

# TITLE NEWS

THE OFFICIAL PUBLICATION OF THE  
AMERICAN LAND TITLE ASSOCIATION ®

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**ALTA**

**Capital Comment**

MARCH, 1967

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"HANDY REFERENCE GUIDE TO THE FAIR LABOR STANDARDS ACT AS AMENDED IN 1966" AVAILABLE FROM ALTA

The ALTA office has obtained from the U. S. Department of Labor one hundred copies of the "Handy Reference Guide to the Fair Labor Standards Act as Amended in 1966", dated October 1966. Copies of this fourteen page publication will be made available to ALTA members without charge on a first-come, first-served basis.

At the Friday morning General Session during the 1967 ALTA Mid-Winter Conference, George B. Garber, ALTA President, suggested that those concerned with this Act obtain a copy of this guide.

**PUBLIC LAND LAW REVIEW COMMISSION TO CONSIDER THE MATTER OF RELINQUISHMENT OF THE INTEREST OF THE FEDERAL GOVERNMENT IN CONGRESSIONAL GRANT RAILROAD RIGHTS-OF-WAY**

The American Land Title Association has been assured by the Director of the Public Land Law Review Commission that the Commission will consider the matter of relinquishment of the interest of the Federal Government in Congressional grant railroad rights-of-way. The Commission is fortunate in that its Director, Milton A. Pearl, did the staff work for the Public Lands Subcommittee of the House Interior Committee when it conducted hearings on bills relating to this subject in 1961.

**SENATE HOUSING SUBCOMMITTEE TO STUDY MORTGAGE CREDIT**

On March 16, 1967, Senator John J. Sparkman (D-Ala.), Chairman of the Senate Subcommittee on Housing, announced that the subcommittee is undertaking a study of mortgage credit.

Senator Sparkman said: "The Subcommittee's study will be made, not only to find answers to the current mortgage credit shortages, but also to examine existing credit facilities and to make recommendations for changes, if necessary, to insure an adequate flow for future housing needs."

Government and private experts will be called upon to submit papers which will be published. Thereafter, roundtable-type hearings will be held among the participants.

Senator Sparkman indicated that the Committee was prompted to this action because of the "near disaster in our homebuilding industry" last year stemming from the shortage of mortgage credit.

**American Land Title Association's exclusive report to its members**

JUNE, 1967



## **PRESIDENT'S MESSAGE**

JUNE, 1967

Dear Friends in the Title Profession :

I am overwhelmed by the extent of thoughtfulness and concern displayed by so many countless friends whose messages, flowers, telegrams, and other expressions of sympathy were a great comfort to our daughter, Mary, our son, Jim, and to me upon the loss of our beloved Harriet.

It would be physically impossible to respond individually to each of you, so please accept this note as an acknowledgement and an expression of our sincere appreciation.

Yours truly,

George B. Garber

# TITLE NEWS

THE OFFICIAL PUBLICATION OF THE  
AMERICAN LAND TITLE ASSOCIATION

EDITORIAL OFFICE: Premier Bldg., 1725 Eye St., N.W., Washington, D.C. 20006 296-3671

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*VOLUME* 46  
*NUMBER* 6  
1967

ON THE COVER: You've heard about the population explosion; well, the information explosion is no less dramatic! As in other national associations, the key word is "communication." Each month ALTA members receive from the Executive Vice President a summary of important national events. Many have been kind enough to say it is the best newsletter of its type. For a story about other ALTA educational programs see page 14.

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



# TITLE REINSURANCE CONTRACTS



By George Cauffman, Balis and Company, Inc.  
Philadelphia, Pennsylvania

Prior to last year end, many of you had the disturbing experience of receiving letters of termination in behalf of reinsurers applicable to your Title Reinsurance Contracts. Bill McAuliffe has asked me to explain what brought about this situation at the year end, and to tell you what we did to reinstate your Title Reinsurance Contracts.

Before getting into this, however, I would like to review, very briefly, the manner in which Underwriters at Lloyd's operate. You all know that Lloyd's is not an insurance company, but a group of individuals known as Underwriting Names, formed into Syndicates, and operating through an underwriter to write insurance or reinsurance. There are two broad divisions in the Lloyd's market—Marine and Non-marine. Within each division, the individual Syndicate writes some or all classes of busi-

ness, such as Marine, Fire, Casualty, or Title, or other Classes, depending upon the underwriting philosophy of the Underwriter and his Syndicate. Thus, there are general and specialized markets within the general framework of Lloyd's.

In order to place a Title Reinsurance Contract with Underwriters, the Lloyd's broker prepares a broking slip which sets out all the pertinent underwriting data of the particular Title Insurance Company and the terms and conditions of the Title Reinsurance Contract which is to be placed. The Lloyd's broker presents this slip to the Underwriter who is the specialist in Title Reinsurance, known as the leading Underwriter of this class. The leader underwrites the risk, setting the terms and conditions of the reinsurance and indicates how much of the Contract he will subscribe. After securing a

lead, the Lloyd's broker then goes to other Underwriters in the Title market, who may or may not agree to the terms proposed by the leading Underwriter, until 100% of the Contract is subscribed.

The Title Reinsurance market was established at Lloyd's in 1950 and, coupled with the London Company Market, is the only market for this reinsurance that I know of. Since 1950, the lead in the Title market has been the S. A. Meacock Syndicate. However, towards the end of 1966, this Syndicate was wound up and the underwriting names were reconstituted under a new Syndicate. Norman Keyes of Wright, Deen & Co., Ltd., our London representative, had lengthy discussions with the Underwriters of the new Meacock Syndicate. These discussions had no positive results, and we were unable to accept the terms which the new Underwriters required to continue with our book of Title Reinsurance. In other words, we had lost our lead in the Title market, necessitating a renegotiation of the contracts. It was for this reason that we were instructed to issue notices of termination in behalf of Underwriters on all Title Reinsurance Contracts with year-end anniversary dates.

Accordingly, it was necessary to establish a new leading Underwriter of sufficient standing to attract and hold the confidence of the remainder of the market. After lengthy discussions we were able to secure the agreement of Bob Sells of the L. P. Langton Syndicate to become the lead on Title business. We accordingly reviewed with Mr. Sells all of our reinsurance contracts and were able to

work out satisfactory arrangements for their continuance.

In view of the above, you will readily understand why it was necessary to terminate the year end Title Reinsurance Contracts which we were able to reinstate after negotiations with the new lead. In other words, it was simply a matter of replacing the old lead with a new one and negotiating the continuance of the contracts with the new market.

Supplementing this explanation, I would like to give you the London reinsurers' experience on Title Reinsurance since we placed the first contract in 1950. Since 1950, Lloyd's and London Companies have received approximately \$1,400,000 in premiums and have incurred Title Reinsurance losses of \$1,979,555. Of these losses, \$580,000 were incurred in the years 1950 to 1960, and the remainder, or roughly \$1,400,000, since 1961.

