

DO NOT REMOVE

TITLE NEWS

THE OFFICIAL PUBLICATION OF THE
AMERICAN LAND TITLE ASSOCIATION ®

"OUR 61st YEAR"



MAY, 1968



PRESIDENT'S MESSAGE

MAY, 1968

As usual this time of year, the arrival of warmer weather (which was even late here in Florida) has signaled a quickening in the endeavors of our Association which will culminate with our Annual Convention next Fall in Portland, Oregon. This is indicated by increased activity in several areas not the least of which is the rising volume of Association mail that daily crosses my desk. It is difficult indeed to stay abreast and remain informed on all Association projects many of which are concurrently in progress.

By the time this issue of Title News is published, the usual Spring flurry of State Convention activity will be at its peak. The first of a planned series of seminars for abstracters will have been held and in addition, another meeting of the ALTA-ABA Conference Committee will also have been accomplished.

Meanwhile in Washington, staff activities are also on the upswing as preliminary planning which started as early as last January slowly develops into a confirmed and finalized annual convention program. One of the stellar attractions, as previously announced in the April issue of Title News, will be an address by the eminent Dr. Walter H. Judd whose subject will be "Vietnam—The Key to Asia."

Although at this time some additional work still remains before this year's convention program will be completed, I can tell you with certainty and with pride that you can expect some pleasant surprises in Portland. We also have other prominent, nationally-known figures whose presence on our program has definitely been confirmed. Additional information will, of course, be made available just as soon as final arrangements are completed.

Sincerely,

Alvin R. Robin

TITLE NEWS

THE OFFICIAL PUBLICATION OF THE
AMERICAN LAND TITLE ASSOCIATION

EDITORIAL OFFICE: Premier Bldg., 1725 Eye St., N.W., Washington, D.C. 20006 202-296-3671

<i>FEATURES</i>	The Next 33 Years . . .	2
	Abstracters Meeting	6
	"The Fertile Octogenarian" And Adoption	9
	Safety Will Assure The Great Civilization	14
	Post Convention Tour	16
	Machines in the Title Plant	18
	Idaho Breaks The Ocean Barrier	20
	The Uniform Commercial Code in South Dakota	22
	Mike Goodin in Riot Control	27

<i>DEPARTMENTS</i>	A Message from the President	<i>inside front cover</i>
	Names in the News	29
	Meeting Timetable	<i>inside back cover</i>

VOLUME 47
NUMBER 5
1968

ON THE COVER: Abstracter Section Chairman Tom Holstein thanks Frederick Disney for making an outstanding presentation at the April 6th regional meeting held in Dallas. For details about this most successful seminar, please turn to page 6.

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

THE NEXT 33 YEARS

By CONGRESSMAN HALE BOGGS

The following address was presented by the Honorable Hale Boggs, United States Representative from Louisiana's Second District, to A.L.T.A. members attending the General Sessions Assembly on Friday, February 23, at the 1968 Mid-Winter Conference in New Orleans, Louisiana.



Thank you for giving me the opportunity to speak here today. I have been asked to talk about what can be expected during the next thirty-three years, and if possible, to sketch out some of the critical issues this nation will face in the years ahead.

Almost all public representatives feel that the issues of today are difficult enough without worrying over future problems. I recall a story about one young politician who was having trouble with an issue during his campaign. It seems that the crucial question in his district was whether or not a dam should be built on a nearby river. The first house that our

candidate approached was near the river's edge, and it appeared that this home would benefit greatly from the construction of the new dam. "Lady," he said to the woman who answered the door, "I favor the construction of this dam." But, to his surprise, the woman shouted abuse of the project and announced her opposition to him. Our hero now thought that opposition to the dam was the appropriate position. (This was a man of great conscience and strong conviction.) "Sir," he said to the man at the second house that he came to, "I have given much thought to the proposal for the construction of this dam, and I think that it would be an unnecessary burden to the taxpayers—a wasteful project indeed." But, it seems that this citizen was a firm supporter of the proposal, and another vote was lost. But our candidate was not to be outdone. At the next home that he came to, he walked up to the door and boldly announced, "Mister, don't worry about me—I'm right on this dam issue!"

This politician may provide good material for a story, but the gentleman sets a poor example. Important issues are very often confused by words; nonetheless, the problems remain in fact. And to manage these problems successfully, their future importance must be

anticipated correctly. It is not enough to rest tomorrow on dreams and promises. Hard work and thoughtful plans are the more appropriate capital to be invested.

Were this speech given several years ago, it would probably have been enough to talk only about optimistic thoughts. It seemed then that the future would be one of abundance — that pressing issues would manage themselves through sheer economic productivity. If there was to be controversy at all, it would be over how leisure time could be best spent, and whether we had, in our affluence, given enough to education and cultural pursuits.

But the problems that this nation now endures at home and abroad have accomplished at least one good thing. They have dispelled the foolish idea that everything would work out all right if left alone. Well, things are just not going to work out automatically.

