

TITLE NEWS

THE OFFICIAL PUBLICATION OF THE
AMERICAN LAND TITLE ASSOCIATION ®

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MARCH, 1967



PRESIDENT'S MESSAGE

MARCH, 1967

Dear Friends in the Title Profession:

As this issue of Title News reaches most of you, the 1967 Mid-Winter Conference will have become history. I hope those of you who attended returned to your homes safely and with a feeling of accomplishment, having gained important knowledge about the industry and the Association and having made your own contributions toward the success of the meetings and the advancement of the title profession. Members who were present at the Mid-Winter Conference had the opportunity to meet Mike Goodin, who was employed by the ALTA last November. The addition of this fine young man to the executive staff provides the Association increased depth of managerial talent.

On two occasions, one in January and one in February, I visited the ALTA office in Washington, D.C., and spent considerable time in reviewing with the Staff the progress of Association affairs. I am pleased to report that the important work of the National Office is going forward smoothly and efficiently. By the time you receive this copy of Title News, the 1967 Membership Directory will be in the mail to you. Use it as an effective device for securing business for your firm.

A Manual of Organization, listing all committee appointments, the revised Constitution and By-Laws, the Code of Ethics, and other Association data, was published and is available to members who write to the Association office.

Bill McAuliffe's monthly review of legislation, Government activities, and other items vital to ALTA members, *Capital Comment*, has been most helpful. In the area of public relations, great things are happening! The Public Relations Committee is doing an outstanding job. Other committees are working hard, and there will be much to report in the near future.

Within a few weeks, Harriet and I will have the opportunity to visit many of you more intimately as we attend the conventions of affiliated title associations. We look forward to it. We wish we could attend them all, but that is impossible.

It is not too early to begin thinking about the Annual Convention, September 24-27 in Denver, Colorado. On pages 16 and 17 of this magazine, you will find some advance information about the Annual Convention.

Yours truly,

George B. Garber

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- FEATURES** ✓
- Creation and Maintenance of a Title Plant 2
 - Just An Acre 9
 - Trends in Condominiums 11
 - 1967 Annual Convention—Denver 16
 - Court Actions Delay Real Estate Transactions 18
 - Honolulu Gets the Message 28

- DEPARTMENTS**
- A Message from the President *inside front cover*
 - In the News 20
 - In Memoriam 25
 - Dear Dicky 31
 - Meeting Timetable *inside back cover*

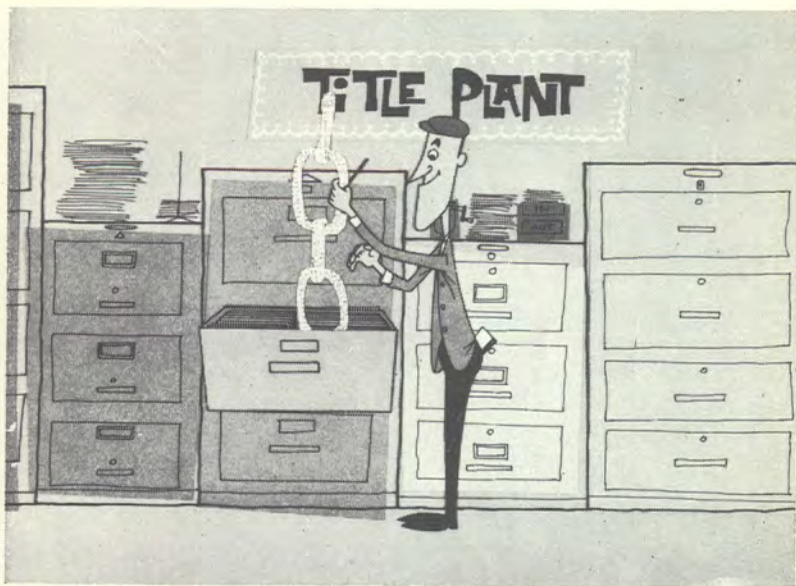
VOLUME 46 ON THE COVER: Spring—the time for planting; for sowing seeds of hope and confidence. So also has the ALTA planted the seeds of future success in the rich earth of its human resources—in its committees, its officers and its staff. In these early months of 1967 it seems certain that the association and its members will prosper as a result of the inspiration and careful planning of President George B. Garber.

NUMBER 3

1967

JAMES W. ROBINSON, *Editor*
MICHAEL B. GOODIN, *Assistant Editor*
and *Manager of Advertising*

CREATION AND MAINTENANCE OF A TITLE PLANT



By Otto Zerwick
Abstract and Title Associates
Madison, Wisconsin

Reprinted from the January, 1966, issue of *National Capital Area Realtor*, Washington, D.C.

“When I bought my home, some chap at the title company looked at a page in his book, and the deal was closed. Nothing to it. The whole deal took only a few hours.” Somebody said that within earshot of me the other day. His look indicated that he thought he had been taken. I wanted to drag him back to my office and tell him a few things—in a kindly way, of course.

I'd have told him something like this:

The page in his book which that chap looked at was a page in his *Title Plant*. And what is a title plant? A title plant is where a title man determines who owns a given piece of real estate and what matters affect that ownership. It is as simple as that.

So, let us approach this subject in reverse, as it were. Let us start with a title plant in operation and work backwards from Maintenance

to creation. I think the pieces will fall into place better that way.

Actually, there are many kinds of title plants. They vary in the way different title men get hold of the bits of title evidence that go into the plant; they vary in the kind of books or indexes that are used; and they vary in the classification or organization of this title evidence. And, so far as I know, no one has satisfactorily proved that one type of plant is superior to all others. Indeed, title men find an abiding joy in parrying all evidence that might indicate that any system other than their own has anything to offer them.

One group of title men really uses the public recording offices as their title plant. Each title search is a laborious sifting through of the offices of the Recorder, the Tax Collector, the City Assessor, and the clerks of the various Courts—perhaps Municipal, State, County and even Federal. He, the title searcher, brings back to his own shop a digest of all the information in the public title plant which evidence and augments or diminishes the title he is to reflect. With this information at hand, he analyses and organizes it into an abstract, or a report of title, or a policy of title insurance, thus placing the information in the hands of the persons who are buying a lot, or borrowing money on the security of a parcel of real estate, or initiating a condemnation for public use, or simply furnishing information to an investor.

Other title people don't wait until a specific search is called for to go to the public records. They build and maintain a plant of

their own. And that plant is a good plant to the extent that it exactly reflects or duplicates the original records at the courthouses and the city hall. The only difference at all is in the way those records are organized and indexed. The private title plant is economic to the extent that it improves the speed and accuracy with which a single title may be examined.

There are two extremes: the completely public records and a private plant embracing a reflection of *every* public record. Between the two lie all the title plants in the country.

Many title people omit some of the courthouse information—some of the information which is ultimately necessary in their final searches. They do a part of each final title search among the records at the source, work with the original documents, though they may create and maintain an index even to these records in their own private plant.

Whatever the type of title plant, it must reflect every activity which can affect the title to the real estate to be sold, encumbered, or litigated. Here is a summary of the places and the kinds of information which make up the title plant:

REGISTER OF DEEDS, RECORDER, PROBATE JUDGE, etc.

Real Estate Index
Notices of Federal Tax Liens
Old Age Assistance Liens
Conditional Sales Contracts
Notices of Pending Court
Actions concerning the
title to real estate.

