia Creek. Here he flourished as a man of means and owner of real property, obtaining grants through the transporting of persons to the Colony.

Although stiff penalties (including a fine of 20 pounds per month) were imposed by the Virginia legislature on recusants (those who refused to attend Anglican worship) it appears that these were not enforced against the Brents and they became perhaps the most prominent family in the area.

ACQUIRED ISLAND IN 1694

The George Brent who had acquired our island in 1694 had settled in Stafford County in 1673. He became a landowner, Captain of the Militia, lawyer, Attorney-General of the Colony and finally a representative to the Virginia legislature. Certainly there is little evidence of religious persecution in the story of this family.

ON THE COVER

September — and back to school!

The cover for this month's Title News brings to mind the ever present need for improved and continuing education at all levels — with stockholders, employees, related professional groups, and the general public.

Your National Association is continually engaged in activities designed to project a favorable public image of the title industry, of the American Land Title Association, and of its members in a variety of ways — dissemination of TITLE NEWS to law libraries and others important to the industry; TV distribution of the ALTA movie; institutional advertising in leading trade journals; participation in the affairs of related professional groups; newspaper, radio, magazine, and television publicity; and frequent contacts with appropriate Government agencies.

To stimulate ALTA members in the advancement of promotional programs in their own communities, the National Office provides advertising mats, brochures, visual aids, sample press releases, display posters, promotional flyers, seals, and window decals, advertising blotters, suggested scripts for community speeches, public relations newsletters and the ALTA Directory.

Take advantage of the facilities provided by your National Association.

The George Brent who conveyed our island in 1791 to L'Enfant was probably George Brent, IV. Peter Charles L'Enfant was, of course the architect for the construction of the capitol city of the new county. Evidently he had found the type of stone he thought best for the construction of buildings. This stone, which had been mined in the area by early settlers, is a form of sandstone, sometimes called freestone because of the ease with which it could be cut.

History tells us that large blocks of this stone from the island were loaded on barges and hauled upstream to Washington for the construction of the Capitol Building. Freestone from Aquia was also used in the construction of the White House, Mount Vernon, Arlington, the old Cape Henry lighthouse and other Colonial buildings.

STANDS TEST OF TIME

The turmoil surrounding the construction of the Capitol Building is a story in itself. Not everyone in-

volved felt that freestone was the best choice. However, it has stood the test of time, as well as a fire during the war of 1812.

Apparently the island lay unused with its gaping hole after completion of the Capitol until its conveyance on a Land Warrant by the Commonwealth of Virginia in 1877. The area had been in an important line of defense during the Civil War. Under the Land Warrant system anyone who would pay the purchase price for unappropriated land could obtain a warrant from the state and later a grant based on a survey. Our insured's predecessor in title had obtained such a grant which appears to have been worthless in view of the title being vested at the time in the United States as successor to the Commissioners of the District of Columbia.

CLAIM IS SETTLED

Returning to the 20th century after our brief excursion into history, we decided to settle the claim with our insured by paying him the value of the island. This was done and the latest chapter on Government Island, for us at least, was ended. We have since heard that the island was sold

by the government at public auction to an individual.

There are still some questions unanswered which intrigue us. What became of the one acre interest George Brent sold to Robert Stuart of "Baltimore Town"? Where did the name "Wigginton's Island" used in the deeds beginning with Lady Culpeper originate? We found no Wigginton in the chain of title. These and other questions we will leave to the professional historians.

This was an unusually interesting claim to handle and, I believe, makes an interesting story. However, it carries a very important moral regarding the certainty of land titles and an owner's protection regarding them. Our insured had a seemingly perfect chain of title of record as properly certified by a competent attorney who had correctly examined the records. He and his predecessors in title had been in possession, cutting timber on the island for many years. Yet he suffered a complete failure of title. Only because of having obtained a policy of title insurance, which protects against matters not appearing of record, was he able to save himself from loss on account of his defective title.

FOR SALE

Filmsoft 1000-D, 3-M Processor Camera: Five months old, same as new; original cost \$3,500.00, will sell \$2,250.00, shipping cost extra.

Contact George Murray, Manager—Owner of Machine
Argonaut Title Company
P. O. Box 478 — Jackson, California; or

Frank E. Good, Vice President
Louisville Title Insurance Company
P. O. Box 15038 — San Diego, California; or

Harrison H. Jones, Vice President
Louisville Title Insurance Company
223 South Fifth Street — Louisville, Kentucky

WRITE BY HAND

...or any other way



William _____ wife
Robert _____
Know all men by these presents that I William
and Betty, his wife of the town of Benfield County of Monroe
and State of New York in consideration of One hundred dollars to me
in hand paid by Robert _____ of the town aforesaid the receipt
whereof is hereby acknowledged have bargained sold and quit claimed
and by these presents do bargain sell and quit claim unto the said
Robert _____ and unto his heirs and assigns forever all my right
title and interest claim and demand in good to all that certain piece
or parcel of land situate in the town of Benfield of said (or) fifty
acres of land to be taken off from the south end of the south east divi-
sion of lot number one hundred in said town and bounded on the
east south and west by the lines of said division and on the north
by a line parallel with the south line of said division and so far
distant therefrom as will include fifty acres of land also one other
piece of land a part of north east division of number fifteen in
said town and bounded as follows commencing at the north east
corner of said division and running south by the east line of
said division six rods thence east eight rods thence north six rods
thence west six rods to the place of beginning containing forty
eight rods of land including all appurtenances if any that be able
able and excepting the hereditaments thereto belonging in witness
whereof I have hereunto set my hand and seal the day and year
first above written
Sealed and delivered
In presence of Daniel Embury Jr
on the 14th day of April 1858.
William _____ Jd.
Betsey _____ Jd.
Known and acknowledged
that on the 14th day of April 1858 personally came before
the above named William _____ and Betty his wife known to me
the undersigned _____ all recent the to them

Original records come in all ages and every conceivable condition. One may be a land grant, handwritten on sheepskin . . . another a slick piece of microfilm. There is only one way to get perfect copies from any existing record—photographically. And the best way is with a PHOTOSTAT® Photocopier!

No document—including deeds, mortgages, plats, tax rolls, court orders, marriage or birth records will ever stymie you. A date stamp, a light colored ink signature, a notary or corporate seal . . . all can be faithfully reproduced. A Photostat Photocopier can create a record, and copy from a record . . . loose leaf, bound volume or microfilm for every division of county government.