I want to talk in more detail about these challenges in a moment. But, I want to note here that just as I have ridiculed oversimplified optimism, I likewise oppose looking at tomorrow in tones of despair.

Nor do I want to understate what has already been done. Surely the most impressive of this nation's accomplishments are associated with its industry and technology. By any standard, progress in this area has been impressive. I suppose people never receive all they think they deserve—and this accounts for much of the grumbling that is about. But, the economy of this nation is indeed amazing. The gross national product is currently estimated at \$785

billion. And perhaps the greatest achievement of the 1960's is that of sustained economic growth.

Our present growth rate can be projected through to the year 2000. By then the nation's GNP will be at least \$2.2 trillion. I say at least because the assumptions made in calculating this figure are restrictive. In the first place, a low growth rate of 2.5 percent was used as the basis of calculation. Furthermore, it was postulated that people would want to work fewer hours in the future than they do presently. However, if these assumptions are relaxed and in their place, we believe that the economy will grow at 3.8 percent—the average growth rate over the last several years—and that people will work just about as hard then as they do now, a gross national product of \$3.6 trillion can be expected.

I find this quite eloquent by itself. But, the full economic power of this nation becomes apparent only when these statistics are placed in the context of current scientific technology. It is somewhat difficult to be modest about the technological capacity of this country. Perhaps the easiest way to place the argument in the proper context is by way of illustration.

Several years ago the International Business Machines Corporation—better known by its initials I.B.M.—decided to invest in a completely new series of computers. Two things were unique about this decision. In the first place, there was the sheer magnitude of the investment. The corporation put up some \$5 billion over a period of four years for research and development of the proposed

360 system of computers. In dollar terms, I.B.M.'s gamble cost more than two-and-one-half times what the United States spent to develop the first atomic weapons. The other point of interest is that the success of the project depended on components that had not yet been invented. Inventions were simply scheduled—and what is more interesting—the schedules were kept in most cases.

I think that this is the new component in the equation of tomorrow. In the past, most progress depended on some clever person thinking up the solution to a problem. This is no longer true—at least to some degree. And it will become increasingly less true as time goes by. Not that bright people have become dated—to the contrary—they become the most important of resources. Rather, in an important sense, problems and technological gaps can be anticipated and people directed towards their solution. It is possible not only to look down the road, but also around the corner.

I think that these themes will become more pronounced in future years. The technological complexity of our civilization will compound. The implications of this are, of course, profound for every area of human endeavor. Life will be prolonged, hearts will be transplanted, the origins of life, itself, better understood. Computer sciences will make even greater advances. (Since I have given space to I.B.M. I should note—albeit parenthetically—that the Control Data Corporation is hard at work on an even newer and larger generation of computers).

Communications media and elec-

tronic applications will undoubtedly increase in sophistication. Explorations will be made in space, and transportation here on earth will, hopefully, be improved. Disease and hunger will be diminished. These things and a great many more will be the commonplace of the future.

These will be the rewards of technological ingenuity. It can be said also that, as a consequence, men will be more dependent on one another. Most of us can observe this from our own jobs.

The National Aeronautics and Space Administration, for instance, employs more than 20,000 subcontractors in its manned-space flight programs. Truly, inter-related complexity has become characteristic of our age, a theme which will be more emphasized by the future.

The consequences of this trend is to emphasize the problems we face. That our society is wholly interdependent today implies that decay in any one part endangers all. Today the most serious tension festers in the cities. These concern the problems of the poor and the untrained. It encompasses citizens who do not receive a decent education or adequate housing, or even a basic diet. This problem is the more unfortunate because many people choose to separate their lives from it and not to acknowledge that it exists at all.

I mentioned the tension in the cities because it carries so many facets — the pollutions of our air, the water we drink, the need for adequate transportation, constant need for the renewal of public works, and so much more. But, as all of you know, there are many

other tensions in our society both at home and abroad. Even now we are unable to find the solution to a teachers strike in a southern state, or for that matter, a garbage strike in the largest city in our land, or to assure a degree of price stability, or, on the international scene, to perfect the system of world and national agencies which we have established to maintain peace on earth.

Now these problems are serious—indeed they are crucial. However, this is no time for the United States to ignore its commitments to the less developed nations. These nations look to us for technology and know-how in agriculture, industry, and leadership. To fail to recognize these needs would only aggravate these tensions. By working with these problems *now*, the tranquility of the world will be the greater tomorrow.

Nor does this mean that there will be peace tomorrow. These past years have demonstrated anew the relentless aims of aggressive communism.

To these hostile challenges, we must respond with firmness and determination until an honorable peace is secured under law.

The solution of these international problems is not the sole responsibility of the United States.

But, the tensions and frustrations that confront us at home must be solved by us alone.

It seems to me that to provide solutions for these problems, it will be necessary to re-examine the relationship between the Federal government and each of the other components of our society. What are the principles that should characterize the Federal government's

relationships with state and local government's, with business, with universities? How can relationships be designed so that the non-federal partner is not weakened and subordinated? These are questions that should be asked insistently, and they can be answered.