Writs of Attachment
Plats and Surveys

CLERKS OF COURT

- Money Judgment Indexes
- State Income Tax Judgments
- Mechanics and Materialmens
Liens
- Federal Judgments
- Actions to Quiet Title
- Divorces
- Changes of Name
- Actions for Specific Perform-
ance
- Foreclosure Actions

COUNTY COURT

- Estates of Deceased Persons
- Guardianships of Minors and
Incompetents
- Terminations of Joint Tenan-
cies
- Termination of Life Estates
- Condemnation of Lands
- Establishment of Drainage
and similar utility districts.

UNITED STATES COURTS

- U. S. Judgments
- Internal Revenue Liens
- Bankruptcies

MUNICIPAL CLERKS

- Street Assessments
- Water Assessments
- Sewer Assessments
- Special Charges for City
Services

Now these records we have been talking about are of two kinds. Some of them describe land. The rest of them describe or refer to people by name. Those which name people are invariably indexed by name, but, interestingly, and particularly in the public records, the instruments describing and are often indexed by the names of the owners of that land, either the seller or the buyer, and sometimes both. And these indexes are almost always referred to as

the Grantor-Grantee and Grantee-Grantor Indexes.

A high degree of accuracy is maintainable in a name index such as this, and it is a rather ideal system for a small county. But as the number of transactions rockets the rather rough indexing which is achieved becomes a nightmare of complexity, and endless scrutiny of long lists of names within generalized alphabetical breakdowns is required. I have made searches in a public index for a man by the name of Jones and have had to scan a list of a thousand names to check a title for a period of less than 10 years.

The volume of public records is almost beyond the imagination of people not engaged in their use. In the last year before the County of Los Angeles started to microfilm its records, they bound and placed on reference shelves *each day*, an average of 135 Volumes of 450 pages each. That is about 35,000 heavy tomes a year. They were recording 4,500 instruments a day at that time (1958). Today the daily average is over 6,000.

The increasing time consumption in tracing titles through these name indexes gave the impetus to the private plant. Private plants are not mere copies of the public records, but a re-organization of them. The basic information obtained must be exactly the same. But in the private plant there are two general classifications only—a classification by description of real estate which supplants the Grantor-Grantee Indexes and in which every instrument describing real estate is filed in such a manner that the searcher finds it through or by means of that de-

scription; and a classification by name, for those instruments which contain no description of property, like a judgment for money, a change of name, or an incorporation.

Thus the title searcher in the private plant quite often looks in but two places—a single tract or location index, and a single name index. Contrast this with the public records where there may be as many as twenty places or more where a search must be made.

A plant and its use are such a unity that it is difficult to describe the one without the other. The daily operation of a private plant starts with the mechanical job of getting some kind of copy or distillation of the original records which affect titles. Originally, and to some extent even today, this was followed by typed transcripts. More recently photostatic type copies were made, and today, microfilm and Xerox and similar reproductive methods are employed. We abstracters refer to this operation as the "Take-Off". Perhaps it should be called the "Take-Out". It is the abstractors copy or substitute for the public records which he takes back to his own office to feed and maintain his plant.

With the "Take-Off" in his own office, he commences his "Posting." This is an indexing job. And it is the Index which usually distinguishes one title plant from another. There is the TRACT BOOK plant, and here the longhand, or typed, or photostated or micro-filmed "Take-Off" is meticulously entered into Tract Books providing for classification of the land

from larger chunks down to such small portions as a single city lot, or perhaps the west one foot of a city lot which Johnson might have enveigled his neighbor Truman to sell to him. Some make longhand entries to these tract books. Others make typed entries. Some actually draw the descriptions of the pieces transferred onto what we know as "Posting Maps" which are really ownership pictures and thus become beautiful reflections of the ownership of the lands of a county.

Some make folders for each parcel of land down to a certain limit of accuracy, and file the transcripts or abstracts or copies of the public records in these folders, usually at the same time maintaining a sort of manual index in the same folder as a double check.

Some use a loose card file system, using a single card to represent a lot or block, or some arbitrary grouping of property exchanges which segregates them satisfactorily for later discovery and analysis.

Indeed, the refinements are as legion as the fertile imagination of this interesting group of people often referred to as abstractors, have been able to suggest, and I assure you that this is very legion.

Nor are the instruments which are filed by name treated with any monotony. Of course a straight alphabetical arrangement is common, and simple card files too. But ingenious systems of interlocking cards so that the eye may sweep a long series of names and providing for the facile introduction of new names have been devised. Soundex is an ingenious device by which mere names are transposed to numbers in such a

way that like-sounds are brought together. The LMNRT index was devised to use these consonants in such a way as to eliminate some of the problems of a strict alphabetical system. Still another classification uses given names after a primary breakdown by using the first three or four letters of the surname.

Today the title industry is faced with a new challenge and opportunity in the computer, and already some of the giants among us have found applications for these mechanical brains while others are coyly watching such innovations and nervously applying economics to memory drums and digital computers.

One of the great problems involved in this economics, and indeed it is a problem even with the more prosaic title plant, is that many of the instruments indexed have a one-time application—even a no-time application. The likelihood of never having use for a given instrument increases with the number of competitors. Yet no title man ever knows what instrument he will require tomorrow, and the cataloguing of every one of them is of equal importance, and of equal expense whether ever used or not.

Let us see if we can sharpen our mental picture of a title plant as I have been trying to draw it by following the operation of maintaining it for a day. In what I might call a "typical" plant, a check is made of all of the places where the instruments mentioned above originate or are placed of record, the first thing each morning. All the judgments, old age assistance liens, the estates, fed-

eral and state tax liens, the internal revenue liens and the bankruptcies are carefully noted and abstracted. You will note that most of these do not describe real estate. They must be indexed by name. But a few, such as mechanic's and materialsmen's liens are specific claims against described real estate and must be, or certainly are most conveniently, indexed by property description. The name group is introduced to the name index either by addition to the bottom of an alphabetical breakdown, or by location in the more flexible indexes in its proper alphabetical or number sequence, and when the day's filing is finished the title man can accurately determine whether any title holder in the county is the subject of a lien describing him by name.

Coupled with this additive process, is one of elimination. Judgments, quite frequently, are a lien for only ten years and are discarded at the end of this time. But for this weeding out process the walls of many a title plant could not contain the necessary working material.

The bulk of the material which contains a description of real estate—the deeds, mortgages, satisfactions, releases, and many affidavits are placed of record in the office of the Recorder or Register of Deeds, and the title man generally so organizes his day that he has made his copy or abstract of every one of these instruments by the end of the official day, often taking them back to his plant in some semi-finished condition. This enables him to complete the process of making the "Take-Off" useable and introducing it into his

plant indexes at the earliest possible moment. Some have special crews which work into the night until the plant is complete and ready for use through the close of that day's business at the opening of business on the next day. Others find it economical to complete their plant up-dating at a more leisurely pace, though this generally requires last minute searches outside the plant, or a search through material which has not been indexed, in order to bring the finished product up to the minute.

Whatever the timetable, the job of "Posting"—of getting the instruments into the geographic index or tract book—is a painstaking operation requiring great skill and talent. The whole system excels or falls on the accuracy of this posting job. It is at this point that the detail maps I mentioned above are updated, giving, in conjunction with the tract itself, a dramatic reflection of title to every parcel of real estate in the county. Many public officials, including the taxing authorities, find themselves turning to their title company neighbor for accurate information on title holdings.