And, of course, when you make copies for the taxpayer, be sure those copies are permanent . . . make them on genuine Photostat brand papers. Let us send you the complete story. Write Itek Business Products, Rochester, New York 14603.

Itek



IN THE
ASSOCIATION
SPOTLIGHT

"Coconut" State Starts Association

Our 50th state now has a State Association known as the Hawaii Land Title Association according to word received from R. S. Ellsworth, Vice President of the newly formed association.

The first meeting of the Association was held in June and officers were elected for the first year.

Elia A. Long, of Long & Melone, Ltd. was made President; R. S. Ellsworth, of Security Title Corporation was chosen Vice President; and M. F. Temple Melone of Long & Melone, Ltd. was made Secretary-Treasurer; all of Honolulu.

Name Change

W. H. Allen & Son has incorporated under the name of Allen and Quinn, Inc. with offices in the Quinn Building at 106 1/2 East Third Street, Maryville, Missouri.

J. Darnell Quinn, President of the newly formed corporation, takes an active part in community affairs. He is presently serving as a Director of the Chamber of Commerce. He is well familiar with Real Estate, having been a mortgage loan representative with the Travelers Insurance Co. for twelve years.

Officers of the corporation are; J. Darnell Quinn, President; Calvin Allen, Vice President and Treasurer; and Eva Quinn, Secretary.

FHA Mortgages

As of July 1 the average secondary market price for immediate delivery of FHA-insured 5-1/4 percent new-home mortgages with 10 percent downpayments and 25-year terms remained unchanged at \$98.5 per \$100 of outstanding loan amount for the eighth consecutive month, while the national average for 30-year term mortgages with minimum downpayments remained at \$98.2 for the fourteenth consecutive month.

Seven offices of the 74 reporting indicated an increase of one-half a point or more for loans with 25-year maturities, while four offices reported decreases of this magnitude. For 30-year loans two offices reported one-half a point or greater increases, and four reported equivalent decreases.

These data reflect the best information available to the FHA insuring office Directors throughout the United States, although they are not based on summaries of actual transactions. Taking into account the probable volume of secondary market sales in each of the insuring offices, a weighting procedure is used in the compilation of zone and national averages.

Regionally, average prices for 25-year mortgages ranged from a high of \$99.6 in the Northeastern States to a low of \$98.1 in the Southeast. Averages reported for the Southeastern, North Central, and Southwestern States each increased one-tenth of a point as of July 1, while that for the Northeast declined one-fifth of a point. The regional average prices

for 30-year mortgages — also highest in the Northeast (\$99.4) and lowest in the Southeast (\$97.7) — dropped one-fifth of a point in the Northeast and one-tenth in the West, while continuing unchanged in the remaining geographical areas of the United States.

Availability of mortgage money was considered adequate for financing of FHA Section 203 (b) mortgages in all but one FHA insuring office on July 1, while all offices reported adequate funds for financing conventional mortgages — continuing a condition that has prevailed for over two years.

On a national basis, the average interest rate for conventional first mortgages on new homes remained at 5.80% for the fifteenth consecutive month on July 1, according to FHA insuring office Directors, while the existing-home rate was unchanged at 5.85%. Regionally, the average new-home rates decreased in the Northeast and Southeast, while those in the remainder of the country were unchanged. The existing-home rates were unchanged in all areas of the country. The rates for new-home transactions ranged from a low of 5.60% in the Northeast to 6.15% in the West, while those for existing-home mortgages varied from 5.70% to 6.15% in the same respective areas.

Kappock and Cohen

On August 15, Thomas J. Kappock observed a unique occasion attained by few persons, the celebration of his 60th anniversary of employment with Title Guarantee, New York, N.Y. This is the longest single record of employment.

Mr. Kappock started in the traditional "office boy" position in the Manhattan office of the company.

He moved up the ladder to Assistant Manager, Manager, Assistant Secretary, Assistant Vice President and then Vice President. He was officer in charge of the Midtown

Branch Banking office of the then Title Guarantee and Trust Company for four years from January, 1945 to December, 1948, when he returned to the main office as Sales Counsel and later became Secretary of the company between 1950 and 1953. When the company opened its offices in New Jersey in August of that year, he became the Vice President in charge of Sales activities in that state.

Mr. Kappock is an active member of the Peter Minuit Post No. 1247 of the American Legion, which is composed of members of the real estate profession. He has held several offices including that of Commander of the Post during 1951-1952.

Also We Learn That

George L. Cohen, Assistant Counsel in the New York Closing Department of The Title Guarantee Company completed his 50th anniversary with the company in June. Starting as a title examiner, he later became a closing attorney. In 1948 he was named Assistant Solicitor and was elected to his present office in 1950.

Within the legal and real estate fraternity Mr. Cohen has been affectionately and respectfully conferred the informal title of Dean of Title Closers. He has participated in real estate closings that range from the minimum fee to those in the multi-million dollar category. His two great sources of pride are his participation in the closing of the parcels bordering the East River in Manhattan which became the home of the United Nations and of the transfer of ownership in 1961 of the world's tallest structure, the Empire State Building.

Mr. Cohen is a native New Yorker, having completed all his schooling locally. He is a graduate of the City College of New York and obtained his L.L.B. from Columbia Law School. He was admitted to the Bar in New York State in 1912. Mr. Cohen has remained interested in alumni affairs of C.C.N.Y. and currently is President and a Director of the City College Club. An active Mason, Mr. Cohen is past President of the Sixth District Masonic organization and became a Right Worshipful in 1962.

Osborn Made Manager

Mr. John M. Clements, Chairman of the Board of Phoenix Title and Trust Company, Phoenix, Arizona announces that Jack Osborn was appointed Manager of Phoenix Title and



Trust Company's County office. The office opened on July 23, 1964 in the Southern Trust Building, 550 Grand Avenue, Nogales, Arizona.

Osborn has been with Phoenix Title and Trust Company for over 13 years and was transferred to the Tucson office effective April 1, 1964 from the Prescott office where he was manager.

He is a native Arizonan, attended Phoenix schools and is an Alumnus of the University of Arizona. During his stay in Prescott he was a member and director of the Prescott Rotary Club and the Yavapai Community Hospital, President of the Yavapai County chapter of the U. of A. Alumni Association, a member of the Prescott Centennial Commission, the Prescott Corral of the Westerners, the Elks Club, Yavapai Cattle Growers Association and the Smoki People of Prescott. He and his wife, Norma, will reside on Del Monte Road in Beatus Ranch Estates.