New forms of collaboration need to be devised even as existing relationships are re-examined. In the case of business, we must seek ways of adopting established tools—the credit subsidy, the tax concession, the contract and the grant—to provide the inducement (in business terms, the market) that will bring the creative force of business to bear on social goals.

What I am suggesting here is to open up new sources of leadership. The trouble in the past is that non-governmental leadership has rarely had an effective voice in the larger issues facing this society. That can, and must, be remedied. We need, outside of government, an effective body of leaders, local as well as national, who are committed to preserve the vitality and stability of the community, despite the ups and downs of partisan conflict.

This then adds up to the most exciting era that mankind has ever faced, or will face. One might be tired today—but no thoughtful, intelligent American should ever be bored. He lives in a time unlike any time that any man has ever lived in before. He has the tools and the opportunities. It is a question of how he uses them. If he uses them with dedication and intelligence, we will continue to provide an example of freedom and its rewards for our people at home and those who would emulate us abroad.

ABSTRACTERS MEETING



Five of the seminar speakers are pictured above. They are (left to right) Jim Robinson, Bob Maynard, Frederick Disney, Don Nichols, and Tom Holstein. Fred Disney is a noted management consultant. Missing from the photograph is seminar speaker Russell Lowry, Systems Analyst for Chicago Title and Trust Company.

Some ALTA members will remember the Management Seminar held two years ago at the Sheraton O'Hare Motor Inn in Chicago. Well, Tom Holstein, Chairman of the Abstracters and Title Insurance Agents Section, has done it again. Recognizing the need for a grass roots exchange of basic management information for the small and medium size abstractor and title insurance agent, Chairman Holstein planned a meeting April 6 at the Marriott Motor Hotel in Dallas in a determined effort to "take the ALTA to its members."

The program was tailored to fit the needs of the "little guy." An outstanding speaker was secured through the cooperation of the Small Business Administration to discuss "Functions of Management." He was followed by Robert Maynard, Director of Advertising and Public Relations, Lawyers Title Insurance Corporation, Richmond, Virginia, who outlined basic public relations techniques. Jim Robinson then crammed a whole college course on creative selling into a 35-minute presentation.

Tom Holstein was the luncheon

A GRAND SUCCESS

speaker—and he laid it on the line. “The resolution of the American Bar Association approving in principle the formation of a national bar-related title assurance corporation is a matter of grave concern to the American Land Title Association, to all titlemen, and, indeed, to every lawyer who values his professional image,” said Mr. Holstein.

“Now,” Holstein continued, “The American Land Title Association and the American Bar Association have created a national conference made up of six representatives of each of the associations.” The ALTA General Counsel, Thomas S. Jackson, has described this confer-

ence as a God-given opportunity to produce a set of principles to bring order to the mixed-up thinking regarding the proper roles of lawyers and titlemen in a real estate transaction.

“I am hopeful that the conferees will be able to define that part of the practice of the title lawyer which is exclusive to the lawyer, where the courts and the legislatures and the public interest will and should protect him. In the rest of his practice, the public interest requires that he compete with others in the same business.

“The public demands that it be adequately protected at a reason-



More than 100 titlemen and women gave their complete attention to the speaker at the April 6 meeting in Dallas.

able cost in the real estate transaction.

"There is a place for the lawyer. At the same time, there is a place for the abstracter and the title insurer.

"As a member of the National Conference, I know that the conferees are dedicated to attempt to resolve the differences between the two professions. I am very hopeful that the deliberations of the conferees will result in an agreement upon principles which are in conformity with providing the public with security and service in real estate transactions.

"I am confident that as we, the conferees, work out the differences between the members of the two professions, the public will be better served. At the same time, the members of the two professions will perform those functions which they can perform best and receive

those satisfactions and rewards which flow from so conducting one's self.

"I trust I have made it clear that there is a serious problem. But I wish to emphasize that the officers of the American Land Title Association have done and are doing something about it. We are continually alert to the need for a solution to this regrettable situation. I am quite optimistic that the problem can and will be solved."

During the afternoon session, Don Nichols held the audience spellbound as he summarized the results of a survey he had made regarding the relationships between agents and underwriters.

Russell Lowry, Systems Analyst for Chicago Title and Trust Company wound up the program with an extensive and authoritative outline of business equipment for the small office.

A VALUABLE SALES TOOL



"THE FERTILE OCTOGENARIAN" AND ADOPTION

By MAURICE A. SILVER, Esquire

Title Consultant, New Jersey Realty Title Insurance Company
Newark, New Jersey

Reprinted with Permission of Title Comments



Deeply rooted in the antiquity of the law is the assumption that a woman, no matter how old or how feeble, may, nevertheless, bear children. The rule is stated by Chancellor Walker in *Riley v. Riley*, 92 N.J.E. 465, 113 A. 777, as follows: "There is no time in the life of a woman, no matter what her age, when she is presumed in law to be unable to conceive and bear children. Sir William Blackstone says that a possibility of issue is always supposed to exist unless extinguished by the death of the parties, even though each of them is 100 years old—2 Bl. Com. 125."