And how is all this glut of information used? George Olson and his wife Mary have agreed to sell their home at 212 Beacon Street in Utopia Heights to Eric King and his wife Genevieve. They have lost their title policy and though they think they once had an abstract, it can't be found either. They don't remember the name of the plat—in fact, maybe it isn't platted land at all. They don't remember the name of the man they bought the land from and can't find their deed. The title

expert usually knows his county as no one else does. Often the address locates the property sufficiently close so that he can guess the plat, and perhaps with a discerning sweep of the eye, locate the property without other help. Some title people have an index to plats and lots by streets and numbers. Others have access to city records which translate streets and numbers into lots and block of plats. In some places the city lots are identified by streets and numbers in the title plant system. But let us suppose here that he finds 212 Beacon Street in Utopia Heights to be Lot 16 in Block 63 of the Original City. He will probably have a section of his tract labeled Original City, and that portion will be subdivided into Blocks, which in turn will be subdivided in some manner into Lots. A few turned pages and the title to Lot 16 on Block 63 is layed out before the eye uncluttered by any of the hundreds of thousands of documents which had to be sorted and classified in order to create this one particular title chain.

And this is where that somebody I overheard the other day had witnessed the simplicity of a land title search. He was much like a passerby stumbling upon a prospector the day he makes his ore strike. The months and years and decades of prospecting don't show. The new found vein reflects nothing but the achievement, no inkling of the toil and sweat behind it.

But, as with a strike of gold ore, the title man's search is not finished at this point. The refining process continues. With the chain of title now before him the title

man takes the names of those who have had an interest in the land during the period of his search and turns to his name indexes. In this case he searches against George and Mary Olsen and Eric and Genevieve King. Perhaps he'll find that George has a judgment against him in favor of the Credit Loan Company for \$846.00, and that Eric's divorce from Lois was not final when he married Genevieve so that they are not actually married in the eyes of the law. An expected loan might thus well be refused.

So, a title plant is a sort of library where all the books on a single subject are brought together, and where one who wants to learn about title rights in a given parcel may come and efficiently find an absolutely accurate legal record upon which to base an investment in that particular real estate.

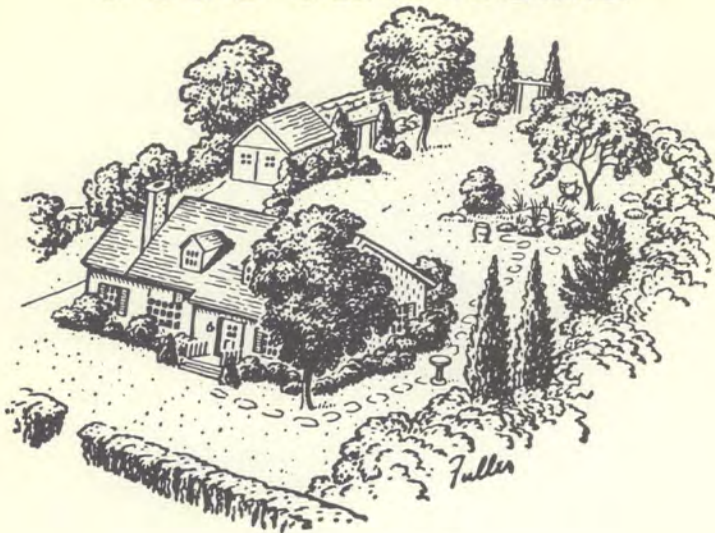
The creation of a title plant is a sort of crash maintenance project. A title plant is actually created as it is maintained. The tremendous job of bringing together the records from the beginning of the history of a county is merely a telescoping of the daily maintenance job—of doing what might ordinarily have accumulated over a hundred years, in as little as a year's time.

To create a title plant from the first recorded instrument is usually a colossal job. Instead of having to sort and index the 5, or 50, or 500, or 5000 instruments which may be recorded or otherwise made a matter of record each day, the job becomes one of studying and sorting and indexing for use a half million, or 5 million,

or 50 million documents. The costs involved are often astronomical. And sometimes for better and sometimes for worse, the organization of the plant must be conceived in toto — the framework upon which all these instruments are to be indexed cannot shift and adapt itself. The execution of such a scheme is indeed a great adventure.

Justice Holmes once described the law as the skin of a living thing. His figure could well have been likened to the creation and maintenance of a title plant. A title plant is never complete. It is never finished. It grows and changes with every market transaction involving real estate. The figures of speech which might be applied to it are many. As it refines the system of public records, it becomes the safety deposit vault of the land system of the community. Its facilities are a transportation system, a pipe line system accommodating the flow of title evidence. Perhaps its activities are even more like those of a beehive, for like the bees, the titleman provides a cell for the safe storage of the information upon which the security of your home and mine is founded. The individual private title plant evolved as an ingenious refinement of the public system of land recordings envisioned in the Recording Acts. It is a peculiarly American system — a peculiarly democratic system. It is largely manned by small, independent individuals and businesses making their living in a free economy by industry and service not duplicated, to my knowledge, elsewhere in the world.

JUST AN ACRE



By John H. Folks
Humble Oil & Refining Company
Houston, Texas

The word "acre" comes from the English "aecer" meaning "open country" and still is used in this sense as "broad acres." To begin, let's be sure we know how to spell the word. Really, it's pretty difficult to misspell—acre, accre, ackre, acker, accer, acher, acer, acor, aker, akar, akor, yace, and yacer; any of these will be correct for they have all been used in the life of England. "Acre" is an old Anglo-Saxon unit of measure. In the early days in the life of Britain an acre referred to any clearing, open field or pasture. In time, these openings came to have names, normally that of early owners, which names continued from generation to generation—hence the term "Greens' yacre" or "Rush yacre."

Gradually the term "acre" be-

came associated not only with a cleared patch of land but one of specific size. That size was normally the amount of land a yoke of oxen could plow in a day. This amount of land varied depending not only on the type and condition of the oxen but also on the terrain and condition of the soil. Obviously loose sandy loam, free of rocks, could be plowed much faster than the sharp rocky hillsides. Hence the size of an acre came to vary from province to province, and so it does in many parts of the British Isles to this day, varying from one-half to double the size of the statutory acre. Though not used widely, in some sections an acre was the amount of land that was required to grow a given amount of produce. Hence, a fertile land acre was

considerably smaller than a poor landacre. In other localities an acre was the amount of land that required a given amount of seed, i.e. a bushel. Since fertile land took more seed than thin land the fertile land acre was smaller than the poor land acre.

In time the customary or traditional acre (the one yet used by farmers in many localities) came to be standardized throughout Scotland, Ireland, Wales and in many counties (shires) of England. The size of these customary acres is as follows:

Scotland	1.27	statutory acres
Ireland	1.62	statutory acres
Wales	0.89	statutory acres
Cheshire (England)	2.11	statutory acres
Leicestershire	0.48	statutory acres
Westmoreland	1.19	statutory acres

Although the need for a fixed size by law was early recognized, many centuries expired before this came about. One of the problems was the lack of a definite lineal unit of measure. The "yard" was the unit commonly used, but its exact length was undetermined. Henry I decreed that it was the distance from the tip of his nose to the tip of his index finger. In 1496 it was fixed by statute as its present length.

This made possible the standardization of the acre which was also fixed by statute and came to be known as the "statute acre" to distinguish it from the "customary acre." The parliament permitted the practical aspect to prevail. In general, land was desired

and used in strips, normally near a village and since a tract of land four poles (perches or rods) wide by forty poles long constituted the most nearly uniform size of the strips, this was decreed an "acre." This undoubtedly accounts for the lack of any practical measurement when describing a square acre which is 69.55 yards on a side or 208 feet 8½ inches. The statute acre contains 43,560 square feet, 4,840 square yards, 160 square rods, or 4,047 square meters, and in English countries is often divided into four square "roods," although in America this division is not used.

The statutory acre came to be adopted throughout the British Commonwealth and hence is the legal unit of measure for land in most English-speaking countries.