Compilation of the Santa Cruz County title plant began with the microfilming of all of the records maintained in the office of the County Recorder of Santa Cruz County at Nogales, Arizona. The new title plant represents the entire history of land titles in Santa Cruz County. Some of the original instruments so microfilmed and printed came into existence prior to the year 1897, one of the older Deeds being dated 4-29-1865.

Ohio Firm Buys D.C. Operation

Merger of the business of The District Title Insurance Co., The Washington Title Insurance Co., and The Realty Title Insurance Co. was announced recently.

The new firm will operate as the District-Realty Title Insurance Corporation, under a charter granted by the State of Maryland.

The announcement was made by William B. Wheeler, Chairman of the Board of Directors of the new company. Mr. Wheeler has served as Chairman of the Boards of the predecessor companies since early 1962.

President of the new company is H. Stanley Stine, who has been associated with District Title since 1926. E. Spencer Fitzgerald and Howard Bernstein will serve as Executive Vice Presidents.

Mr. Wheeler said directors of the predecessor firms will continue as directors of the new District-Realty Title Insurance Corporation. The three boards have approved the merger.

All three of the companies date back to the 1890s, with the oldest being chartered in 1891.

The present management took control of the District organization in January 1961. In early 1962, the District group bought the stock of Realty Title. Since that time, the firms have been operating as a group but under separate day-to-day administrative managements.

Mr. Wheeler said the new merger will not result in any personnel changes. Several departments will be intergrated within the next few months and by early 1965, management hopes to have the operation all under one roof.

At present, District Title's offices are at 1413 Eye Street, and Realty's headquarters, 1424 K Street.

Mr. Wheeler said a fourth firm, The Lawyers Title Insurance Co., will continue as a District chartered corporation.

Mr. Wheeler also announced that District-Realty has become associated

with Ohio Title Corporation and The Guarantee Title & Trust Company, both of Ohio.

Elected to Board

Robert P. Stewart, Jr., President of Southwest Title and Abstract Company has been elected to the Board of Directors of North Dallas Bank & Trust Company, Dallas, Texas. Darrell Lafitte, President of North Dallas Bank made the announcement following a recent Directors meeting.

Mr. Stewart is a veteran of World War II and a graduate of the University of Georgia. He gained his legal education at SMU, Texas College of Law and the University of Houston.

Mr. Stewart resides with his wife and four children at 4348 Shenandoah. He is a member of the Highland Park Presbyterian Church.

Meet Frank Ebersole

ALTA members who attended the 1964 Mid-Winter Conference in Las Vegas had the opportunity to meet Frank Ebersole, Administrative Assistant of the ALTA. To better acquaint the members who were not present, we report that Frank is 31 years old and has a background of creative selling. He is responsible for production and maintenance of ALTA supplies and records. He is married and has three children.



"Clipper" Smith Appointed

The appointment of M. J. "Clipper" Smith as a business development representative for Title Insurance and Trust Company, Los Angeles, California, Orange County Operations, has been announced by Walter

A. Corbin, Vice-President and Orange County Manager.



A native of Kankakee County, Illinois, "Clipper" Smith was a protégé of Knute Rockne, having played on four of Notre Dame's teams during the twenties. He was

Director of Athletics and Head Football Coach at Gonzaga, Santa Clara, and Villanova. In 1947 he coached the Boston Yanks of the National Football League and later became Director of Public Relations with the Los Angeles Rams. He is a graduate of the University of Notre Dame College of Law and taught at the University of Santa Clara Law School.

Smith resides with his family in South Laguna.

John J. Hatala

John J. Hatala has been appointed manager of the home office escrow department of Title and Trust Company, Portland, Oregon, and elected an assistant secretary, according to announcement by Donald V. McCallum, President.

Hatala joined Title and Trust Company in 1946 and since 1952 has served as an escrow officer. Hatala was born in Pennsylvania, attended schools in Portland, Oregon, and served in the U.S. Army Signal Corps during World War II and during the Korean War.

He is a member of Knights of Columbus.

He and his wife, Aileen, reside at 1837 S.E. Ash Street.

Sees Bright Future

Residential construction with ample funds for financing will continue at a high level, predicted Jeffery Holbrook, Executive Vice President of Commonwealth, Inc., Portland, Oregon, at the Second General Session of the two-day National Mortgage Banking Conference sponsored by the Mortgage Bankers Association of America at the Denver Hilton Hotel. Holbrook, whose company has branch offices in Alaska, Idaho, Washington, and California, as well as Oregon, stated, "Looking ahead for a year, the concensus, as supported by fact, indicates that housing will continue with strength; apartment house vacancies will increase but the building level will hold. Interest in industrial property will continue high due to continued business capital investment. Demand for undeveloped land in all categories will continue to be strong with increasing pressure from scarcity. Availability of mortgage funds will continue at approximately the same level with interest rates relatively at a constant but with a continued deterioration of loan quality.

"Two secondary issues influencing finance are the antidiscrimination measures and governmental participation in urban renewal," he continued. "To date the antidiscrimination measures have had little, if any, impact upon the real estate market but can be expected to as the law is tested. An enlarged federal program in the urban renewal area is considered to be dangerous to real estate interests unless the emphasis is pointed towards development by private enterprise and with implementation by local government.

"Hotels, motels and offices are in a reasonable balance of supply and demand. There is strong evidence, however, of overbuilding in all categories. The period of one year, then, is a year of strength. The longer term picture has a different interpretation with the spectre of overbuilding.

"In all categories it appears that overbuilding is imminent. As over

supply increases, the principal effect will be upon older properties which will experience abrupt decline in value. Soundly conceived, conservatively financed projects will have no difficulty, and the demand for such quality real estate will continue strong. The pressures of a super abundance of mortgage money and the resultant quality of investment decline will contribute to the basic concept of over supply.