No doubt authority for this rule reaches back to the Bible when Sarah, at the age of 90 years, conceived and gave birth to Isaac. When Sarah, eavesdropping, heard

the promise that she would bear a son, she did not chuckle, but laughed outright in disbelief, for Abraham, at the time, was 100 years old. "Now Abraham and Sarah were old and well-stricken in years; it has ceased to be with Sarah after the manner of women." Genesis c. XVIII, v. 11.

"The life of the law is not logic but experience," is an aphorism attributed to Justice Holmes. And it has also been said that experience is the court of last resort in the weighing of truth. But apparently much time must elapse before the appeal reaches this court, much time and much experience, before this legal curio is overruled and cast out from the body of the law.

This rule of continuing fertility has not been free from criticism, and on occasion it has been ignored. In *Apgar v. Apgar*, 38 N.J.E. 549, the Court of Errors and Appeals, in reversing the order of the lower court directing the sale of land under the statute for the sale of lands limited over to infants, observed: "The circumstance which gives the court power to sell the property is, that it is limited over to the heirs begotten of the body of Mary Apgar, and she being

still alive may, in legal possibility, have other children than those now in esse. But since Mary Apgar is about sixty years old, this legal possibility is scarcely an actual one, and a title made by Mary Apgar and her living children would probably be safe." Apparently the Court reached the conclusion that legal possibility is unrelated to the actualities of life.

Vice Chancellor Stevens in *Oleson v. Somagyi*, 90 N.J.E. 342, 107 A. 798, was another jurist with a modern concept, but the Court of Errors and Appeals, 93 N.J.E. 506, 115 A. 526, in affirming, nevertheless, took issue with him that a woman 68 years of age reached the time in life when she is unable to bear a child.

Judge (now Justice) Haneman in *Sevel v. Swartzman*, 33 N.J. Super. 198, 109 A.² 685, was emphatic about his opposition to this unrealistic legal presumption. "[I]t would fly in the face of common sense," said the Judge, "not to take judicial notice of the fact that it is a rather rare instance when a woman approaching 60 years of age does bear children." And later, both Judge Jayne in *Trenton Banking Co. v. Hawley*, 7 N.J. Super. 301, 70A.² 896, and Judge Goldmann in *In re Lattouf's Will*, 87 N.J. Super. 137, 208 A.² 411, touching upon a similar problem of sterility brought about by surgical intervention, expressed the opinion that the antiquity of this legal theory "ought not continue to defy the realities of the present time and conceal the demonstrable truth. . . . After all the law must continue to be the dictate of reason." (Judge Jayne); Judge Goldmann concurred in Judge Jayne's

observation. But Judge Jayne, despite his plea for a rational approach to the subject when sterility is induced by surgical methods, nevertheless, finds, "[t]he presumption so solidly established in our law that females, regardless of age, bodily infirmity, enfeeblement or other natural infirmities, may bear children at any time during their lives, must be accorded due respect."

Sarah laughed at the idea of bearing a child at her age. The thought to her lacked reality and seemed preposterous. So it appeared to some judges and commentators. To quote an Irish judge in *Exham v. Beamish*, 1939 Irish Reports, 336: "The theory which I am asked to accept means that, if the settlement had been made by two octogenarians, I should by our law be compelled to defeat its limitations to grandchildren by assuming that the octogenarians might have had another child and rejecting any evidence to the contrary, because, so it is said, that was the view of a great jurist at a remote period in another country and because, it is implied, that view had been accepted as part of the law of Ireland." Rejecting that implication the Court felt free, "indeed bound, to decline to treat any such absurdity in the machinery of administration as having been imposed on it as part of the law of the land. . . ." And see a note in *Temple Law Quarterly*, Vol. 21, p. 148 (1952 Fall) "Decline and Fall of the Fertile Octogenarian."

However, whether this problem is now ripe for the court of last resort in New Jersey is not certain. Assuming this ultimate court of

experience and our Supreme Court discard this legal theory as a remnant of an unenlightened age, and because it does not "square with the common sense of our present intellectual climate," have we solved the problem that the "fertile octogenarian" rule presents in face of our statute on adoption?

As we stated, both Judge Jayne and Judge Goldmann, in the cases cited, had practically similar problems, women rendered barren by medical science. We do not touch on the difference in the method employed or the fact that in the Hawley case there was not necessarily a permanent sterility by the surgical means there employed. For our purpose it may not be of any moment. The question is nevertheless put, assuming complete sterility, is the problem solved?