This must end with the horrible thought that we are in the end to remain on "God's acre," the burial ground of the British for a thousand years.

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WILL THE REAL JOHN SMITH
PLEASE STAND UP?

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TRENDS IN CONDOMINIUMS



By Gerald F. Grosword

Gerald F. Grosword, a graduate of the University of Denver, has a Master's degree in accounting and a law degree. He was admitted to legal practice in 1955. In 1961 he joined the legal department of The Title Guaranty Company. He is currently the Manager of its Home Office Insurance Department and an Assistant Vice President.

In 1963, the State of Colorado enacted the "Condominium Ownership Act." This act appears as 1963 Colorado Revised Statute 118-15-1 et sec. The adoption of this statute set the stage for what

has turned out to be a considerable development of real property in a manner not previously possible in the State of Colorado.

The concept of condominium ownership is, stated simply, the individual outright ownership of a single family unit in a multiple family dwelling. The creation of a condominium is dependent on three basic documents; the Declaration, the Map, and the Deeds of Conveyance. The *Declaration* commits the property to condominium development, defines the complex and the air spaces, the general common elements and limited com-

mon elements and establishes the basic rights and obligations of the owners. In addition, it provides for the creation of a management association with the authority to collect common expenses and otherwise act for the benefit of all the owners. The Map delineates the air spaces and the general and limited common elements. It accomplishes the subdividing of property, both horizontally and vertically. The Deeds convey to the purchasers the rights created by the Declaration in the complex as shown on the Map subject to the terms, provisions and obligations of the Declaration. The condominium complex, can be a single building or a multiple building complex. It can be used solely for residential purposes or solely for commercial purposes. It is also possible that a condominium can be developed for combined residential and commercial purposes.

To date, the condominium development in the State of Colorado has been predominantly residential development, although there has been a limited amount of commercial development. One commercial use has been a medical clinic building wherein the owners of units are the doctors occupying such units with the general common elements constituting reception, laboratory, and storage areas.

Condominium development in the state can be categorized into two basic areas. The first would be the metropolitan development of primary residential housing. The second would be recreational type residential housing developed primarily in mountain areas. The metropolitan primary residential development has now fallen into a

rather consistent pattern. The pattern will remain basically the same whether the development is in a single building or multiple building complex.

The experience in Colorado has now been sufficient to indicate trends in condominium development. These trends appear in both the technical creation of condominiums as well as the practical format of development.

In the area of trends in the technical creation of condominiums, several matters are worthy of note. The proficiency with which declarations and maps are now being prepared is considerably greater than in earlier condominiums. In earlier condominiums, there was a natural reluctance to fully utilize the statute. It was felt that each item had to be fully spelled out at each step. The declarations now provide for the use of simplified legal descriptions. It is possible, under a properly drawn Declaration, to convey the unit, the undivided interest in the general common elements and the appurtenant limited common elements, subject to any necessary reservations, by a description that gives the unit number, the Condominium name and merely refers to the Map and Declaration. The legal descriptions used in earlier condominiums are long and complex because it was felt that it was necessary to describe not only the air space as shown on the map, but also all other rights to be conveyed to the purchaser and all rights to be reserved to the developer or seller.

Later condominiums have made use of the ability to sever the real property into a series of estates

and by such severance eliminate the necessity of continual reservation for the right to construct additional buildings or to sell and convey additional units or the appurtenant rights to be conveyed to subsequent purchasers.

The Declarations now consistently provide for separate assessment and taxation as is contemplated in the statute. This becomes a virtual necessity when dealing with property which is to be the subject of loans to be made by Federally Chartered Savings and Loan Associations. If, instead of providing for separate assessment by the county Treasurer, the developer provides in his declaration that the taxes shall be collected as a part of the common expense, difficulty will be encountered with the savings and loan lender. The Federal regulations governing loans made by them compel the lending institution to receive monthly deposits for the payment of taxes. There are some condominiums in Colorado which have obligated the purchaser to pay as a part of the common expense of the managing agent monthly deposits for the payment of taxes. It has been possible for Federal savings and loan to make loans in such instances only by entering into an agreement with the management association, whereby the funds are deposited to a joint account in the name of the association and the savings and loan. This works fine so long as there is only one lender. If a second savings and loan lender appears on the scene it will then be very difficult to obtain the security required.

As more experience has been

obtained in the condominium development, it has been found that the maps to be used in the creation of the condominium need to be treated with as much, or more, care than that attributable to the usual subdivision map. First, developers have found that there is an advantage in developing, even a multiple building complex, one or two buildings at a time. The filing of a Declaration and Map on a large tract of property necessarily commits the entire tract to condominium development. This will result in increased taxation, just as filing of large subdivision maps does. In addition, it has been discovered that it is a virtual necessity to record the map only after the buildings have been substantially completed. This is necessary to allow the accurate location of the condominium units as constructed rather than as contemplated. Some developers are now going through the difficult process of amending incorrect maps. This procedure can be very expensive in that it is necessary to obtain concurrence in the amended map not only by the developer but all purchasers and all mortgagees of purchasers. In the event that a purchaser declines to execute the amended map, it will be impossible to accomplish an amendment.

The foregoing problems relative to condominium development have now given rise to what can be called the expanding condominium concept.

The expanding condominium concept is an arrangement whereby the developer, desirous of developing a large tract of ground but also desirous of precluding

some of the above problems, will begin his condominium development with one or two buildings occupying only a portion of the total tract to be used ultimately in the condominium development. A Declaration is prepared for only the buildings to be constructed immediately. The Declaration makes provision for the management association relative to the buildings to be constructed. Upon substantial completion of the buildings, the Map is prepared and recorded. If the developer feels that the market warrants further development, a new Declaration and Map are then prepared for the next building or series of buildings to be constructed. Provision can be made in the creation of the management association so that the additional condominiums can be managed by the same corporate entity. This appears to have solved the problem of the improper Map and the attending difficulty of its amendment and has eliminated the necessity of filing Declarations on large tracts of ground committing substantial property to condominium development.

The experience in Colorado relative to condominiums is now sufficiently great so that some of the problems in resales have become obvious. Most condominium declarations provide for the issuance of a certificate relative to the payment of common expenses by the management association.

In addition, most condominiums require compliance with the terms of the first right of refusal. Any person having occasion to deal with the resale of a condominium

should be cautious to assure compliance with both of these type of requirements. In addition come condominium declarations obligate the owner of the property to insert a provision whereby his grantee agrees to accept and be bound by the terms of the condominium declaration.

Trends that seem to be developing in the practical format stem at least in part from the technical developments. Developers are tending to develop larger tracts a small part at a time. Metropolitan development generally includes some type of recreation facilities, the size of which is generally dictated by the size of the intended complex. The recreation area may be a single rec room or may be a separate structure with quite complete facilities. Mountain or recreation housing development tends to exclude recreation facilities.

In the original development, recreation facilities were generally constructed first. This was due in part to the need to generate sales and in part to the dictates of lenders. There is some indication now that developers want to, and in some instances have been successful in, waiting until the success of the complex is reasonably well assured.

An interesting trend has developed in mountain condominium development in areas controlled by a land developer who is also the operator of a ski area or similar facility. Initially, premium ground was being committed for condominium development.

The trend now seems to be in a different direction. The prime land is now being committed to motel, lodge and restaurant development

for use by more transient trade. While mountain condominiums have had a fair rental experience, some ski area operators feel that better use of prime land near base facilities is made in commercial housing.

Condominium developments has grown very rapidly in Colorado. At the time of the adoption of the law only one condominium existed.