"The long-term picture of real estate will be most profoundly influenced by the rapidity with which local governmental agencies can change their thinking in zoning and planning to attain best land utilization. The increasing penalties of taxes on real estate will have a definite tendency to impair values in all segments of real estate. Increasing residential taxes will decrease the quantity and quality of home that an individual can afford. This will force a market toward shared tax base through a concept of condominium or the equivalent. Utilization of industrial property will tend to localize in those areas having the most favorable tax climate coupled with available labor at lowest cost. Local taxing, then, will influence the migration of industry. Income properties, with increasing tax burden and increasing operating costs, will decline in net income. The return upon invested real estate will not compare as favorably in the competitive investment market as it has to other types of investment, thus causing a slowdown in sale and expansion of real estate.

"The scarcity of quality real estate investment in relation to demand will continue to increase multiple ownership. The syndicate or joint venture will continue to decline as a device of such ownership. Real estate trusts will gain in popularity and will become an increasingly potent market factor."

In concluding, Holbrook stressed that, "The mortgage banker can participate in this overall realm of good real estate expectancy only by assuming responsibility for:

1. Reduction of governmental control.

2. Improved land planning and utilization.
3. Quality of mortgage collateral.
4. Overbuilding.
5. Control of urban renewal.
6. Participation in all matters of general welfare affecting real estate.

Active Market

An extremely active market is generally expected in the sale and lease of industrial property during the second half of 1964.

This is indicated in a market report of the Department of Research of the National Association of Real Estate Boards that was released recently by Jack Justice, Miami Beach, Fla., Vice-President first named of NAREB. A total of 95 Realtors in all parts of the country took part in this phase of the study.

"Industry has been making unexpected progress in increasing production, volume of sales, and profits," Mr. Justice said. "No small part of this achievement is attributable to mechanization and to the architectural design which has made this greater efficiency possible.

"The one-story ultra-modern factory or warehouse has facilitated mechanization," he said. "The invention of more versatile machinery has increased the need for single-story structures capable of carrying the floor load imposed by heavy equipment. These buildings require extensive space. In recent years acres of well-planned, carefully landscaped industrial facilities have come into being. Many are on the periphery of metropolitan areas, and it looks as though this trend will continue."

Fifty-four per cent of the industrial property specialists who comprise NAREB's reporting panel look for a rise in the dollar volume of sales and leases during the next six months, Mr. Justice said. Transfers at a rate similar to the current one are expected by 43 per cent of our reporters and lower rates are seen by 3 per cent, he said.

Prices, over-all, are expected to be somewhat higher the second half of

1964 the study shows. While 56 per cent look for values to be stable, 40 per cent predict a price increase compared to 4 per cent who think prices will decline.

"Long range plans for business expansion are reflected in today's vigorous demand for land suitable for industrial construction," Mr. Justice added. "Features of environment such as power, water, labor supply, and market proximity continue to be salient factors in selection.

"Although characteristics of the land itself are obviously important, in recent years a geological feature has become an essential. The stratum must be of a quality, that with reasonable expenditure for piling, will support the floor loading that modern mechanization requires.

"Despite the network of highways which has added to the supply of accessible land, prices of sites for industrial use have continued to climb. This trend is reported for both improved and unimproved sites."

For improved sites, prices are higher in two-thirds of the nation than a year ago, stable in 30 per cent, and lower in 4 per cent, the report indicates. Where the land is adaptable to industrial occupancy but unimproved, prices are up in 64 per cent of the country, unchanged in 25 per cent, and down in 11 per cent, the study shows.

"Prices of one-story structures are stable in a majority of areas, though where prices have changed, they are more often higher," Mr. Justice said.

"Prices of multi-story properties have continued to soften. Ingenious conversions have been reported, but these are scattered cases. The downward drift of values is more prevalent."

Smaller businesses stressing efficiency and modernization are actively acquiring industrial property appropriate to the long-range expansion widely expected, Mr. Justice said.

He added that the dollar volume of sales and leases of sites as well as of one-story structures, for either

manufacturing or warehousing, exceeds that of a year ago.

"The sluggish market for multi-story structures, whether designed for manufacturing or for warehousing, has continued," Mr. Justice said. "The dollar volume of sales and leases is the same as last year in over half of the nation and lower in roughly a third.

"The rise in industrial production, sales, and profits has increased the demand for modern one-story facilities, raising the level of occupancy of existing buildings. At the same time more and more space in multi-story structures is standing empty."

Eminent Domain?—A Protest

R---, Ida, Aug. 13 48

Dear Sir I liven in R--- since 1912 and my husband is 84 years and all we have is here and I worked trble hard all of my life try to get a place to spend my old age and now to think they are going to try and come in and takes it a way and there is a lot of old people in the 3 townes and they are all just wearing they selves sick about all of this coming out in the papers I taken care of and old Dr and wife that I knew all the time ever since I ben in R--- and they are both invelant and he Dr me thorow 2 childre Birth and they are shure weared she hasent walked a step for ayear and he cant twalk and my man walkes with cruches and we have a nce little quiet town and no ones wantes to be kicked out and just this month my only boy sold out of agarage ni San Diego and he coming and we have all plans to put a 3 thousand cement buildin so he can be close to us the rest of ours days he was in the army over 3 years and all of the old people are shure wered and so many has their men in the Grave Yard and they dont see how it can be moved because there is just a few burried in a valt there never has ben any thing that het here that has caused the exsistmant and M---ville doesent even want it to happen a lot of this valley goes there to traid and it reckit to it wont be quite so bad for

the young people but there isent any of the old that will even be satfied any where here is out homes and we wrased our children and worked hard for our homes and why should we want to be toren up and abut the school for the people that has childre in school and My Boy was Borned and rassed till finishen high school then the next fall he went to Lost Angeless to the weldin school to tran for the army and all the years he ben there and now he sold out to come here and it weares me till I dont sleep nighis to think of being in such a mess when he comes I dont know what the boor by will do he only has one eye and a floating kidney and he so thin the Dr said it would do any good to Op on it there was no fat to cushen it so I am shure wered he was in the army when it happened and they would even Op or never gave him a sent so I dont think much of the army naturlly I would and no one could blaim me for that eather and naturely we dont want the Dam it might help Wash and Oregon but I cant see where it do Ida much good any waw when the howes is so short there is such a demand for house in R--- and T--- I cant understand where we wll all live there isent any of them wantes be below the dam and it no place for old people on the old cold hills Mr. L--- came here for our helih he could stand the wond on the Nez Perce perry and it was so high and my heart was so bad I could live there he used coff all night and we feel better here very truly Mr Mrs Jim L---

GENUINE
Engraved Stationery

FREE DIES AND PROOFS

LETTERHEADS

\$19⁰⁰ FOR 1000

BUSINESS CARDS 500 FOR \$11.00 • 1000 FOR \$15.00
BUSINESS ANNOUNCEMENTS 500 FOR 28.00
RUBBER STAMPS .60¢ PER LINE OVER 3/4" \$1.20 PER LINE
NOTARY OR CORP SEALS · HAND OR DESK \$7.95

Write for **FREE PROOF TODAY**

DEWBERRY ENGRAVING CO. | **WORLD'S LARGEST ENGRAVER**
3201 SO. 4TH AVE., BIRMINGHAM, ALA.