It is obvious from these figures that Underwriters have lost considerable money over a period of years on this type of reinsurance and explains why it was necessary to develop a new market.

In spite of this, we are pleased to report that we now have a stable Title Reinsurance market and with reasonable underwriting experience we are confident that we will be able to provide the Title Industry with adequate protection against catastrophic losses.

*The above remarks were made by Mr. Cauffman, March 2, at the 1967 Mid-Winter Conference in response to an invitation by Gordon M. Burlingame, Chairman of the Title Insurance Section.*



# WILLS OF FAMOUS PERSONS

By McCune Gill, formerly Chairman of the  
Board, Title Insurance Corporation of St. Louis

*Mr. Gill passed away in 1965, leaving a heritage of dedication and educational effort which will long be remembered. He was a student and author, and a prolific writer. From time to time, we are privileged to carry some of his work in Title News.*



Many of the famous personages in world history left wills, verbatim copies of which have been preserved to the present time. It should be interesting to read parts of these wills.

## PLATO

Plato was a philosophical writer of ancient Greece. Socrates was his teacher and Aristotle his pupil. Plato's "Dialogues" and other works are read and discussed even to the present time. Although he died 23 centuries ago, an exact copy of his will is still available. It begins thus, "These things has Plato left and bequeathed. The farm of Hephaestiades it is forbidden to sell or alienate, but it shall belong to my son, Adimantes. Further, I give to my son three minas in cash with three due me from Euclid, the gem engraver, with a silver vase and cup and a gold ring and pendant. I free from slavery Diana, but Tychon and Appoloniades shall continue the slaves of my son, Adimantes.

## ARISTOTLE

The will of Aristotle is quite lengthy and begins thus, "Greeting. Aristotle disposes as follows of what belongs to him. As soon as my daughter is marriageable she

is to be given to Nicanor. Should she die before her marriage or before she has children, Nicanor is to inherit all that I possess. I give Ambacis her liberty and assign to her as a marriage portion 500 drachmas, or 5 minas and a slave. Let the remains of my wife Pythias be placed in my tomb even as she desired." The balance of the will concerns mostly the disposition of slaves.

### VIRGIL

The Roman poet, Publius Virgilius Maro at first wished that his epic poem, the Aeneid, should be burned because he considered that it was not perfect. But instead of this he bequeathed the manuscript to his executors and instructed them to publish it as it was. He provided that his body "be carried to Naples and there interred near the road to Pozzuoli by the second milestone". He mentioned neither wife nor children but devised his property to Valerius Proculus (his half brother) one half, Augustus one fourth, Macaenas one twelfth and the balance to Varus.

### AUGUSTUS

Caius Octavianus, whose title was Caesar Augustus, left a will beginning thus, "Since heaven has taken from me my two grandchildren, Caius and Lucilius, I declare Tiberius my successor. I bequeath my property to Tiberius two thirds, and to Livia, if she assumes the name Augusta, one third. In case of the death of Tiberius and Livia, to Drusus son of Tiberius one third, and to Germanicus and his three sons two thirds." All of this, however, is subject to various legacies of a certain number of sesterces to the

Roman people, the Latin tribes, the soldiers of the guard, the municipal guard and the soldiers of the legion. "I leave in all no more than 150 million sesterces, the balance of my estate having been employed in the service of the state."

### SHAKESPEARE

The will of the famous English playwright begins thus, "In the name of God, Amen. I, William Shakespeare of Stratford upon Avon, in the county of Warwick, gentlemen, in perfect health and memory, God be praised, do make and ordain this my last will and testament in manner and form following, that is to say, First I commend my soul into the hands of God my creator, hoping and assuredly believing through the merits of Jesus Christ, my Saviour, to be made partaker of life everlasting. I consign my body to the earth whereof it is made." The testator then bequeaths small sums to his daughter, Judith and his sister, Joan, and "unto the poor of Stratford ten pounds and to Thomas Combe my sword," also to various friends small sums to be used to buy rings. "Item, I give will, bequeath and devise unto my daughter, Susanna Hall, all that capital messuage or tenement in Stratford called the New Place," other lands in various Villages and London and all other lands, for her life, with numerous contingent remainders to heirs male of the body of Susanna and of Judith, "and for default of such issue to the right heirs of me the said William Shakespeare forever. Item, I give unto my wife my second best bed with the furniture. Item, All the rest of my goods I give to my son-



in-law, John Hall and Susanna, his wife, whom I ordain and make executors of this my last will and testament."

#### **KATHERINE OF ARAGON**

The will of the first wife of Henry VIII indicates how completely husbands controlled the property of their wives in those days. It begins, "In the name of the Father, Son and Holy Ghost, Amen. I, Katherine, supplicate and desire King Henry VIII, my good lord, that it please him of his grace to let me have the goods which I do hold as well in gold and silver as other things, that I may pay my debts and recompense my servants." Here follow several legacies. "Item, it may please the King, my good lord, that house ornaments of the church be made of my gowns, which beholds to serve the convent where I shall be buried."

#### **PENN**

William Penn's will is in part, as follows, "I, William Penn, Esquire, so called Chief Proprietor of the Penn Sylvania and the Territories thereunto belonging do make and declare this my last will and testament". The testator then gives to his wife 300 pounds per year for the education of his children and all of his lands, tenements and hereditaments in Penn Sylvania to twelve trustees to convey to various children and grandchildren 10,000 acres each.

#### **CHESTERFIELD**

Philip Dower Stanhope, Fourth Earl of Chesterfield, author of the famous "Letters to my son", left most of his property to his godson, Philip Stanhope, "subject to the condition that in case he keep any

racehorses or packs of hounds or shall lose in any one day at any game or bet the sum of 500 pounds, he shall forfeit 5000 pounds to the Dean and Chapter of Westminster for every such offense or misdemeanor to be recovered by action of debt in any of His Majesty's Courts of Record."

#### **FRANKLIN**

Benjamin Franklin's will is as follows, "I, Benjamin Franklin of Philadelphia, Printer, late Minister from the United States to the Court of France, do make and declare my last will and testament as follows. To my son, William Franklin, all my lands in Novia Scotia and all debts standing against him. I give and devise my dwelling house, three new houses and my printing office to my daughter, Sarah Bache and her husband Richard Bache, for and during their natural lives and after their deaths to the children born or to be born of my said daughter and to their heirs and assigns forever as tenants in common and not as joint tenants". Then follow numerous bequests of a picture, walking stick, watch, clock, a Bible and other books, to various persons.