Since that time, approximately 75 have been constructed ranging in size from 8 to 800 units. What the ultimate development might be is anyone's guess. Until recently, there were few high rise complexes, but there now seems to be a trend upward. This may be indicative of the trend in condominiums today.

AVAILABLE NOW

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\$2.50 EACH

HICKMAN COMMITTEE PLANS W THEME FOR ALTA ANNUAL CONV

An Annual Convention of the American Land Title Association doesn't "just happen." Someone does a lot of planning and hard work for months and months in advance. To prepare for the 1967 Annual Convention, September 24-27, at the Denver Hilton Hotel, Denver, Colorado, James O. Hickman, Executive Vice President, Transamerica Title Insurance Company of Colorado, and the members of his convention committees have already done a lot of ground work. Watch future issues of Title News for the fascinating details.

In the meantime, you will want to make a note of the dates and to learn something about the exciting city which will be host to members of the American Land Title Association.

Colorado's Capital City and its million residents invite you to a glorious convention and vacation in the Mile High City, where the Great Plains meet the Rockies. Fast-growing and progressive,

Want a party? These people are planning one for you! You'll have a high time in the high country at the ALTA convention Sept. 24-27 in Denver, because of the plans that are now being made by the convention committee chaired by Jim Hickman of Denver.

**MANY MEMBERS WI
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GRAND LAKE FROM A MOUNTAINTOP



YOU'LL BE STAYING—THE MODERN.
HILTON HOTEL, HEADQUARTERS FOR
CONVENTION.

Denver still is proud of its colorful past . . . a modern city with an ever-changing skyline set against the magnificent backdrop of the ageless mountains in the romantic atmosphere of cowboys and Indians and pioneer miners. Denver is the center of the West's livestock, petroleum, manufacturing and defense activities . . . Carnation Capital of the world . . . focal point for transportation, finance and distribution . . . home of so many Federal agencies it often is called the nation's second capital.

Denver is at once vigorous, cosmopolitan and wealthy, and you are always impressed by the genuine friendliness of the people—a distinctly Western affability, tinged with the airy, good living of the city. Even the climate in Denver favors the visitor. Due to the dry air, precipitation is low and, on the same day, you can enjoy a round of golf in mid-winter or excellent skiing in the mountains only a couple of hours' drive away.

While Denver has all of the advantages of a cosmopolitan city—culture, entertainment and universities—it is the towering Rocky Mountains that make Denver unique. In these mountains, the city maintains a system of 27 parks covering more than 20,000 acres.

R CALENDAR NOW!
EMBER 24-27
ER, COLORADO

COURT ACTIONS CAN DELAY REAL ESTATE TRANSACTIONS



BY EARL J. SACHS, VICE PRESIDENT, TITLE
INSURANCE AND TRUST COMPANY
LOS ANGELES, CALIFORNIA

Reprinted with Permission from the Building Contractor of California

Title companies frequently encounter problems which prevent the closing of a sale or loan escrow and builders become very annoyed when a title company cannot eliminate an action, regardless of how ridiculous the action may seem to the builder. Following are some recent examples:

1. A builder purchased property subject to conditions and restrictions for single-family residences. He contacted all the owners in the tract who might have the right to object to his building four-family flat buildings on the land. After securing a written amendment from all the above mentioned owners allowing him to build four-family flat buildings, he presented the amendment to the title company for approval and subsequent recording. Then, prior to the start of construction, he erected a large sign on the vacant land which, incidently, was in the middle of a 100 percent single-residential area, and it read:

"On this land there will be erected five four-family luxury air-conditioned flats. For leasing information write to . . ." Upon seeing the sign, the owners in the tract retained an attorney who filed an action and *lis pendens* alleging that the builder had changed the first page of the amendment they originally signed so that it would read "four-family flats" instead of "duplexes". Of course, the construction lender wanted insurance that the amendment was valid regardless of the action, and of course, the title company could not comply. You will note, we state a *lis pendens* was filed, and this will be explained in our next example.

2. A builder constructed an apartment building and entered into an escrow to sell it to buyer "A". Under the terms of the escrow, the buyer deposited the sum of \$25,000, and thereafter, within 120 days, the buyer was to deposit an additional \$100,000 to complete the

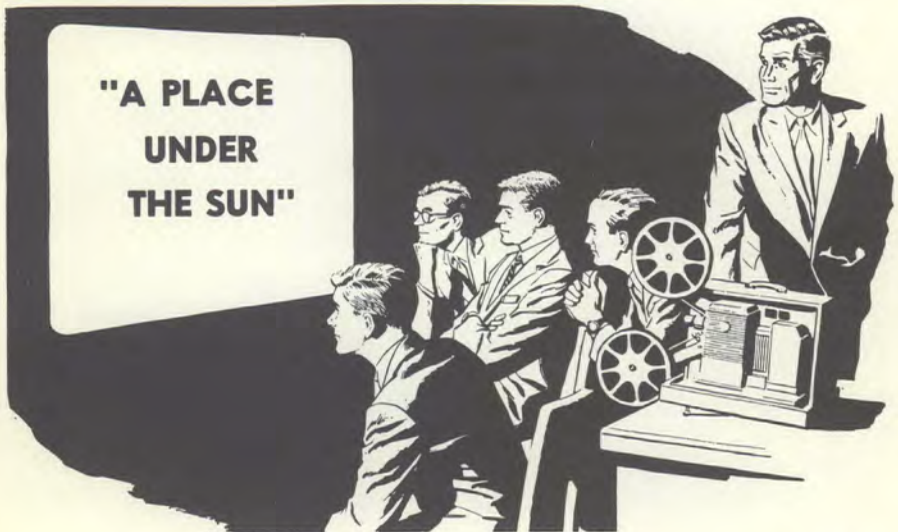
purchase of the property. The escrow was never completed because the buyer failed to deposit the additional \$100,000, and the builder refused to return the \$25,000. Subsequently, the builder sold the property to buyer "B" who completed his end of the bargain; however, former buyer "A" brought an action and filed a lis pendens for restoration of the money paid, for rescinding the contract, and for an order that the property be sold for payment of said \$25,000. The builder asked the title company to eliminate the action, as a stipulation had been entered releasing the lis pendens. The so-called release of lis pendens was not sufficient for us to eliminate the action from our policy of title insurance. The law cases tell us that the sole purpose of a lis pendens is to put a purchaser on notice of the fact that a suit has been filed and he must then go to the court file and read all the proceedings and be governed accordingly. Since the pleadings revolve around the question of title, any attempt to merely release the

lis pendens doesn't change the status of what type of a judgment the court may render. The only method which will enable it to insure buyer "B" without showing the pending action will be for the builder and buyer "A"—through their counsel—to file a stipulation in the case wherein it is agreed as follows:

- a. the gravamen of the action is changed from title to the real property to the issue of money.
- b. Plaintiff agrees that it will neither seek nor take any judgment relating to the title to the real property involved.

Of course, to secure a proper stipulation, valuable time was consumed, but fortunately, buyer "B" extended the escrow so it could close.

It is hoped that this discussion will alert builders that when an action with lis pendens has been filed on any land they are buying or selling, they should contact their attorney as soon as possible so it will not delay the transaction.



IN THE NEWS



COMMONWEALTH PROMOTIONS

Mr. James G. Schmidt, President of Commonwealth Land Title Insurance Company, Philadelphia, Pennsylvania, has announced nine new officer appointments: Lyle F. Hilton to Senior Vice President, H. James Sheetz to Vice President (retaining his office as Treasurer), Norman S. Chamberlain to Vice President, Irving Morgenroth to Vice President, Russell C. Pinker to Vice President, John M. Schubert to Vice President, Albert E. Spencer to Vice President, Morton D. Bohn, Jr. to Assistant Vice President, and William W. Rice, III to Assistant Title Officer and

Manager of the Ardmore Branch Office.