Distinguished Jurist to Address ALTA Convention

Judge Adrian Bonnelly was born on May 6, 1890, in the shadows of the famed Fulton Fish Market, on the Lower East side of New York. He attended P.S. I and the City College of New York. He later became secretary to Congressman Otto G. Foelker, of the Third Congressional District of New York. Subsequently, he entered the United States Immigration Service and was stationed; in Washington, D.C., Ellis Island, N.Y. and Philadelphia, Pa. In 1914 he was appointed assistant Clerk of the Orphans' Court of Philadelphia. He entered Temple University Law School and was admitted to the Philadelphia Bar, September, 1919.

He is a man who has devoted a lifetime to public service.

In 1935 he was appointed by the then Governor George H. Earle as First Deputy Attorney General of Pennsylvania. A few years later he resigned to become General Counsel for the Delaware Joint Commission, now the Port of Philadelphia Authority. On December 2, 1938, the same Governor appointed him judge of the Municipal Court of Philadelphia. In 1939 he received the Democratic and Republican nominations and was elected to a full term of ten years. He was re-elected in 1949 and 1959. On January 5, 1959, he was elected by his colleagues as President Judge of the Court. In the Legislature of 1961, the Judge was instrumental in the



JUDGE ADRIAN BONNELLY

passage of the act changing the name of the Municipal Court to the County Court of Philadelphia.

Judge Bonnelly's early struggle for survival, his intimate contact with peoples of all races, national ties and religions, his widespread and varied knowledge of the law, his vast experience in the problems of human behavior, have given him a deep perception and an awareness of the weaknesses, as well as the strength of his fellowman.

ADRIAN BONNELLY, the man and his interests are so universal, the depth and vibrancy of his personality are such, that he has been active in practically every communal, civic, charitable, and philanthropic endeavor. His infectious smile, his ready wit, and the deep sense of loyalty to his friends, have endeared him to a multitude of people who love and admire him.

ALTA Host to Philadelphia

On July 20 nineteen financial editors, real estate editors, and radio and television program directors and commentators were guests of the ALTA at a luncheon press conference at the Bellevue Stratford Hotel. Principal credit for the excellent attendance goes to the members of the Convention Committee under the chairmanship of Andy Sheard. A particular word of thanks is extended to Fred Fromhold, Chairman of the Publicity Committee and his associate, Ed Schmidt.

Members of the Philadelphia press were treated to a showing of the ALTA film, "A Place Under the Sun." Press kits were distributed and while there were no formal speeches, considerable interest in the Association and the Convention was evidenced by the number of questions asked by the newsmen.

The excellent turnout for the press conference assures unusually fine publicity for the 1964 Annual Convention. Feature stories have already appeared in some Philadelphia newspapers; a television interview has been promised at the time of the Convention; a complete Convention issue will be published in the important **Eastern Banker** magazine.

BELOW: — (left) Philadelphia editors relax at the Bellevue Stratford Hotel before the press conference. (center) Fred Fromhold, Chairman of the Publicity Committee, outlines Convention Program for Jules Rind, News Director of WPEN Radio. (right) Convention Chairman Sheard briefs the newsmen regarding Convention activities.



Press

vention
plicity
nched
July
erence



ABOVE:

Representatives of Philadelphia's leading news media met for lunch with the city's titlemen.



LEFT:

Andy Sheard (center) scans Convention Program with (left) Gordon Burlingame and (right) Ed Schmidt, members of his Committee.





State Association

CORNER

"Bud" Herbold President At Montana Co

Early in the week of June 7, tragedy struck in Montana. Flash floods and torrential rains swept down upon major metropolitan areas bringing death and destruction in their wake.

Just two days later with roads, buildings, and railroads still under repair, the members of the Montana Land Title Association met in Lewistown for a fine program of business sessions and lively social entertainment.

C. J. "Bud" Herbold was elected President while J. L. Cady, Jr., was named Secretary-Treasurer.

The meeting opened June 11 with a golf tournament and a reception sponsored by the First Title Insurance Company of Montana. Business sessions included speeches on "Water Rights," "History of Montana," and "Taxes Assessed on Right of Entry." The Annual Banquet was a riot. Floradora girls from the adjoining town did a cancan number that kept the house in an uproar.

BELOW: — (Left) The speakers' table at the Annual Banquet. (Center) Presiding at the Convention was Oscar Callant. Seated is K. D. Smith. (Right) The banquet entertainment took over the head table so everyone could get into the act.

Flood Fails Annual



Press

vention
plicity
nched
July
erence



ABOVE:

Representatives of Philadelphia's leading news media met for lunch with the city's titlemen.



LEFT:

Andy Sheard (center) scans Convention Program with (left) Gordon Burlingame and (right) Ed Schmidt, members of his Committee.





State Association

CORNER

"Bud" Herbold Preside At Montana Co

Early in the week of June 7, tragedy struck in Montana. Flash floods and torrential rains swept down upon major metropolitan areas bringing death and destruction in their wake.

Just two days later with roads, buildings, and railroads still under repair, the members of the Montana Land Title Association met in Lewistown for a fine program of business sessions and lively social entertainment.

C. J. "Bud" Herbold was elected President while J. L. Cady, Jr., was named Secretary-Treasurer.

The meeting opened June 11 with a golf tournament and a reception sponsored by the First Title Insurance Company of Montana. Business sessions included speeches on "Water Rights," "History of Montana," and "Taxes Assessed on Right of Entry." The Annual Banquet was a riot. Floradora girls from the adjoining town did a cancan number that kept the house in an uproar.

BELOW: — (Left) The speakers' table at the Annual Banquet. (Center) Presiding at the Convention was Oscar Callant. Seated is K. D. Smith. (Right) The banquet entertainment took over the head table so everyone could get into the act.