#### **BURKE**

Edmund Burke, who was noted for the long and sonorous sentences he used in his speeches and writings, continued in the same manner in his will, "As my entirely beloved, faithful and affectionate wife, did, during the whole time in which I lived most happily with her, take on her the charge and management of my affairs, assisted by her son whilst God was pleased to lend him to us, and did conduct them, often in a state



of much derangement and embarrassment, with a patience and prudence which probably have no example, and thereby left my mind free to prosecute my public duty or my studies or to indulge in my relaxations or to cultivate my friends at my pleasure, I, therefore by this my last and only will, devise, lease and bequeath to my entirely and beloved and incomparable wife, Jane May Burke, the whole estate of which I shall die seized, whether lands, rents or houses, in absolute fee simple and all my personal estate. I hope these words are sufficient to express the absolute and unconditional, unlimited right of complete ownership". However, Burke noticed later that he had omitted the word "heirs" from his will and executed a confirmatory codicil, stating that "though I think those words, however necessary in a deed, are not so in a will, yet to prevent all question, I do hereby devise all my lands, tenements and hereditaments to my wife and her heirs forever in pure, absolute and unconditional fee simple".

### ARNOLD

The will of Mathew Arnold, famous poet, literary critic and educator, is in sharp contrast with that of Burke as to verbosity. His entire will consists of one short sentence, "I leave everything of which I die possessed to my wife, Frances".

### NAPOLEON

The will of Napoleon was written during his imprisonment on the island of St. Helena. One of its clauses is, "It is my wish that my ashes may repose on the banks of the Seine in the midst of the

French people whom I have loved so well". The testator then bequeaths to his generals 5,600,000 francs and to the officers and soldiers of the French army 200,000,000 francs. He gives 10,000 francs to one Cantillon with the remark that he "had as much right to (attempt to) assassinate that oligarchist (Wellington) as the latter had to send me to perish on the rock of St. Helena". In seven codicils Napoleon makes various bequests to his wife Marie Louise and his son Francois Charles.

### MADISON

The famous Dolly Madison, widow of President Madison, recites in her will that Congress had paid her \$20,000 for the President's papers which sum was in the custody of James Buchanan, John G. Mason and Richard Smith as trustees. The testatrix gives half of this trust fund to her son John Payne Todd and half to her adopted daughter Annie Payne for life, but if Annie survives John, the part bequeathed to her shall become hers absolutely.

### GIRARD

Stephen Girard was born in France and was the son of a sea captain. He accumulated a great fortune in the shipping business in Philadelphia. He bequeathed large sums to charity including over \$2,000,000 to Girard College. He provided in his will that "no ecclesiastic, missionary or minister shall ever hold any station in said College or be admitted even as a visitor within the premises". The will was attacked by Daniel Webster as attorney for Girard's heirs for the above and other reasons but was sustained in the Supreme



Court of the United States. This court has also recently held that the provision that only white students could be admitted is void.

### POLK

President James K. Polk was an able lawyer. He provided in his will that his estate should be held by his wife during her lifetime and thereafter "by the most worthy of his name and blood from generation to generation and that his tomb should be kept in repair forever by the occupant". His brothers and sisters brought suits and asked the court to declare the will void as violating the rule against perpetuities. They were successful in obtaining such a decree.

### TILDEN

Samuel J. Tilden, who was nominated for and almost elected President of the United States, was a celebrated lawyer of New York City. He was particularly expert in drawing wills. He gave his large estate to his executors with the request that they create a Tilden Trust "for such educational and scientific purposes as they might designate or that they apply the property to such other charitable, educational and scientific purposes as in their judgment would be most widely and substantially beneficial to mankind". The court held that these provisions were too vague to be enforced and that the will was void.

### RHODES

Cecil Rhodes left a will, parts of which are as follows, "I, the Right Honourable Cecil John Rhodes, of Capetown in the Colony of the Cape of Good Hope, declare this to be my last will." The testator is

to be buried on a hill in Rhodesia. He gives his residence and grounds as a park and for the residence of the Prime Minister. He then provides Rhodes Scholarships at Oxford University in England for students from the British Colonies, the United States and Germany. The trustees may invest the fund "in any part of the world without regard to any rules of equity governing investments by trustees and without responsibility or liability should they commit any breach of any such rule".

### NIGHTINGALE

Florence Nightingale, the celebrated nurse, called the "Lady with the Lamp", was born of wealthy English parents in Florence, Italy (which accounts for her given name). Her will begins, "I, Florence Nightingale, spinster, declare this to be my last will". The testatrix first gives some hundred cash legacies, ranging from 100 to 3500 pounds each, to her relatives, friends and acquaintances. Then there are about an equal number of bequests of books, pictures and furniture, as well as her cats and parrot. The residue of the estate is given to the children of her cousin, William Shore Nightingale.

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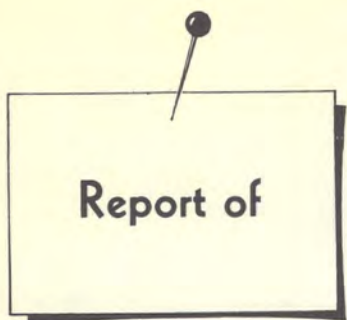
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BAR ASSOCIATION



ACTIVITIES

IN THE SUPREME  
COURT OF FLORIDA  
JANUARY TERM, A.D. 1967

Case No. 35,220

THE FLORIDA BAR,

Petitioner

vs.

JAMES A. MCPHEE & PROTECTIVE  
ABSTRACT & TITLE COMPANY,  
a Florida corporation,

Respondents

*Opinion filed February 1, 1967*

*Case of original jurisdiction—Complaint from the Florida Bar*

*Robert T. Westman, Burton Young and Richard C. McFarlain, for the Florida Bar, Petitioner*

*William H. McAdams, III of Mahoney, Hadlow, Chambers & Adams, for Respondents*

The Florida Bar filed in this Court a petition charging respondents James A. McPhee and Protective Abstract & Title Co. with unauthorized practice of law contrary to Article XVI of the Integration Rule of The Florida Bar adopted by this Court. By their

answer respondents admitted the charge and consented to the issuance of an injunction against them. After the answer was filed, the Court, upon the joint motion of the parties, entered an order dispensing with the appointment of a referee and allowing parties to file



for the Court's approval an injunctive order to be issued against respondents.

The parties, after numerous conferences, were unable to agree upon the terms of an injunctive order, such disagreement arising primarily because of the divergent views of the parties as to the proper interpretation of *Cooperman v. West Coast Title Company*, 75 So. 2d. 818. Accordingly, with the Court's consent the parties have filed briefs setting forth their respective views of this Court's decision in *Cooperman* and upon the proper injunctive order to be issued herein and the matter was duly argued before this Court on Thursday, December 15, 1966.

Petitioner urges the Court to reconsider its decision in *Cooperman* and the scope and extent of the restrictions placed upon the activities of title insurance companies in this State therein. We find no reason to disturb our decision in that case. The decision there disposes of the issues presented by the petition and answer in this cause. The injunctive order to be entered herein should accordingly be limited to comply with the rule there stated.