Mr. Hilton attended Milton College, University of Wisconsin, Penn State, Albright College, and Dickinson School of Law, where he was an Associate Editor of the Dickinson Law Review. He holds an L.L.B. Degree. His legal experience includes title searching in a lawyer's office, staff attorney with a title insurance company, and private law practice in Berks County. Mr. Hilton is a member of the American and Pennsylvania Bar Associations, Pennsylvania Title Association, the Kiwanis Club, Boy Scouts of America, and Fels Community Leadership Seminar. He is the author of a number of papers, including "Theories and Liability," and has addressed many Bar Associations, Title Examiners Associations, and Real Estate Boards, including Pennsylvania Title Association and Seaboard Title Conference.

Mr. Sheetz was graduated from the University of Pennsylvania Evening Extension School and completed several other courses at Penn and Temple University. He was granted a Certified Public Account-

HILTON

SHEETZ

CHAMBERLAIN



ant certificate in 1946. Mr. Sheetz joined the company in April, 1948, and has occupied the position of Treasurer for the past five years. He is a member of the Pennsylvania Institute of CPA's, American Institute of CPA's, American Management Association, Systems and Procedures Association, National Microfilm Association, and Home and School Associations, Upper Darby. He received an award for outstanding service as President, Philadelphia Chapter, Systems and Procedures Association, 1960-61.

Mr. Chamberlain has been affiliated with this and predecessor companies since April 1925. He is a Director of the Garfield Federal Savings and Loan Association and is a member of the Philadelphia Real Estate Board and Tuckerton Beach Club.

Mr. Morgenroth was born in the Bronx, New York and obtained his education in Philadelphia, having been graduated from Central High School and the University of Pennsylvania. He received his L.L.B. Degree from the University of Pennsylvania Law School in 1957 and was engaged in the private practice of law until he joined Com-

monwealth Land Title Insurance Company in June of 1959. He is a member of various clubs and fraternal and civic organizations, including the Committee of Seventy, the Philadelphia Bar Association, and the Recreation Council of the City of Philadelphia.

Mr. Pinker was educated at Temple University, majoring in real estate and law. He started with the Company in 1937 and has broad experience in settlement work and branch office management; he is now responsible for the administration of branch office activities. Mr. Pinker is Secretary of the Oxford Circle Realty Board, a Director of the Hercules Building and Loan Association, and a member of the Philadelphia Board of Realtors, the Northeast Philadelphia Realty Board, and the North Philadelphia Realty Board.

Mr. Schubert received his A.B. Degree at Villanova University and later attended Temple University. He became associated with the Company in July of 1962, and is the officer in charge of Business Development. He is Secretary of Philadelphia Mortgage Bankers Association.

MORGENROTH



PINKER



SCHUBERT



Mr. Spencer began his title career with the Company in November, 1925. He attended Temple University School of Business, studying Real Estate Law and Conveyancing. He is Secretary of the West Philadelphia Realty Board, Chairman of the Board and Director of the Metropolitan Federal Savings and Loan Association. For the past twenty-five years, he has been a member of the choir of St. George's Church, Ardmore, and has been the carillonneur for more than fifteen years.

Mr. Bohn, Jr. began his employment with the Company in 1954, in the Settlement Department. He was the Manager of the Ardmore Office in 1960, until his recent promotion as Assistant Vice President of the Business Development Department. Mr. Bohn is a member of the Main Line Board of Realtors, and is a former Vice President of the West Philadelphia Realty Board.

Mr. Rice has been promoted to Assistant Title Officer and Manager of the Ardmore Branch Office. He is a member of the Main Line Board of Realtors, a Director of Ritchie Building and Loan As-

sociation #2 of Philadelphia, and the Secretary of the Board of Ebenezer Methodist Church, Haver-town.

CHICAGO TITLE EXPANDS

Chicago Title Insurance Company has purchased the assets of Southern California Title Company in Los Angeles and will continue the business as its Southern California Division.

Announcement of the formation of the new division was made recently by John D. Binkley, President of Chicago Title Insurance Company. Chicago Title Insurance Company is a wholly-owned subsidiary of Chicago Title and Trust Company and is licensed as a real estate title insurer in 46 states, the District of Columbia, Puerto Rico and the Virgin Islands.

Southern California Title Company has been a representative of Chicago Title Insurance Company and issued its policies in the Los Angeles area. As a division of Chicago Title Insurance the title plant and business will be continued at 616 S. Westmoreland Avenue in the Wilshire financial district of Los Angeles.

SPENCER



BOHN



RICE





NEW AMERICAN TITLE INSURANCE COMPANY OFFICE IN MIAMI, FLORIDA

MOVES TO NEW QUARTERS

American Title Insurance Company, of Miami, Florida, after 15 years in a land-mark building on the north side of Miami's business district, has moved into more spacious quarters designed for greater service, efficiency and future growth.

The new location is in the Pan American Bank Building at 150 S. E. Third Avenue, in the heart of growing financial district of downtown Miami. This central financial district, which has developed rapidly in the last few years and is continuing toward concentration of major financial institutions, includes numerous large commercial banks, savings and loan associations, Realtors, attorneys, mortgage bankers and others who are customers and clients of American Title.

Now in its 31st year of operations, American Title had occupied the five-story American Title Building at 901 N. E. Second Avenue since 1951. Together with its corporately affiliated companies—and under extensive growth—the

Company had simply outgrown the old quarters.

Jay R. Schwartz, President of American Title, said "the move gives us not only a more convenient location for our local customer contacts, but the more spacious quarters will add significantly to the efficiency of conducting our nation-wide operations."

The American Title Offices occupy portions of the second, third and fourth floors of the building, and arrangements have been made for future expansion as growth of the Company continues.

The move into the new quarters was staged department-by-department over weekends starting in late November and continuing through the third week of December. The New Year started with all departments comfortably settled in their new quarters.

ELECTION AT LAWYERS

Lawyers Title Insurance Corporation of Richmond, Virginia, has announced that William G. Hanschmidt, 36, has been elected Manager of the Columbus, Ohio branch office.

Hanschmidt has been with the corporation since 1955 when he became an account supervisor in the escrow department. Since then he has moved up through several positions.

A native of Cincinnati, Hanschmidt received his BS degree at Ohio State University, and attended Franklin University Law School at Columbus.

Before joining Lawyers Title Insurance Corporation, Hanschmidt was an assistant art director at the Ohio State Museum.

He has two children, a son, Mark, and a daughter, Beverly.

CTIC ANNOUNCES NEW OFFICERS

The following promotions and new appointments of officers were approved at a recent meeting of the Board of Directors, Home Title Division, Chicago Title Insurance Company, New York City.

Edward F. Healey was appointed Vice President and Associate General Counsel, with responsibility for the Division's underwriting procedures.

Richard L. Pollay, formerly attorney in the Law Division of Chicago Title and Trust Company, was appointed Vice President and Assistant General Counsel in charge of the Claims Department of the Division.

E. Russell Sherman, Jr., Assistant Vice President, was promoted to Vice President and Manager of the Division's Brooklyn Office. He will also assume responsibility for the operations of the Staten Island office of Home Title Division.

James V. Lombardo, Assistant Vice President, was promoted to Vice President. He will continue as Manager of the East Orange, New Jersey Office.

INSURANCE COMPANY ACQUIRES TIC OF ST. LOUIS

St. Paul Fire and Marine Insurance Company of Minnesota has entered into a contract to purchase Title Insurance Corporation of St. Louis from Chicago Title and Trust Company, Ronald M. Hubbs, President of St. Paul Fire and Marine, announced recently.