Does our adoption statute revive the "fertile octogenarian" rule, if not in fact, then in effect? Is a devise affected by the possibility of the adoption of a child? The section, which has a direct bearing on the problem, R.S.9:3-30 B, provides:

"The entry of a judgment of adoption shall establish the same relationships, rights, duties and obligations between the child and the adopting parent as if such child were born to such adopting parent in lawful wedlock. In applying the intestate laws of this State, an adopted child shall have the same rights of inheritance as if born to the adopting parent in lawful wedlock. In the construction of any testamentary or other document executed subsequent to the effective

date of this act, an adopted child shall be deemed lawful issue of the adopting parent unless such document shall otherwise provided." (L. 1953, c. 264, p. 1777, sec. 14.)

We do not attempt to review the decisions prior to the passage of the current statute which would involve us in a discussion of intention of the testator and an interpretation of the prior statute. This, incidentally, is performed by Chief Justice Weintraub in his dissenting opinion in *In re Wehrhane*, 23 N.J. 205, 128 A.² 681. The crux of this case was the question of the interpretation of the provision in the will that "upon the death of my . . . daughter, to pay over [principal and any accumulations] . . . to the issue of . . . daughter per stirpes absolutely," whether a son adopted by the daughter and his children are included within the testamentary provision. The will was executed in 1925 and the testatrix died within a short time thereafter. The adoption took place six years after the death of the testatrix.

The majority opinion held that a "child," "children" or "issue" of another is presumed not to include any adopted children, unless a contrary design is evident. Justice Jacobs reluctantly concurred because that appeared to be the law at the time the will was executed and would not be affected by "the statutory change in the rule of construction." Justice Jacobs took note that our current statute was enacted to conform with modern concepts.

As stated above the Chief Justice dissented. His dissent was sweep-

ing, disagreeing with the narrow view of the majority, who "would rest this structure upon a quivering foundation"—the use of the term "issue"; finding that their view goes "far beyond any prior decision dealing with lineal transmission." The Chief Justice's concern was the intention of the testatrix in the light of New Jersey statutes and the decisions at that time.

The force of the dissent in *Wehrhane* had its effect upon the majority, for *In re Coe's Estate*, 42 N.J. 485, 201 A.2 571, the Chief Justice speaking for the Court, virtually overruled *Wehrhane*. Justice Hall dissenting.

The will in *Coe* was executed in 1897. The executrix died within the year. The will directed her trustees to hold the stated trust fund "for the lawful children of *Theodora Margery Coe*." *Theodora* was not a child of the testatrix, nor was she formally adopted. She had been dealt with as a member of the family. *Theodora* later married, had no natural children but adopted two daughters. The question in 1962 was whether the adopted daughters answered the description "lawful children." In holding that the adopted children of *Theodora* come within the embrace of the designation of "lawful children," *Coe* directs us to look to the intention of the testator, to be construed in harmony with legislative policy of placing natural and adopted children on an equal footing. *Coe* rejects "the stranger to the adoption concept" introduced in *Ahlemeyer v. Miller*, 102 N.J.L. 54, 131 A. 54, *aff'd*. 103 N.J.L. 617, 137 A. 543.

The courts speak of the pre-

sumption that a woman is always capable of child bearing with age no impediment. There are few cases dealing with the man. See *In re Bassett's Estate*, 104 N.H. 504, 190 A.2 415, and cases cited in 98 A.L.R.2 1299. We call attention to the New Hampshire case because it supplied Professor W. Barton Leach with the title for his article in 77 *Harv. L. Rev.* (1963) 279—"Perpetuities: New Hampshire Defertilizes the Octogenarian." Professor Leach is not wholly content with the New Hampshire case because the parties came in under a compromise agreement seeking the probate court's permission to terminate a testamentary trust. And while the Professor hails the court's opinion as salutary there is a recognition that a total abolition of the presumption may, in isolated cases, give rise to an injustice. However, he is willing to accept that risk.

This introduction brings us to the crux of our problem.

In matters involving a consideration of the rule against perpetuities, whether a class is closed or must be opened to admit others who may be regarded as members of that class, whether a gift over becomes effective upon the termination of a prior gift, and such related problems may be controlled by an adoption. Given the broad principle enunciated in *Coe* and the public policy expressed in the Adoption Act, the title examiner will be hard-pressed to attempt an evaluation of a devise or grant, even where no adoption had been consummated, and even where the possibility of conception had been ruled out by medical intervention. The possibility of an adoption

may keep a class open; may postpone the ultimate vesting or enjoyment of the gift over; may violate the rule against perpetuities; or bring into being, in the latter cases, the "wait and see rule," the modification of the orthodox rule against perpetuities.

All this is conjecture, and much will depend upon intention which in turn will require judicial consideration.

Simes and Smith, in their work "The Law of Future Interests," state, Sec. 546, "The American decisions seem generally to hold that an adopted child is not a child so as to defeat a gift over on the failure of a named person to leave surviving children. The reason seems to be expressed by the New York court; 'Where the passing by limitation over of real or personal property is dependent on a parent dying without heirs or children, it would be easy for a person having no child or children to adopt one and thus cut off the contingent remainder.' [Matter of Horn, 256 N.Y. 294, 176 N.E. 399.] It is apparently thought that the donor did not intend to allow the devolution of the property to be dependent upon the will of the named person."