It is therefore ordered that:

1. Respondents are enjoined from:
  - (a) Rendering, orally or in writing, opinions concerning the status or marketability of title to real property in Florida, whether respondents receive a fee or not;
  - (b) Giving advice, orally or in writing, relating to methods of taking title or concerning the legal ef-

fect of any document;

- (c) Preparing contracts for sale, deeds, mortgages, or other instruments of conveyance of real property except those which are necessary to fulfill conditions issued by respondent Protective;
  - (d) Conducting real estate closings, except those which are incident to fulfilling conditions in title insurance commitments which Protective has issued and except when respondents are acting as escrow agents in "simple escrow" transactions;
  - (e) Making any charge other than regular title insurance premiums for preparing documents or conducting closings.
2. This order shall not prevent respondents from:
- (a) Preparing and charging for abstracts purporting to be a synopsis of instruments of record affecting the title to real property;
  - (b) Taking such steps as respondents deem advisable to inform themselves of the status of any title which Protective or any title insurer for which it acts as agent may be called upon to insure.
  - (c) Examining information concerning the title to real property to determine for itself the conditions upon which respondent Protective or any title

insuror for which it acts as agent will issue a commitment for title insurance or a policy of title insurance.

- (d) Issuing title insurance commitments describing the conditions which must be fulfilled before respondent Protective or any title insuror which acts as agent will issue a title insurance policy in connection with any proposed real estate transaction;
- (e) Drawing only such documents as may be necessary to fulfill the conditions described in a commitment issued by respondent Protective or any title insuror for which it acts as agent, so long as no charge is made for preparing those documents other than the regular title insurance premium;
- (f) Conducting real estate closings incident to the fulfillment of conditions described in title insur-

ance commitments issued by respondent Protective or any title insuror for which it acts as agent, so long as no charge is made other than the regular title insurance premium;

- (g) Acting as escrow agent in "simple escrow" transactions where no title insurance is involved, so long as respondents do not draw legal documents in connection with those transactions and do no more than carry out instructions given to them by the parties to the transaction or their counsel.

3. This Court retains jurisdiction for the purpose of entering such further orders as may be necessary to enforce the injunctions contained herein.

It is so ordered.

**THORNAL, C.J., DREW, CALDWELL and ERVIN, J.J., and GRAESSLE, Circuit Judge, concur.**

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# WANTED! CASES SHOWING WHERE OWNER'S TITLE INSURANCE PAYS

An educational point which ALTA would like to make in a news release and specially-written articles is that there are *two* kinds of title insurance. Few of today's home buyers get the distinction between *owner's* title insurance and *mortgage* title insurance. Volume could probably be increased if this important point were understood.

*Every* homebuyer should insist upon a policy of *owners'* title insurance.

One of the best ways to make the point in stories and news releases, that owner's title insurance pays is by citing case histories. Actual names, of course, are not needed. But if ALTA member companies can give your PR staff some case histories where *owner's* title insurance — contrasted with mortgage title insurance—paid big dividends to the buyers, we believe they would be most helpful. There is a reality about actual cases which rings a bell with editors. If you have or recall such a case that might be helpful, it would be much appreciated if you'd briefly write it up or send us a letter about it. Just address it to the attention of Jim Robinson at the ALTA office. Thanks.

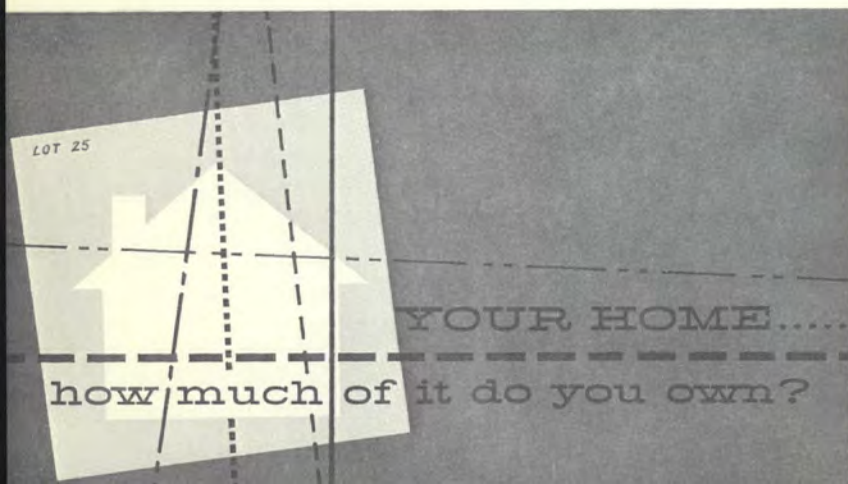
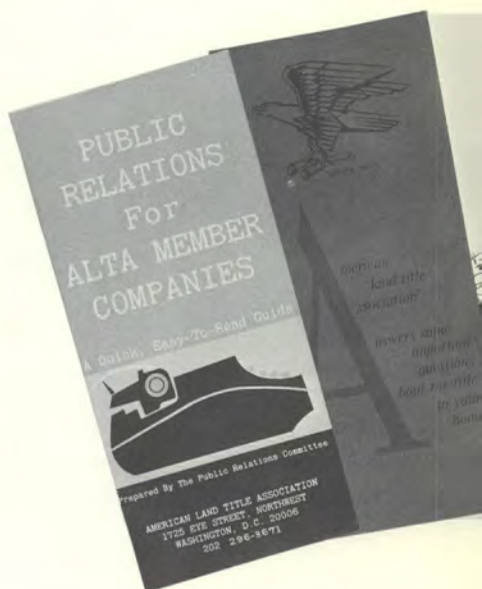


# NEW PAMPHLETS STIMULATE PUBLIC EDUCATION PROGRAM

Remember way back when . . . most titlemen just naturally assumed that the American public was neither interested nor concerned about the intricacies of real estate titles? Well, recent activities of the Public Relations Committee of the American Land Title Association have disclosed the avid desire of John Q. Public (whatever his status in life) for information about home ownership.

To meet this demand, the ALTA has developed some outstanding literature. Just off the press is a prestige brochure, "Get The Most For Your Money When You Buy A Home," covering such important items as selection of a home site, financing, physical arrangement of space, etc. ALTA members are urged to order a supply of this extremely attractive pamphlet for distribution to prospective customers.