Flood Fails Annual



Elected nt nvention

to Dampen Meeting



ABOVE: — Retiring officers pose for the ALTA camera. They are (left to right) Vice President F. B. Weed; Secretary-Treasurer, K. D. Smith; President Oscar J. Callant.



LEFT: — Newly elected President "Bud" Herbold (center) is pictured with (left) Fritz Weed, Vice President, and (right) J. L. Cady, Jr., Secretary-Treasurer.



NEW JERSEY INSURANCE

The 42nd Annual Convention of the New Jersey Land Title Insurance Association opened at Seaview Country Club at Absecon, New Jersey, on Friday, June 12th.

The following officers were elected to serve during the ensuing year:

President: WILLIAM J. STILLMAN
Vice-President, Lawyers-Clinton
Title Insurance Company

First Vice President: CLARENCE G. LEDOGAR,
Vice-President, South Jersey
Title Insurance Company

Second Vice President: ROBERT F. MEYER,
Senior Title Officer,
Chelsea Title and Guaranty Co.

Treasurer: ROBERT M. DIX,
Vice-President, New Jersey
Realty Title Insurance Co.

Newly elected Vice President, Clarence G. Ledogar and Mrs. Ledogar.



New President of the
New Jersey Land Title
Insurance Association



Mr. and Mrs. Robert F. Meyers (left) exchanged pleasantries with Mr. and Mrs. McDermott.



LAND TITLE ASSOCIATION

Executive Secretary: EMIL E. KUSALA,
Title Officer, Central
Guaranty Mortgage and Title Co.

The American Land Title Association was represented by its Executive Vice President, Joseph H. Smith, who reported on the state of the industry and brought the New Jersey members up to date on affairs in the Nation's Capital.

Among the other distinguished out-of-state guests was William H. Deatly, President of The Title Guarantee Company, New York — a past President of the American Land Title Association.

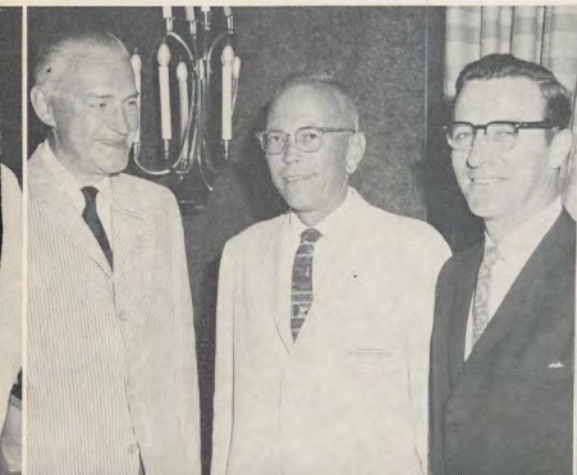
The retiring President of the New Jersey Land Title Insurance Association was F. Victor Westermaier, Jr., Assistant Vice President of West Jersey Title and Guaranty Company.



William J. Stillman
with Mrs. Stillman.

Mrs. F. Victor Westermaier is shown
with her husband, the immediate
past President of the New Jersey
Land Title Insurance Association.

ALTA past President William H. Deatly (left)
greet the Association's Executive Vice President,
Joseph H. Smith. William J. Stillman, New Jersey's
new President is in the center.



ILLINOIS TI ASSOC



S LAND LE IATION





ABOVE: — The Board of Directors of the Illinois Land Title Association take time out from a busy Convention to pose for the ALTA camera.

Retiring President Hartzell Givens giving an account of his stewardship.

The 57th Annual Convention of the Illinois Land Title Association was called to order at 9:00 a.m., Thursday, June 18, by Hartzell Givens, the retiring President. On the previous day, Illinois titlemen gathered to renew old acquaintances and to enjoy the hospitality of the host companies at a pre-convention gathering.

Representing the American Land Title Association was Joseph H. Smith, Executive Vice President, who reported on "The ALTA and You."



It was a busy two days at the Illinois Convention with business meetings, cocktail parties, and an outstanding Annual Banquet.

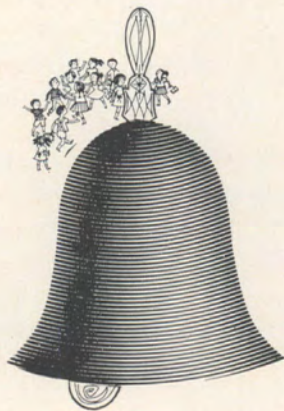
Among the important contributions to the business portion of the program were "Land Development," "Man's Search for Integrity," "Back Along the Right of Way," "Searching the Record for Taxes," and "Prospects in Urban Renewal."

Lively workshop sessions moderated by Charles B. Roe, Manager of the Roe Abstract Company in Pinckeyville, was devoted to the subject, "Innovation: Some Problems and Answers."

Charles B. Roe was elected to serve as President of the Illinois Land Title Association for the ensuing year. Mrs. Marjorie R. Bennett, Menard County Abstract Company, Petersburg, Illinois, was re-elected Secretary.

PLAN NOW

To Attend the



58th Annual Convention

SEPTEMBER 20-23, 1964

Bellevue-Stratford Hotel
Philadelphia, Pennsylvania



**TYPICAL
CONVENTION
SCENES**

An extremely well balanced program was offered to Michigan titlemen and women who attended the 62nd Annual Convention of the Michigan Land Title Association, June 28-30, at Shanty Creek Lodge, Bellaire, Michigan.

Ray L. Potter, Vice President and Chief Title Officer of Burton Abstract and Title Company, presided over the opening business session June 29. ALTA's Executive Vice President, Joseph H. Smith, reported on national affairs; and Clem Silvers, President of the ALTA, made an excellent presentation based upon his full years' experience in attending other state association conventions.

Excellent discussions were held on "Legislation and Judicial Actions," "Uniform Commercial Code," and "Dramatic Changes in the Title Industry to Date."

A cocktail party sponsored by Burton Abstract and Title Company, Lawyers Title Insurance Company, and the Michigan Title Company preceded the Annual Banquet.

Clarence Burton was re-elected as President of the Association for 1964-65. Reid J. Hatfield was named Association Secretary.