This may not be the reasoning which our courts will adopt in the

light of Coe, imputing ill motives to the adoptive parent. True, the adoption of a child depends upon the will of the person named, and to some degree so is the existence of a natural child. Coe looks to the intention of the testator, creator of the estate, and to the statute which may underscore that intention. Chief Justice Weintraub approaches determinations in other states with justifiable caution because of differences in the statutory law of the states. This is evidenced by the New York Horn case, cited above in the text of Simes and Smith, for the court there indicates that the New York Statute excluded the adopted child in cases of limitations over. Perhaps the same caution should be exercised in accepting the statements of text writers when applied to local statutory law.

We have found no case where the effect of a possible adoption on a gift was considered; nor have we found any discussion touching on this subject by a commentator. This COMMENT is the result of some exchange of views. It is possible that our courts may hold that this issue of a "fertile imagination" has no more reality than the possible issue of the "fertile octogenarian."

FOR SALE:

Well-established, reputable abstract & title business in prosperous, growing county in Southeastern Wisconsin. Satisfactory terms can be arranged for qualified buyer. Write box 102-A, American Land Title Association, 1725 Eye Street, N.W., Washington, D.C., 20006. All replies will be confidential.

SAFETY WILL ASSURE THE GREAT CIVILIZATION

by

Lyn E. Davis, President
National Association of
Real Estate Boards



Restore safety in our homes and on the streets as the first step to assure the great civilization for which we are paying but not getting. It is not lack of strength, or power, or money that denies the United States this civilization. It is the wasting of these assets. It is not really lack of desire that is holding us back; it is lack of direction.

Where can we start? I believe we must start by restoring law and order. We cannot possibly keep our eyes on the goals ahead while our cities are burned and looted, and while snipers are shooting at our policemen and firemen.

A disorderly society cannot survive; we must let our representatives know that we no longer will tolerate the coddling of the criminal.

We know that one of the major jobs ahead of us is finding the "how" of making over our cities, of eliminating slums, and of implementing our announced policy—advocated by NAREB since 1917—of seeing that every American family has decent, safe, and sanitary housing.

One of the most workable plans so far devised for attaining this goal is the rent supplement program, in which privately-owned, taxpaying property is used to provide housing for low-income families. Today's property tax system discourages construction and rehabilitation in the inner city. We need a sustained crusade that will change this and will lead to a regeneration of our cities. Couple this with a more economical job-training program, and we can bootstrap our way out of the mess we are in. The old ways haven't been working.

Let's try some new ones. Tax incentives and investment credit plans may prove to be useful tools in rebuilding our inner cities. Certainly we can work out methods by which low-income families can use "sweat equity" as a means of becoming home owners. These may well cost us less than we are paying now without getting the results.

What is needed to "invent our future" is better planning while keeping in mind the immutable truths and virtues that brought greatness to our country. One thing that in a sense complicates our planning, but in a larger field of meaning will assist us, is a three-point revolution now underway. We tend to lose sight of the fact that we have gone well past the threshold of this three-pronged revolution which is dwarfing all others that man has ever seen.

One element of this revolution is the coming of age of the computer. Is it possible that the computer might be a tool useful in relocating industries, services, and creating new cities in our land to stem the migration of 500,000 people a year from the country to the city?

The second element of the revolution is education. The jump in the percentage of young people attending colleges is dramatic, but not all educational facilities should be channeled into the production of Ph.D's. Just in the housing industry alone, we know that we will require skilled carpenters, metalworkers, bricklayers, plumbers, tilesetters, plasterers, and artisans who will work with materials not yet developed. As an organization,

we should help to keep the avenues of education open to such valuable contributors to our society.

The third element of our revolution is the continued growth of a new type of energy, a force that stems from the harnessing of the atom. Throughout history, all human progress can be outlined in terms of man's control of energy, or man's ability to use energy to the highest degree. Consider the achievements in production of power and desalinization of sea water through nuclear energy. The nuclear generation of power may well tell us that industry can go more easily to the wide open spaces, that new cities can spring up in what is now wasteland or desert. Realtors must help . . . to rechannel the efforts of our great nation, the producing genius of the world, into the right paths. Let us harness the revolution now in progress so that we can manage the vast changes ahead. Let us make it a matter of "first business" to tell our Congressmen about the nation's housing needs. . . . Let us talk with our local governments about superannuated housing codes that are choking off city rehabilitation before it can start.

Let us expand the program of joining hands with our law-enforcement agencies in stopping the rise of crime and in reversing the intolerable rise of the criminal. . . . Let us speak . . . to our representatives and tell them "that our tolerance of the flaunting of laws is at an end, that we demand a restoration of safety in our homes and on our streets."