The transaction includes the acquisition of all stock of Title Insurance Corporation of St. Louis, Memphis Title Company, Memphis, Tennessee, and Capital Abstract and Title Co., Inc., Topeka, Kansas.

Purchase will be for cash with terms not disclosed.

The sale complies with the divestiture requirements of a consent decree entered May 23, 1966, by which a government antitrust suit against Chicago Title and Trust Company was settled.

Memphis Title Company and Capital Abstract and Title Co., Inc. are local abstract companies which have been qualified agents of Kansas City Title Insurance Company, a wholly owned subsidiary of Chicago Title and Trust.

St. Paul Fire and Marine entered the title insurance business in 1965

HEALEY



POLLAY



SHERMAN



with the acquisition of the St. Paul Title Insurance Company, Saint Paul, Minnesota. In 1966 Arapahoe Land Title, Inc., Boulder, Colorado was purchased.

Arapahoe was renamed The St. Paul Title Insurance Company of Colorado and does business within the state of Colorado. St. Paul Title Insurance Company operates throughout the state of Minnesota.

President Hubbs said operations of newly acquired companies will continue under present management. He also said Memphis is Title Company and Capital Abstract and Title Co., Inc. will represent title insurance subsidiaries of St. Paul Fire and Marine.

FUNK ELECTED TO HIGH SHRINE POST

Wharton T. Funk, Chairman of the Board of Security Title Insurance Company, of Seattle, Washington, was recently elected Illustrious Potentate of Nile Temple of the Shrine. He was also elected as one of Nile's representatives to the Imperial Council.

Mr. Funk is also active in several civic groups and other Masonic orders.

FUNK



IN MEMORIAM



COMMONWEALTH LAND TITLE CHAIRMAN, WILLIAM M. WEST, DIES AT 86

William M. West, Chairman Emeritus of the Board of Directors of Commonwealth Land Title Insurance Company, Philadelphia, Pennsylvania died on January 17 at the age of 86.

Well known in the real estate and title insurance fields for over half a century—and respected and beloved by all who knew him—Mr. West began his business career in 1894, at the age of 14, with the Land Title and Trust Company in Philadelphia.

He remained with Land Title until 1925, at which time he joined Colonial Trust Company to form a Title Department for the latter. He became Vice President of Colonial, and—subsequent to a merger, and formation of a new firm—President of Colonial Title Insurance Company.

Following a consolidation of seven firms in the title insurance field, Mr. West was elected president of the surviving firm, Commonwealth Title Company of Philadelphia, a position which he held from 1940 until 1954.

In 1954, Mr. West was elected Chairman of the Board of that company, and, two years later, when Commonwealth Title merged with Land Title Insurance Company to form the present Commonwealth Land Title Insurance Company, he continued as Chairman of the firm until retirement in January of 1965.

Mr. West was extremely active in community affairs. He was Treasurer of the Philadelphia Board of Realtors for 33 years, former Treasurer of the Edmunds-Bouvier Savings and Loan Association, and served as a Director of Benjamin Franklin Federal Savings and Loan Association, Mid-City Federal Savings and Loan Association, the Spring Garden Institute and the American Sunday School Union.

Mr. West was also accounting warden of the Episcopal Church of the Holy Trinity, former President of the Hayes Home for Men, a member of the Union League, the University Museum, the Philadelphia Museum of Art, the Philadelphia Citizens Association for Health and Welfare, the Military Order of the World Wars, the Zoological Society, the Franklin Institute and the Citizens Council on City Planning.

In 1958, he was awarded the Philadelphia Zionist Organization Award; in 1962, the Deborah Hospital Humanitarian Award; and, on numerous other occasions, was cited for his outstanding contributions to the advancement of human brotherhood and social improvement.

Mr. West's military career included service as a Second Lieutenant under General Pershing at the Mexican border in 1916. Later, in World War I, he served with the 108th Field Artillery.

Mr. West was considered by his many friends and associates to be a man gifted with an unusual measure of charity and human compassion; a man whose kind leadership and humane efforts created a legacy of valued contributions and

cherished recollections for which he will long be remembered.

Surviving Mr. West are his wife, the former Thekla Eickhoff, his sons—William E., Henry E. and Gregory S.—and a daughter, Mrs. Thekla M. Sacksteder. Also surviving are two brothers, T. Harry West and the Reverend Doctor Stanley R. West, ten grandchildren and two great-grandchildren.

COMMONWEALTH VICE PRESIDENT DIES

Christopher J. Davis, a Vice President with Commonwealth Land Title Insurance Company of Philadelphia, Pennsylvania, died on December 21, 1966. An Officer of the firm for many years, Mr. Davis succumbed shortly after collapsing in his office. He was 60 years of age.

He was a past Grand Knight of Council 1984, Knights of Columbus, in Palmyra, New Jersey, and a past President of the South Jersey Radio Association. He was also a member of the Burlington County Radio Club, the Pan Athletic Club and the Undine Barge Club.

Surviving are his wife, the former Dorothy Flynn; a daughter, Mrs. Barbara Brown; a son, Christopher J., Jr., and four brothers.

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BUSINESS?
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TODAY**

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HONOLULU "GETS THE MESSAGE"—



NOW'S THE TIME TO BUY!

With the creeping paralysis of "tight money" on the home building market beginning to affect Hawaii, Russell S. Ellsworth, President, Security Title Corporation of Honolulu, decided to take immediate action. A phone call to A. W. Paris, Vice President and Sales Manager of his underwriters, Security Title Insurance Co., in Los Angeles, brought both Paris and a ton of printed materials to the islands in a hurry.

Sample materials were displayed at the annual "Parade of Homes," sponsored by the Home Builders Association of Hawaii, with the result that potential buyers reacted, members of the Home Builders were ecstatic and visiting real estate brokers were clamoring, "me too!"

Recognizing the cry, "wela ka hao," Hawaiian for "strike while the iron is hot," Ellsworth proceeded to the Mayor's office where December, 1966 was officially declared "Now Is the Time to Buy a Home Month" by Neal S. Blaisdell, Mayor, City & County of Honolulu. The Mayor expressed his intense interest in the problem and great desire to do anything he could to alleviate the situation.

And so, on his beautiful *koa wood* desk, cleared of everything except timely desk cards of the "Now's the Time to Buy" campaign, Mayor Blaisdell signed his personally worded parchment proclamation.

The proclamation read as follows:

"Office of the Mayor
City of Honolulu

PROCLAMATION

Whereas, the home-owning private citizen has always been the stable foundation of the American community; and

Whereas, the building construction and home ownership industries are a mainstay of our local economy; and

Whereas, these businesses are presently unduly depressed, due to repercussions stemming from limitations on available financing, to the detriment of home ownership and to the economy generally; and

Whereas, the prospect of steadily increasing land and construction costs, together with probable future high costs of borrowing, make today's market a buyers' market for potential home owners,

Now, Therefore, I, NEAL S. BLAISDELL, Mayor of the City and County of Honolulu, do hereby proclaim the month of December, 1966, NOW IS THE TIME TO BUY A HOME MONTH and do

urge all potential home owners in this community to give thoughtful consideration to the opportunities which are open to them for providing their families with the lasting security of a home of their own.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City and County of Honolulu to be affixed.

Done this 2nd day of December, 1966, in Honolulu, Hawaii.