Clarence Burton Re-Elected As President of Michigan Land Title Association



**TYPICAL
CONVENTION
SCENES**



R. Earle Graves, Jr. (left) immediate past President, is presented a plaque of appreciation by Clarence Burton.

ALTA CONVENTION DELAGATES

WILL DANCE TO THE
MUSIC OF THE

GLENN MILLER BAND

Andy Sheard, General Convention Chairman, has announced arrangements for the Glenn Miller Band, directed by Ray McKinley, to provide dance music at the Annual Banquet, Wednesday, September 23.

The reorganization of the legendary Glenn Miller Orchestra has brought about several important reunions, not the least of which brings leader Ray McKinley and versatile instrumentalist Lenny Hambro back together again.



RAY MCKINLEY

Born in New York, Lenny Hambro first began the study of the saxophone at the age of fourteen and while still in high school found himself playing with such musicians as Stan Getz and Shorty Rogers. At the age of seventeen, he auditioned for Gene Krupa at the Paramount Theatre in New York, and made it. A few months later, he was called into the Army.





LENNY HAMBRO

After his discharge in 1946, he joined Billy Butterfield's new band, making several recordings with them and played almost a year with Bobby Byrne's band, doing the usual one-nighters, locations in and out of New York, recordings and transcriptions.

Lenny left the Bryne Band to study the Schillinger System of arranging with Rudolph Schramm at N.Y.U. Due to financial difficulties, he was forced to abandon his studies and rejoined Krupa on lead Alto. It was during this period that he bought a flute and after a short while he was playing it with the band. After a few years, he was back in New York, studying the flute and clarinet more extensively and playing with Pupi Campo at the Riviera in New Jersey. In 1951 he joined Ray McKinley on first saxophone, jazz clarinet, jazz Alto and flute. Since Ray's Band was working out of New York, Lenny found many opportunities to record with other bands and eventually found himself signed exclusively to Savoy Records with a small jazz band of his own.

In the last eight years, he has recorded with such bands as Gene Krupa, Billy Butterfield, Bobby Byrne, Russ Case, Chico O'Farrell, Neal

Heft, Sauther-Finegan, Machito, Tito Puente, Tio Rodriguez, etc.

He can also be heard on recordings with many vocalists and groups, including Fran Warren, Jackie Paris, the McGuire Sisters, the De Marco Sisters, Connie Boswell, the Ray Charles Singers, Dinah Washington, and Sammy Davis, Jr.

And, of course, Lenny recorded with the fine Ray McKinley Organization.

When Ray found himself faced with the job of bringing together the finest musicians available to recreate the sound and the spirit of the Glenn Miller Orchestra, he immediately thought of Lenny Hambro. At this time, however, Lenny's first release on Columbia Records, "Message from Hambro," was breaking big and creating a demand for personal appearances by the Lenny Hambro Quintet. But Lenny couldn't resist the opportunity to work once again with Ray McKinley and to be a part of such an exciting organization as the Glenn Miller Orchestra. His fans will be happy to know that Lenny's great Quintet music will be a featured attraction with the Glenn Miller Orchestra, under the direction of Ray McKinley.

Vocalist, JOAN SHEPHERD



The Good Earth – Home Ownership



By **RICHARD A. HOGAN**

**Vice President, Washington Title Insurance Company
SEATTLE, WASHINGTON**

Land means different things to different people or, perhaps, even to the same person. It arouses some feeling in everyone because it is constantly underfoot.

Land is the prime beginning point for all economic and industrial development. The minerals which lurk in its constantly explored depths provide industry and labor with the materials to create the new mechanical contrivances needed in our materialistic society. Oil and gas gush out of its scientifically purged bowels to provide internal combustion to a mechanized world. Farms everlastingly scratch its irritated surface to feed the multitudes and to provide Congress with constant farm problems. In short, all materialistic things, good or bad of which we have present knowledge find their beginnings in the land.

The acquisition and control of land has been the cause of most wars between nations, the underlying reason for a majority of all lawsuits, the basis for legislation at all levels of government, the most valuable subject matter in the market place. The ownership and control of good land admirably located has been an underlying reason for the economic, social and cultural growth of a na-

tion and the lack of good land is internationally considered a valid excuse for the lack of such development. It is the toy of the legislature, the plaything of the law, and the tool of the tax gatherer.

Its most appealing use is for homes. Ownership of a home, be it ever so humble, may — even ownership of the smallest equity in a home seems to bring out the best in people. The slightest evidence of ownership seems to psychotically imbue the average citizen with Home-Ownerism. The symptoms are such things as community mindedness, good neighborliness, political consciousness, tax awareness, urban renewalism, and Great-Seattleitism. There are of course many other stigmata indicating an aroused interest in community and national affairs which alchemically take place in the attitudes of the average citizen when the bug of ownership strikes home.

There are many agencies and services that help to bring about this highly desired condition. It begins with the purchase of a home. Skilled real estate brokers assist in the bringing of seller and buyer into harmonious agreement. The mortgage banking industry and other highly financial institutions are prepared to fi-

nance the purchase upon very slight provocation. But despite these helpful services, the acquisition of land is still fraught with unknown perils to those who deal with it without title evidence.

It is the title which is the real subject matter of any sale, conveyance or mortgage. The house is merely one of the fringe benefits that goes along with the title. Title is a legal concept which includes a collection of all or most of the effective rights of ownership.

There are several things that contribute to the difficulty of determining land ownership or the state of the title. The first is the nature of land itself. Land is immovable, permanent and valuable. Because it has these characteristics, it has always been a favorite roosting place for various forms of governmental liens such as taxes, and for individual liens such as judgements. Land also makes fine security for individual debts. Home ownership as we know it today would not be possible without the amortized mortgage loan which makes it not only feasible, but economically desirable for a young couple just starting out to incur and remain constantly in debt for a major portion of their lives. Nowadays, it takes a heap of payments to make a house a home.

Land is also capable of multiple ownership and there is no limitation as to the number of outstanding ownership rights that may affect it. Land has always been regarded as a unique substance by the courts. The law says that every tract of land is owned by someone, but as a practical matter, it is sometimes extremely difficult to determine by whom. In the same tract it is perfectly possible for one person to own the fee simple estate and another person to have a life estate in that land, mineral rights in some other person, and a leasehold in another, operating simultaneously with the various easements held by utility companies. In addition, each such interest may be subject to a mortgage. It can get confusing. It takes good judgment to figure some of these things out. Good judgment

comes from experience and experience comes from poor judgment.