RESPONSE SHOWS HOME  
OWNERS ARE HUNGRY FOR INFORMATION  
ABOUT REAL ESTATE TITLES



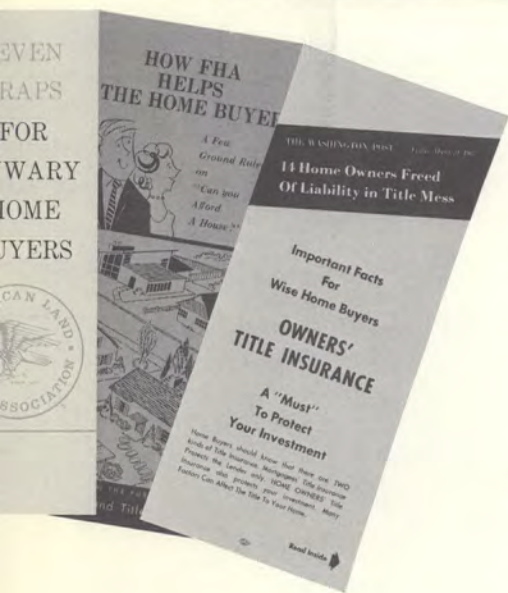


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WHEN YOU BUY A HOME

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Other educational material produced by the ALTA office and available to you includes:

"SEVEN TRAPS FOR UNWARY HOME BUYERS," a thought-provoking warning against hidden hazards which may rob a buyer of his home. The success of this promotional piece was phenomenal. Newspapers and magazines in every state of the country have carried announcements regarding this leaflet.

"AMERICAN LAND TITLE ASSOCIATION ANSWERS SOME IMPORTANT QUESTIONS," a comprehensive discussion of the role ALTA and its members have played in America's history. A high-quality piece of literature you can be proud to distribute to your customers.

"HOW FHA HELPS THE HOME BUYER," a public service pamphlet that "rang the bell" with editors and home buyers alike. Since the first of the year, more than 5,000 individuals have written the ALTA requesting this leaflet.

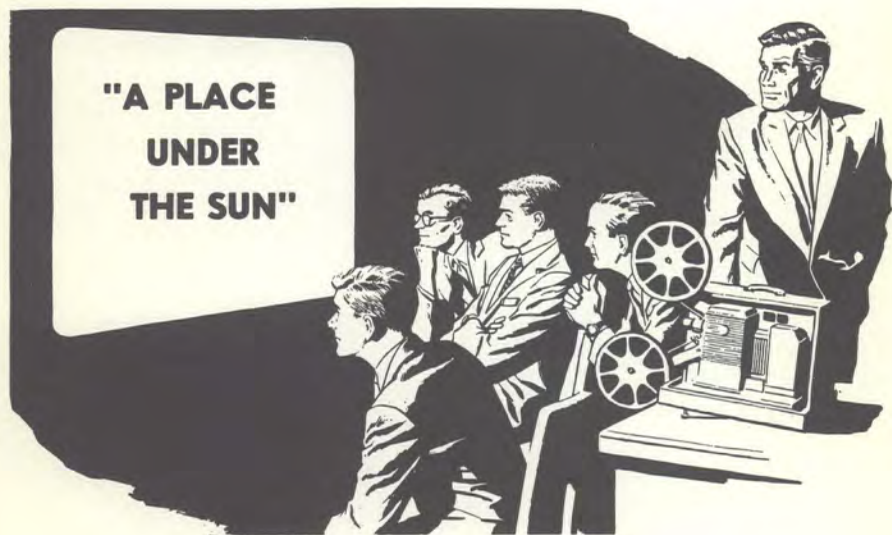
"YOUR HOME, HOW MUCH OF IT DO YOU OWN?" written some years ago and still a best seller. More than 100,000 copies of this brochure have been ordered by ALTA members.

"OWNERS TITLE INSURANCE," brand new and guaranteed to strike a responsive chord with the public. This inexpensive brochure is based upon the recent Maryland scandal and emphasizes the difference between the protection provided by a mortgagee's policy and that of an owner's policy. Order a supply for yourself.

For your own employees you will want several copies of "Public Relations for ALTA Member Companies," a quick, easy-to-read guide to better public relations. Promotional and educational literature, of course, is just one facet of ALTA's

overall public relations program. Frequent press releases to the Nation's news media have been enthusiastically received. As an indication on a single day, we received letters from 97 cities located in 31 different states indicating some mention of the American Land Title Association had been carried in the local press. The consumer advertising campaign in Saturday Evening Post is a continuing and effective one. Poster reproductions of these ads are available to you at cost. Specially written articles are being prepared for the editors of literally dozens of top-quality magazines.

Get on the band wagon! Order some of this professionally designed and written promotional material and take advantage of its effectiveness in your own sales effort.



**ORDER A PRINT TODAY—ONLY \$120.00**



# MISTAKE IN JUDGMENT COSTLY TO GENERAL CONTRACTOR



By **EARL J. SACHS**, Vice President,  
Title Insurance and Trust Company,  
Los Angeles, California

*Reprinted with permission from  
The Building Contractor of  
California*

**R**ecently a general contractor called the office to inquire why our company was insisting on showing a mechanic's lien and a notice of action to foreclose the lien when the time for filing the action had expired.

The general contractor in this particular instance built a commercial store building for his client, and as part of his compensation, he received a second trust deed in his favor. Subsequently, a subcontractor filed a lien over a disputed claim, and on the ninety-second day, his attorney filed an action to foreclose the lien. The owner who gave the general contractor a second trust deed got in financial difficulty and offered to give the general contractor a deed in lieu of foreclosure. Noting that the action was brought two days too late, the

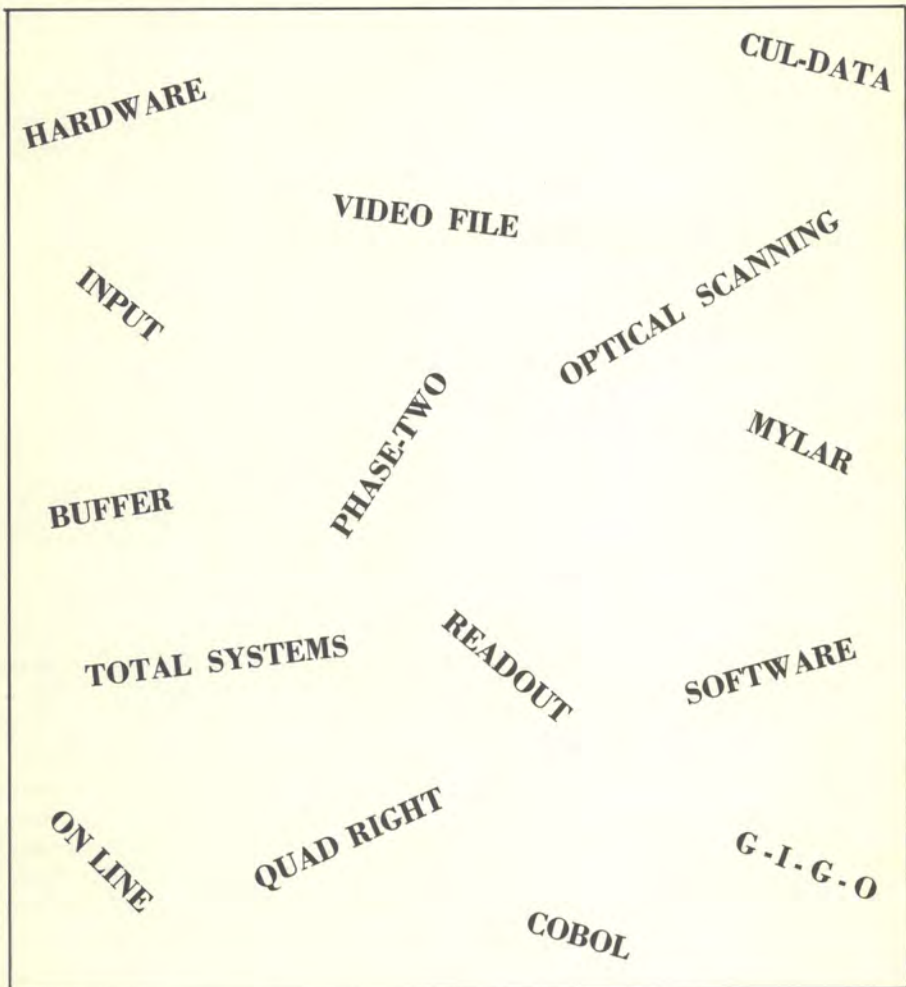
general contractor took a deed to the property in lieu of foreclosure, and reconveyed the trust deed in his favor. He now has a sale on the store building and is questioning the title company who insist on showing the lien.