POST CO

TRIP TO HAWAII FOLLOWING CONVENTION

"Aloha from Hawaii." That's the theme for Hawaii Visitors Bureau. This blend of Hawaiian, Portuguese, C



A Hawaiian girl romps in the surf on the island of Hawaii. Swimming is

With the cooperation of Fred McMahon and the Oregon Land Title Association, arrangements have been made through Churchill Tours, Inc., to sponsor a post convention tour to Hawaii.

The cost of the tour is \$305 per person and includes round trip air transportation from Portland to Hawaii via Northwest Orient Airlines Jet.

A Pearl Harbor cruise, an all day tour around the island of Oahu, a Hawaiian luau, and six nights accommodations at the Reef Tower Hotel in Waikiki. Just picture yourself on this tour!

First Day: The fun begins when you step aboard your Northwest Fan-Jet for your smooth, quiet flight to Honolulu. Upon your arrival, you'll receive a friendly Hawaiian greeting, a fresh flower lei, and be taken to the hotel in Waikiki.

Second Day: Discover Waikiki! This is your day to take it easy, and enjoy your first taste of South Pacific sunshine on the sands of Waikiki. Feel active? Then try your hand at surfing—or rent an outrigger canoe!

Third Day: See the sights! Get set for an

exciting tour of Oahu. Visit the Buddhist temple. Nuuanu Pali. Then, it's Punaluu for lunch. In the afternoon, visit the Temple at Laie and see the Haleiwa Bay. Then, Haleiwa, the Wahiawa, Schofield Barracks, and the way of Pearl Harbor.

Fourth Day: Sun by day, moon by night. Independent this morning—ocean energy for tonight! In the evening, a luau will be provided to the Hawaiian Village Hotel. A Luau—a Royal Hawaiian.

Fifth Day: Time for a final swim at the beach in the morning.

CONVENTION TOUR FOR ALTA MEMBERS

PLANNED PORTLAND CONVENTION

...ge from Rose Marie Alvaro, poster girl
...foot, four-inch beauty is a beguiling
...e, and English ancestries.



...off a black sand beach on the big
...d the year through.

...ll see downtown Honolulu, a
...alley and a spectacular view
...to beautiful Kahana Bay and
...ernoon, you'll visit the Mormon
...huku Plantation and Waimea
...pineapple region surrounding
...s—then back to Honolulu by

...feast by night! Play it inde-
...st relax in the sun. But save
...early evening, transportation
...queen's Surf Gardens or the
...re you can let yourself go at
...feast.

...exciting cruise! Take off for
...strike out on your own. But

remember: you've got a 1 p.m. date for a cruise around historic Pearl Harbor. Visit Battleship Row, the sunken USS Arizona and the Utah—view Hickam Field and Ford Island. You'll return by way of Honolulu Harbor where giant U. S. vessels are berthed. The evening is free to enjoy Oahu's exciting night life.

Sixth Day: Tour the shops! It's just the right day to take care of last-minute shopping and explore Honolulu's elegant shops. Or, to do as your fancy dictates!

Seventh Day: Time to say "Aloha" . . . or? Transportation via limousine is provided for your trip to the airport where you may head for home—or take off on an optional tour to the neighboring islands. If you're heading for home—one thing is certain: You'll enjoy your flight back with Northwest Orient Airlines—and you'll be making plans to "Let Yourself Go" in Hawaii again!

As Hawaii plays host to a tidal wave of tourists, a half dozen hotels are going up above the white sands at Waikiki.



MACHINES IN THE TITLE PLANT

By

GERALD W. CUNNINGHAM, Chairman ALTA Committee on Title Plant and Photography; President, Blackhawk County Abstract Company, Waterloo, Iowa



ALTAs committee on title plants and photography conducted a survey at the Mid-Winter Conference in New Orleans. The questions related to the use of microfilm, copiers, auto-typewriters and the GI file system within the title plant.

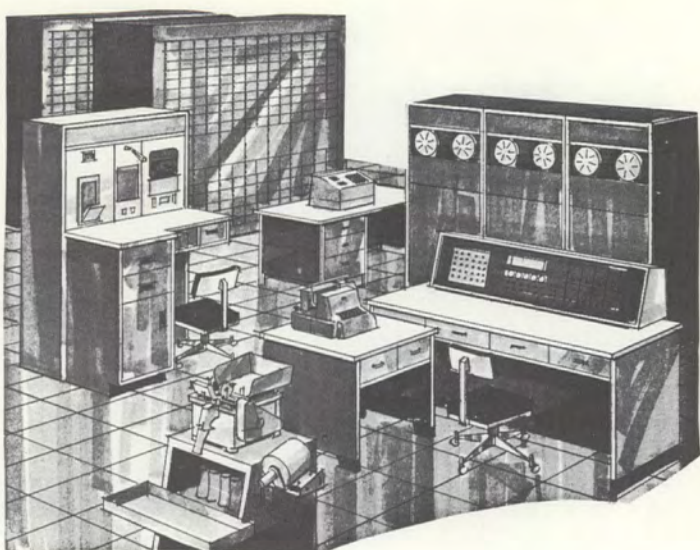
Twenty-four companies replied in what appears to be a most unusual balance and cross section of the industry. 9 replies were from companies located in counties of 15,000 to 70,000 population and having daily filings of less than 100 (average) instruments; 7 replies were of counties of 120,000 to 800,000 population with daily average filings of 100 to 200 instruments; and 8 replies were from counties of 200,000 or larger with 200 or more instruments per day.