In addition to these factors, man in the generic sense has been most inventive in finding new ways to louse up titles. His peccadilloes, his marriages and divorces and the lack of same, his refusal to be decently probated after death, his ability to become mentally incompetent at the slightest stoppage of his tranquilizer pills, his over addiction to the easy payment plan for achieving bankruptcy, all of these things affect land titles adversely and provide additional reasons for thorough title research.

It is quite apparent that no rational purchaser or lender is going to buy into one of these messes if he can avoid it. If he knows about it, he is going to take precautionary steps to have the title cleared in order to obtain the title he bargained for.

Providing security of title is the principal function of the title insuring process. Its first function is to show the state of the title: who owns it, and what is against it. This is performed by the preliminary commitment of title. Its second function is to provide security for the closing of a real estate transaction, largely through supplemental reports which give up dated information up to the moment of closing. Its final function is to compensate and protect the insured purchaser or mortgagee against loss and defects which are not disclosed in the policy and are within its coverage. This function is performed by the policy itself which is issued after the transaction has been closed.

When these three major factors of sale, financing, and title guaranty function properly, secured home ownership becomes more than an unfulfilled dream and becomes a factual, practical actuality.

Our thanks to Richard Hogan for an inspiring message. The above article was condensed from a speech Mr. Hogan recently delivered in Seattle. ALTA members will wish to borrow some of this material for talks in their own communities.



A cardinal objective of a title insurance policy is to keep the insured in possession of his real property. Toward this end a most careful search of the public records is made.

However, losses can and do occur. This is another in a series of case histories involving actual experience arising from title defects.

THE CASE OF THE UNDERINSURED OWNER

Sometimes title insurance policies are issued for less than the actual valuation of the property. Many times with the increase in value of real property the amount of coverage originally obtained does not cover the full value of the property. The need to have protection for the owner in the amount of his investment is illustrated by the following occurrence.

In 1920 Howard Brown and Thelma, his wife, and her son by a former marriage, Harold, moved from a middle-west state to the West. While Harold was driving the car they had an accident. Howard Brown was injured, and was permanently crippled. They drove on to a western state where they purchased a small farm for \$6,500.00. The property was conveyed to Howard Brown and Thelma Brown, his wife. The deed created a tenancy by the entirety. The West, and a crippled Howard, did not hold Thelma's interest and in 1925 she left Howard and returned with Harry to the state in which they had originally lived.

Howard Brown stayed on the farm with the help of his good neighbors who drove him to town and assisted him at home. In 1931 in consideration of an agreement to live with him and care for him for the rest of his life,

Howard conveyed the farm to William Johnson and Sena Johnson, his wife; the deed recited that Howard was unmarried. This arrangement proved to be unsatisfactory to all parties, and in 1932 William and Sena Johnson reconveyed the property to H. P. Jackson. In 1946 Howard conveyed the property to Richard Smith and Mary Smith, his wife. This deed recited that Howard was a widower, being the surviving spouse of Thelma Brown, deceased. He had known Mary Smith as a neighbor since she was a small girl. Mary and Richard Smith had agreed to take care of him for the rest of his life. No title insurance policy was purchased. They performed their part of the agreement well, and in 1950 Howard died.

Over a period of years Richard and Mary Smith spent almost \$4,000.00 improving the property.

In 1951 they found it necessary to borrow \$2,000.00 on this property. The mortgagee came to a title office in the county seat. He placed an order for a title insurance policy insuring Mary and Richard Smith in the amount of \$2,000.00. The mortgagee said that he did not desire to issue a policy for the full value of the property, but just wanted to cover the amount of his loan. The title examiner failed to require the applicant to produce the death certificate of Thelma Brown, and instead relied on

the recital in the deed. The policy was issued insuring the Smiths.

Later in the same year the same title office received an inquiry from another title company in a neighboring state asking it to make a search for any property in their county in the names of Howard or Thelma Brown. The title office reported that they could find no property on the tax rolls in these names.

A few weeks later George Jones came into the same office. He announced that he was married to Thelma Jones, formerly Thelma Brown, and that Thelma, instead of being dead, was very much alive. He told the title company that after Thelma returned to the mid-west, she sued Howard Brown for divorce and that a decree of divorce was entered. By the laws of the western state the divorce decree terminated the tenancy by the entirety between Howard and Thelma and each of them became the owners of an undivided one

half interest in the property as tenants in common. So Thelma Jones, formerly Thelma Brown, owned one-half of the Smith farm.

The property was appraised as having a present value of \$8,000.00. A partition suit was initiated by the Joneses and the court decreed that the property would be sold, and that the proceeds of the sale would be evenly distributed between Thelma Jones and Mr. and Mrs. Smith, with an allowance for the improvements by the Smiths.

The title company paid \$2,000.00 to their insured, the Smiths, and the Smiths had to put almost an equal amount with this in order to obtain a deed from Thelma Jones.

By paying a small additional premium at the time the policy was ordered, insurance could have been obtained for the full value of the property and the entire loss would have been the responsibility of the title company.

Meeting Timetable

SEPTEMBER 10-11-12

North Dakota Title Association
Holiday Inn Motel
Bismarck, North Dakota

SEPTEMBER 11-12

Kansas Title Association
Town House Hotel Kansas City, Kansas

SEPTEMBER 11-12

Utah Land Title Association
Ramada Inn Salt Lake City, Utah

SEPTEMBER 20-23

ANNUAL CONVENTION
American Land Title Association
Bellevue Stratford Hotel
Philadelphia, Pennsylvania

SEPTEMBER —

Louisiana Title Association
Roosevelt Hotel New Orleans, Louisiana

OCTOBER 11-12-13

Nebraska Title Association
New Tower Hotel Courts
Omaha, Nebraska

OCTOBER 18-19-20

Ohio Title Association
Comodore Perry Hotel Toledo, Ohio

OCTOBER 22-23-24

Wisconsin Title Association
Uphoff's Motel Lake Delton, Wisconsin

OCTOBER 25-26-27

Missouri Land Title Association
Belair East Motor Hotel
St. Louis, Missouri

NOVEMBER 8-9-10

Indiana Land Title Association
Claypool Hotel Indianapolis, Indiana

NOVEMBER 12-13-14

Florida Land Title Association
Lucayan Beach Hotel Freeport, Bahamas

NOVEMBER 13-14

Land Title Association of Arizona
Phoenix, Arizona