Investigation disclosed that the lien claimant filed his lien within thirty days after the filing of a valid notice of completion. It also disclosed that the notice of action to foreclose was filed ninety-two days after the recordation of the mechanic's lien. Although a title company cannot ignore a lien when a notice of action is filed regardless of the elapse of ninety-two days instead of ninety days as specified by the Code of Civil Procedure, we did find that the last day for filing the notice of action occurred on Friday which was Admission Day.

The Code states that if the last of any period of days for filing liens, etc., falls on a holiday, the period is extended to and including the next day which is not a holiday. If the County Recorder's office is ordered closed on Saturdays, then Saturday is a holiday, and if the last day for filing liens falls on a Saturday, the period is extended to

the following Monday unless it too is a holiday. By reason of this the general contractor's attorney could not use the fact that ninety-two days had elapsed as a defense in the action.

To conclude this discussion, it is hoped that builders will not release their security until they are absolutely sure their judgment is correct.



*How's your computer vocabulary? Are we on the threshold of "instant" title evidence? Are we the masters or the slaves of computer technology?*

**Please turn to page 28 for an important suggestion.**





## LAWYERS TITLE AND LIFE INSURANCE OF VA. AFFILIATION IS PROPOSED

In a joint statement issued today, Warren M. Pace, President and Chief Executive Officer of the Life Insurance Company of Virginia, and George C. Rawlings, Chairman of the Board and Chief Executive Officer of Lawyers Title Insurance Corporation, Richmond, Virginia, announced a plan approved by the Board of Directors of the two companies providing for a proposed affiliation of the two organizations through the establishment of a new holding company. The announcement emphasized that Life of Virginia and Lawyers Title would continue to function as separate and distinct organizations, each under its own management with its own employees and field representatives.

The recommended plan would be effected through a voluntary exchange offer to shareholders of each company in which the holding company would offer its stock in exchange for the shares of Life of Virginia and Lawyers Title. Because of Federal Income Tax considerations the plan requires that not less than 80% of outstanding

shares of each company must be exchanged.

Subject to obtaining favorable tax rulings and registration of the holding company stock with the Securities and Exchange Commission, the holding company proposes to offer to Life of Virginia stockholders common stock of the holding company on a share for share basis. Lawyers Title shareholders would be offered shares of holding company stock at the rate of 7 shares of preferred and 2 of common for each 10 shares of Lawyers Title stock. In lieu of issuing fractional shares the holding company would pay the value thereof in cash.

The preferred stock will be convertible into common shares on a share-for-share basis for a period of not less than six months nor more than nine months following consummation of the exchange. Thereafter the conversion ratio will reduce at the rate of 1/100 of a common share per quarter until two shares of preferred are required for conversion into 1 share of common. After ten years from the effective date of the exchange preferred stock will be callable at the option of the holding company at \$40.00 per share.

Dividends will be payable at the annual rate of \$1.90 per share on the convertible preferred. It is contemplated that the dividend on common stock of the holding company will be at the annual rate of 80¢ per share.

The exchange offer will be made by delivery of a prospectus to shareholders of each company. It is anticipated that the plan will be consummated in the late summer or early fall of 1967.

## COLLEGES RECEIVE GRANTS FROM CHICAGO TITLE

The Chicago Title and Trust Company Foundation announced grants totalling \$60,500 in the fields of higher education in Illinois. The 1967 gifts were reported by Francis E. O'Connor, President of the foundation and Senior Vice President of Chicago Title and Trust Company.

Gifts of \$5,000 were made to each of seven law schools in the state and a \$10,000 contribution was given to the Central YMCA Community College, 211 W. Wacker drive. The balance of the foundation's grant was distributed among a number of liberal arts and technical schools throughout the state.

Commenting on the fact that the Chicago Title and Trust Company Foundation has made annual grants to colleges for a number of years, O'Connor said, "We believe corporate support of private higher education is becoming increasingly necessary as population growth places heavier demands on schools and colleges. If business is to obtain the professional and management personnel it requires, companies must help provide the educational facilities that produce such

trained young men and women."

## MISSISSIPPI VALLEY TITLE ANNOUNCES TWO NEW PRESIDENTS

O. B. Taylor, Jr., President of Mississippi Valley Title Insurance Company, Jackson, Mississippi, announced recently the addition of two new Presidents of Mississippi Valley Title's branch offices, Mr. Sidney W. Genette, Jr., at Security Title Company, Inc., in Memphis, Tennessee, and E. Leon Sanders at Jefferson Land Title Services Company, Inc., in Birmingham, Alabama.

Mr. Genette is a native of Memphis and prior to joining Security Title had served as top aide to former congressman George Grider. Before entering Government service Mr. Genette was in the insurance business with Marx and Bendorf, Inc. Mr. Genette is a graduate of Christian Brothers High School and holds a B.A. in Economics from Duke University and a Master of Business Administration degree from Harvard School of Business.

Mr. Sanders is a native of Jefferson County, Alabama, and prior to joining Jefferson Land Title he had been employed with Lawyers

O'CONNOR



SANDERS



GENETTE





Title Insurance Corporation for the past 15 years. Mr. Sanders is a graduate of Samford University and the Birmingham School of Law.

#### **NEW ESCROW OFFICER AT McDANIEL TITLE**

McDaniel Title Company, Kansas City, Missouri, recently announced the association of Mr. Lee Magee as Escrow Officer.

Mr. Magee holds a B.A. Degree from the University of Nebraska and acquired his Law Degree from Creighton University where he was a member of Delta Theta Phi.

He was an Escrow Officer for another title company for the past four and one-half years.

#### **NEW MANAGER AT PIONEER NATIONAL**

The appointment of Donald E. Walters as Manager of the Milwaukee office of Pioneer National Title Insurance Company has been announced by George B. Garber, President.