/s/ Neal S. Blaisdell

Neal S. Blaisdell

Mayor

City and County of
Honolulu"

Ellsworth then proceeded to schedule, with the cooperation of Zan Beckstead, Executive Vice President of the Honolulu Board of Realtors, a special general membership luncheon for December 2, 1966. This meeting turned out to be the largest (by far) luncheon meeting in the history of the Board. Kits were placed on each

Present at the signing of the proclamation by Mayor Neal S. Blaisdell were (left to right) Philip W. Thomas, incoming President of the Honolulu Board of Realtors; Arlene K. Ellis, President of the Real Estate Association of Hawaii; Russ Ellsworth and William F. Sinsabaugh, representing Robert Akita, President of the Home Builders Association of Hawaii.



chair containing one each of the many booklets, desk cards, bumper stickers, window signs and other sales aids. All were advised that unlimited materials would be available at the Security Title office where one girl was assigned to a special desk to distribute them. The luncheon meeting included the outline of purpose and plans by Ellsworth followed by testimonials of the timeliness of the program by representatives of each related organization. In turn, they were followed by representatives of the newspapers and publications that service the real estate and home

building industries. These people gave their pledges of support and a run-down on promotional plans.

The campaign was allowed to go quiet during the holiday season but testimonials from various Realtors and developers indicated that the potential home-buying public "got the message" and new fuel was added to the fire in January. As of this writing, Security Title Corporation has proven that a title company CAN do something to stimulate a slow real estate market . . . and the affected industries will not soon forget it.

**PUBLIC
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For
ALTA MEMBER
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Dear Dickey:

My late husband and I were a harmonious parsimonious pair. He was a natural miser and I am a compulsive saver. Together we made sweet music. We got our kicks out of enlightened frugality and the reason we saved so diligently was because we liked money and investments better than anything else. As Daddy used to tell us, money isn't the only thing in life as there are also travelers checks, stocks, bonds and real estate.

As I look back, it was a wonderfully happy way of life because we made everything a game. We played such games as "Let's save part of our dinner for breakfast" and "Let's cut down on the budget again." One of our favorites was a variation of a game Daddy taught me as a child called, "Go easy on the butter kids, it's thirty cents a pound." Butter has gone up since then so we played it by going easy on the oleo. Each week we would try to spend less for food than we did the week before. These

games were a lot of fun but proved quite weakening and also embarrassing as my husband was picked up for prowling a neighbor's garbage can for stray tidbits to round out his diet. This was not as bad as it sounds because we lived in a nice neighborhood where almost everyone took pride in producing elegant garbage.

Nevertheless, we decided that we couldn't go on this way and tried to find other methods of saving. We decided to give up dentists and doctors and in so doing we both learned to pull teeth and do minor surgery. Quite large savings were effected in this way. We became quite adept at surgery and spent many instructive hours whittling away at each other. There are lots of books on the subject but I do suggest some care as slip-ups do occur once in a while. I recall once when my husband was doing an exploratory on me for the purpose of locating my appendix. He did it according to the book but shortly after he had made his first

deep incision he ran into an organ he hadn't studied about. He took a slice of it for the purpose of analysis and, being unable to find my appendix, he closed the incision and stitched everything he could find back in. Later a neighborhood meat market identifies the slice as a portion of my liver. We both learned a lot from this experience and I had no ill effects except that I have been a greenish color ever since.

Last year my husband died of natural causes by being run over by a hot rod. However, he died happy in the knowledge that he had successfully avoided all medical expenses.

We had invested a lot of money in rental properties. My husband had worked out a neat system by which the cost of a probate could be avoided when one of us passed away. He made out a deed to me and I made out a deed to him. After one of us died the deed to the survivor was to be recorded and the other one destroyed. I had the deed to me recorded a couple of months ago when I decided to sell one of the properties. This hasn't worked out good solely because of your refusal to cooperate by insuring the title based on the deed. I plan to report you to the state title association with the pointed suggestion that you be court martialled for conduct unbecoming a title officer and drummed out of the business.

PENNY WISE

DEAR WISE GIRL:

This neat scheme has been tried many times but seldom successful and the practice has been of-

ficially frowned upon by our supreme court whenever presented with the opportunity to do so. Such deeds are loosely termed "mutual deeds" or "bureau drawer" deeds.

Before any deed is effective to pass title there must be a legal delivery of the deed during the lifetime of the grantor. A legal delivery consists of at least some overt act putting the deed out of the possession of the grantor together with the intention that title shall thereupon pass. In the case of mutual deeds there is no legal delivery because there is no intention that title shall pass until the death of one of the parties. The decedent necessarily has to be the grantor to the survivor. In other words, the two deeds cancel each other. In order to obtain an insurable title it will be necessary to go through probate proceedings.

ABOUT THE AUTHOR

Richard Hogan was born in Powell River, British Columbia, August 21, 1913. He attended high school in Seattle, took his Liberal Arts at the University of Washington and was graduated from the University of Washington Law School with a LL.B. in 1938. He served four years in the U.S. Infantry and Corps of Engineers. Hogan is the former President of the Vancouver Jr. Chamber of Commerce and has been active in other civic activities, including the Vancouver House of Authority and National Planning Commission.

Richard Hogan has been with the Pioneer National Title Insurance Company and its predecessor since 1947. He is presently serving as Secretary of the Washington Land Title Association.



MEETING TIMETABLE



March 1-2-3, 1967

ALTA Midwinter Conference
Mayflower Hotel, Washington, D.C.

April 20-21-22, 1967

Arkansas Land Title Association
Velda Rose Towers, Hot Springs

April 28-29, 1967

Oklahoma Land Title Association
Oklahoma City

April 28-29, 1967

Texas Land Title Association
El Tropicano Hotel, San Antonio

April 30, May 1-2, 1967

Iowa Land Title Association
Holiday Inn, Okoboji

May 18-19-20-21, 1967

Washington Land Title Association
Bayshore Inn, Vancouver, B.C.

May 21-22-23, 1967

Pennsylvania Land Title Association
Hotel Hershey, Hershey

May 31, June 1-2-3, 1967

California Land Title Association
The San Francisco Hilton

June 7-8-9, 1967

Illinois Land Title Association
Drake Hotel, Chicago

June 9-10, 1967

Colorado Land Title Association
Writer's Manor, Denver

June 15-16-17, 1967

Idaho Land Title Association
Holiday Inn, Twin Falls

June 16-17, 1967

South Dakota Land Title Association
Plateau Hotel, Watertown

June 24-25-26-27-28, 1967

Michigan Land Title Association
Hidden Valley

June 29-30, July 1, 1967

Oregon Land Title Association
Salishan Lodge, Gleneden Beach

July 9-10-11-12, 1967

New York State Land Title Association
Whiteface Inn, Lake Placid

August 17-18-19, 1967

Montana Land Title Association
Rainbow Hotel, Great Falls

August 24-25-26, 1967

Minnesota Land Title Association
Rainbow Inn, Grand Rapids

August 24-25-26-27, 1967

Ohio Title Association
Atwood Lake, New Philadelphia

August 24-25-26, 1967

Utah Land Title Association
Ogden

September 10-11-12, 1967

Missouri Land Title Association
Plaza Inn, Kansas City

September 14-15-16, 1967

North Dakota Land Title Association
Westward Ho Motel, Grand Forks

September 24-25-26-27, 1967

Nebraska Land Title Association
Denver Hilton Hotel, Denver, Colorado

September 24-25-26-27, 1967

ALTA Annual Convention
Denver Hilton Hotel, Denver, Colorado

October 12-13-14, 1967

Wisconsin Title Association
The Pioneer Hotel, Oshkosh

November 3-4, 1967

Arizona Land Title Association
Pioneer Hotel, Tucson

American Land Title Association