Mr. Walters is a native of Ephrata, Washington and attended elementary and high school in that city. He is a graduate of the University of Washington Law School and prior to his affiliation with

Pioneer National Title Insurance Company in October, 1966, had an extensive background in legal and title insurance procedures.

During World War II he served with the United States Navy.

Mr. Walters has been extremely active in numerous civic and professional, fraternal and business organizations including the Washington Bar Association, Oregon Bar Association, Sertoma Club, Elk's Lodge, Masonic Lodge, title associations and realty boards.

Mr. Walters and his wife Barbara, have two sons, David, Jr., 13 and Stephen, 11.

Mr. Walters was appointed manager of the Milwaukee office on April 1, 1967.

#### **DIEFENDERFER ELECTED PRESIDENT OF BERKS TITLE**

Wilbur I. Diefenderfer, has been elected President of the Berks Title Insurance Company, a subsidiary of American Bank and Trust Co. of Pa., it was announced recently.

Diefenderfer succeeds Sidney D. Kline, Chairman of the Board and President of American Bank, who also was named Chairman of Berks Title, replacing Earle M. Frankhouser, who has retired. Frankhouser was associated with Berks Title Insurance Company for 44

**MAGEE**



**WALTERS**



**DIEFENDERFER**



years, serving in a number of executive capacities during that period.

Diefenderfer, who until his promotion today was Executive Vice President and Title Officer of the company, began his career with Berks Title in 1926 as a title searcher. He subsequently became a trust teller and later a trust officer with the former Berks County Trust Company, predecessor to American Bank, until his return to Berks Title as a Vice President in 1952.

Three new members also were added to Berks Title's board of directors. They are: George McDonnell, Vice President-Regional Director, the Continental National American Insurance Group; McCormick G. Moore, Jr., President, Empire Steel Castings Company, and Peter Yonavick, President of the Berks County Board of Commissioners.

Other members who were re-elected to the board are: Diefenderfer, Frankhouser, Llewellyn R. Bingaman and John G. Rothermel, Reading attorneys; and George B. Gaul, Vice President, Manheim Manufacturing and Belting Company.

Frankhouser, in addition to remaining on the board, also will serve as a consultant to Berks Title and to Frankhouser Associates, Inc., an engineering firm which is a subsidiary of the title company, Diefenderfer said.

Also announced was the promotion of Larry E. Guistwite to Assistant Title Officer in charge of Berks Title Company's Doylestown office. A former resident of Shillington, Guistwite previously was manager of the Doylestown operation.

Richard A. Yerger was appointed Manager of the Wilmington, Del., office. The office formerly had been under the supervision of Morris E. Knouse, an Assistant Title Officer, who is returning to the firm's Reading headquarters in the same capacity.

Other officers who were re-elected are: Clarence W. Mengel and Leroy G. Snyder, Vice Presidents and Title Officers; Lewis W. Martin, Vice President and Manager, Richmond, Va., office; Floyd H. Glase, Jr., Secretary-Treasurer; William E. West, Title Officer, Norristown office; Woodrow W. Kistler, Title Officer, Allentown office; Thomas A. McCormick, Jr., Title Officer, Harrisburg office; Eugene R. Fosnocht, John R. Koch, Charles H. Roush, Jr., Jacque M. Kummerer, and Knouse, all Assistant Title Officers in Reading.

#### TIC OF ST. LOUIS NAMES FIRST V. P.

Mr. Warren H. Wemhoener of the Title Insurance Corporation of St. Louis, has been named by the Board of the firm as First Vice President. Mr. Wemhoener will be in charge of corporate planning and will direct the expansion program of the National Division of the Company. He will continue as Manager of the Clayton office of the company, but will be domiciled in the home office at 810 Chestnut Street, St. Louis, Missouri.

Mr. John C. Petersen, Manager of the Construction Disbursing Department of the Company, was elected by the Board as a Vice President of the Company. This department which disburses construction funds throughout the country, is housed at 20 South Central.



Announcement of the appointments was made by Mr. Ralph Hunsche, President of the company which was recently acquired by St. Paul Fire and Marine Insurance Company.

### NEW COMPUTER AT SECURITY TITLE

Historical records of more than 2.4 million land parcels will be memorized by an RCA computer for virtually instant retrieval by the Security Title Insurance Company in Los Angeles, California.

The information, used by the company to determine matters affecting title to land in Los Angeles County, is now contained on some 30 million punched cards according to Ernest F. Woodward, Manager of Security Title's electronic data processing department. This data will be transferred to the memory storage unit of an RCA Spectra 70/45 computer this summer.

The cards, which contain abstracts of documents affecting land transactions in Los Angeles County, represent the nation's largest file of its type, and the first to be computerized according to Woodward. (The volume of recordings in Los Angeles County is the largest in the world, averaging in excess of 5,000 recordings a day.)

"In order to insure title to a parcel of land, its ownership must be traced back to the origin of the title" he said. "Many of the properties in Los Angeles County, over the years, have changed hands hundreds of times making a conventional title search a lengthy and laborious job."

"When the file is computerized, however, we will be able to retrieve in a split second all entries in our plant pertaining to any parcel of land in the county."

Information from the RCA Random Access Memory Unit may be displayed visually on TV tape

Instant retrieval of recorded documents to the more than 2.4 million land parcels in Los Angeles County is now possible with the installation of the RCA Spectra 70 Computer at Security Title Insurance Company. E. F. Woodward, Manager, E.D.P. Department, at left, is demonstrating video display unit to E. C. Barnard, Vice President, systems and procedures. Questions may be asked on the keyboard, and the pertinent documents are instantly shown on the screen.



screens at four Video Data Terminals or may be produced as hard copy on a high-speed printer. "The computer is so fast that 256 of these devices can be operated simultaneously with no time lost on any of them."

After examination of the docu-

ments by a title officer, the components required to write a title policy of the type required can quickly be fed into the machine and, at the rate of 1250 lines a minute, the policy will be written with the specific qualifications, the equivalent of 500 typists typing 66 words to the minute.



**Do you own  
your watch?  
Of course.**

**Do you own  
your home?  
Maybe!**

You may owe some money on the watch, but when you have paid the money, your use of the watch is unrestricted. You need to know whether the seller is married, single, or divorced. You don't care whether he has a tax bill due. You are concerned about whether he has law suits or judgments. But when you buy a home (or any real estate), you need to know—and many others do—whether there are liens, judgments, or other encumbrances on the property. This investigation made on...

**This advertisement is currently running in the Saturday Evening Post. It tells a dramatic story. You can purchase a poster reproduction of the complete ad for only \$1.25. Order a supply today.**



## in memoriam



# TRIBUTE TO A GALLANT LADY



**MRS. GEORGE B. GARBER**

She was gentle; she was kind. Countless men and women who knew her both within and outside the title profession were shocked and saddened to learn of the death of Mrs. George B. Garber (Harriet) on April 14.

Although not well in recent months, Mrs. Garber courageously was at her husband's side when he assumed the Presidency of the ALTA and when he conducted the outstanding Mid-Winter Conference.

Born Harriet Esterbrook in Pocatello, Idaho, she grew up and attended schools in the Seattle area. She was very active in that city's civic, cultural and political affairs for a number of years. With the election of Mr. Garber as a Vice President of Title Insurance and

Trust Company in 1957, the family moved to the Los Angeles area.

In addition to her husband she is survived by a daughter, Mary R. and a son, James B. She is also survived by her mother, Mrs. Rowena Esterbrook; sisters, Mrs. Lucille Potts, Mrs. Mary Frear, and Miss Barbara Esterbrook, all of Seattle; sister, Mrs. Marjorie Norman of Auburn, Alabama, and a brother, John Esterbrook of Fairbanks, Alaska.

She resided at the family home at 1630 Kenilworth Avenue, San Marino.

Services were held Thursday, April 20 at the Wee Kirk o' the Heather Church, Forest Lawn, Glendale, California.

### **PAUL L. JOHNSON**

The death of Paul L. Johnson, Vice President and San Mateo County Manager of Title Insurance

### **JOHNSON**



and Trust Company, has been announced.

The deceased was a native of San Francisco. He attended public schools in that city and in Santa Cruz, and was a 1934 graduate of Golden Gate College of Law where he received his LLB degree.

He joined the title company in December, 1936 and served as a searcher, Title Officer, Escrow Officer and Assistant manager of San Mateo County operations. He was named Manager in 1962. During World War II, Mr. Johnson served with the United States Marine Corps. He was a member of both the California State Bar Association and the San Mateo Bar Association.

#### AMERICAN TITLE EXECUTIVE

**D**aniel A. Whelan, Executive Vice President of the Guaranteed Title Division, American Title Insurance Company, New York City, died at his Babylon, Long

#### WHELAN



Island home on April 1. He was 68 years old.

Mr. Whelan had held many important professional positions in a title insurance career that dated back to 1923.

He was President of the New York Board of Title Underwriters, a rating organization licensed by the New York State Insurance Department. He had previously served as President of the Title Underwriters in 1954-6 and 1960-1.

Last fall Mr. Whelan had been named to a special Condominium Panel established by Louis Lefkowitz, Attorney General of New York State.

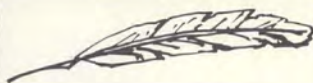
He also served as President of the New York State Title Association in 1956-7.

Mr. Whelan began his career in 1923 when he joined the United States Title and Guaranty Company as a title searcher. By 1954 he had become President and Chairman of the Board of the Guaranteed Title and Mortgage Company. When Guaranteed Title merged with American Title in 1961, he became Executive Vice President of the new company.

Mr. Whelan was a member of the American Land Title Association and many real estate boards. He also was one of the founders and a former member of the Board of Governors of the Long Island Yacht Club.

Mr. Whelan is survived by his wife, Emily, two daughters, two brothers, three sisters, and a grandson.





## Dear Dickey:

*Richard A. Hogan, Vice President, Pioneer National Title Insurance Company, Seattle, Washington, has penetrated the public imagination with his "Dear Dicky" series. Mr. Hogan is known as the Damon Runyan of the Pacific North West. We are pleased to reprint another segment of the continuing series of these imaginative exchanges of letters between a hypothetical titleman and a troubled customer.*

### DEAR DICKEY:

I wish to report a bit of rudeness by one of the young men in your establishment. I am selling a farm I inherited from a dearly departed relative and needed a title report. After I had made known the purpose of my visit this employee asked me for my description. I told him I was a neat 43-19-36 according to the last tabulation made when I was elected "Miss Ebb Tide" at the 1960 Mussel Beach Mollusk Festival. He smirked in a nasty naive manner and said that while these were very interesting facts he did not need any topographical details but merely wanted a legal description. His persistence was very irritating. However, I stated that I was single; was over 21; was a Republican but imbued with inde-

pendent impulses; was a member of the Salvationist Church but maintained an interdenominational attitude towards handsome members of the opposite sects; and that I was a home body but I was not at home to everybody and especially not to him. He replied that he was not trying to be personal but that it was necessary to ascertain my boundaries in order to get title insurance. At this I really popped my cork. I told him that any movement he made toward either me or my boundaries would be regarded as a hostile act. This title insurance build-up beats anything Mother ever told me about. All I want to do is sell a tract of land and surely this can be done on a more impersonal basis.

STORMY TEMPEST

## **NEW!**

**"Public Relations  
for ALTA Member  
Companies"**

**A Valuable Guide  
for Your Employees**

**Only \$1.50 Each**

### **DEAR STORMY:**

If you hadn't been so engrossed in your own statistics you would have observed that this admirable young man was seeking information about your land and not about you. Title companies keep track of all the land transactions in a county by means of tract indexes or land ledgers in which all deeds, mortgages, probates and other matters of record are posted to the particular tract of land which they affect. Therefore, in order to look up or examine the title for purposes of title insurance, it is necessary to have the description of the land being sold or mortgaged. The description is the key to the index that contains all of the essential information.

Therefore, instead of berating this fine young man who was doing his level best to give you quality title service quickly; you should come in again (without your weapons) and start out fresh on a mutually tolerant and understanding basis. It will be of real help also if you will bring in your description or a recording reference to a deed, mortgage or other document or proceeding which contains the description.

At 3 p.m., Monday, September 25 at the 1967 Annual Convention, Laurence J. Ptak, ALTA's Treasurer, assisted by Jack Edwards, Don Butters, and Jerry Koory, will explore in depth all facets of computer technology as they apply to the title industry. These are the experts in the field! One idea you pick up from them (and put to use) may represent earnings or savings sufficient to pay the entire cost of attending the convention.

**PLAN NOW TO ATTEND!**

**1967 ANNUAL CONVENTION**

**AMERICAN LAND**

**TITLE ASSOCIATION**

**Denver-Hilton Hotel**

**Denver, Colorado**

**September 24-27**

**MARK YOUR  
CALENDAR**





## MEETING TIMETABLE



**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 28-29-30, July 1, 1967**

Oregon Land Title Association  
Salishan Lodge, Gleneden Beach

**July 7-8, 1967**

New Jersey Land Title Association  
Seaview Country Club, Absecon

**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**

New Mexico Land Title Association  
White Winrock Hotel, Albuquerque

**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 15-16, 1967**

Louisiana Land Title Association  
Royal Orleans, New Orleans

**September 23, 1967**

Kansas Land Title Association  
Denver Hilton, 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

**October 22-23-24, 1967**

Indiana Land Title Association  
Stouffer's Inn, Indianapolis

**October 26-27, 1967**

Dixie Land Title Association  
Jackson, Mississippi

**November 3-4, 1967**

Arizona Land Title Association  
Pioneer Hotel, Tucson

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**American Land Title Association**

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