In the 9 smaller counties 5 companies used microfilm for takeoff and 3 used no microfilm; in the 7 medium sized counties 4 used microfilm for take-off and only 1 used no microfilm; in the 8 large counties 4 used a microfilm take-off and only 1 used no microfilm. It appears that size of the county or daily filings could not have been the determining factor in the use of microfilm. In fact 19 of the 24 counties use microfilm for one or more purposes.

Sixteen counties make a hard copy print out from microfilm. 6 using Xerox for this purpose, 6 photography, 3 Thermofax, 1 3M Quadrant printer and 2 use some other equipment.

Most companies retain the film in roll form, however, 6 use an acetate jacket of some form, 1 Aperature cards and 2 use Microfiche. 9 companies use 16 mm film, 15 companies use 35 mm film and 6 counties use both; only 1 reported using 16 mm film for take-off. None of the companies using microfilm reported that they disliked their use.

Copy machine manufacturers have found a market for their product in our industry for 100% of the reporting companies use a copy



machine of some kind. Xerox takes first with 19, Bruning 3, 1 3M and 1 Kodak. They must be doing a job as 23 of the 24 reported liking their use.

Auto-matic typewriters are being used and some are presently considering their use. The MTST (IBM) is used by 7 companies, 2

have Auto-typist and 2 some other make. 1 disliked and 10 liked their use and application.

Conclusions evade one when it comes to the GI or miscellaneous file systems unless you consider the statistic that 17 of those reporting use the "soundex" system in some form.

SUMMARY

County Population	15,000 to 70,000	120,000 to 180,000	200,000 or more	Total
Take-off, daily avg.	under 100	100-200	200 or more	
Companies reporting	9	7	8	24
Using microfilm	6	6	7	19
Microfilm Take-off	5	4	4	13
Use no microfilm	3	1	1	5
Use a copy machine	9	7	8	24
Use Auto-typewriter	3	4	4	11
Use Soundex	6	4	7	17

IDAHO BREAKS THE

ALTA VICE PRESIDENT GORDON BURLINGAME IS GUEST SPEAKER AT MEETING

Shattering precedent, the Idaho Land Title Association held its 1968 Annual Convention at the Outrigger Hotel in romantic Honolulu, Hawaii. ALTA Vice President, Gordon M. Burlingame and Mrs. Burlingame (Chris) were honored guests.

The festivities began Sunday, February 4 with a luau at the Royal Hawaiian Hotel, although the overflow crowd was already stimulated by the Hawaiian spirit, having made the long trip across the Pacific Ocean in a chartered plane.

Business sessions began Monday morning and continued through Thursday with such outstanding features as "Banking as a Tool of Civilization," "Developing of an Escrow Department," "Trends in the Mortgage Market," "Dangers in a Real Estate Sales Contract," and plenty of free and open discussion.

Vice President Gordon Burlingame, in a fighting speech to the Idaho titlemen declared that members of the title profession are too modest.

"For too many years the abstractor and the title insurance officer in this country has hidden his light under a bushel," he said. "Our industry is a vital one to the American economy—one that assists our citizens in fulfilling a basic human desire; the ownership of real estate. We encounter all the hazards of invested capital, keen competition, fluctuating markets, specialized employee training, and confiscatory taxation. We maintain privately owned title plants, we work closely with lawyers, real estate brokers, homebuilders, and private and public lending institution officers in the gigantic and wonderful task of building a stronger and better America. Yet it is with something approaching apology that we attempt to explain our services and our charges."

ALTA Vice President Gordon M. Burlingame (left) and ILTA President Dwain Stufflebeam confer before the start of a business session.



OCEAN BARRIER



This happy group of ILTA members has just arrived in Honolulu and received the traditional Hawaiian welcome.

Burlingame challenged the Idaho titlemen to re-examination of their role in the Nation's building program.

"We are shy," he said, "for two reasons. The first is our failure to recognize that collectively we are no longer 'small business.' Many of us, with small and medium size companies, think of ourselves as completely local in character. We tend to compare ourselves on the wrong end of the telescope. But just think! As an industry we can boast of \$500 million of invested capital and assets and 42,000 employees; with an annual conservative estimate of \$280 million in salaries. The time has come for an awareness of our contribution to the American way of life.

"The second factor contributing to our reticence in the past has been our failure to educate the public in terms of everyday language. The average homebuyer knows little or nothing of the processes that are such a necessary part of the protection he needs when buying a parcel of real estate."

Burlingame urged all titlemen to take a more active part in the affairs of their community in an effort to bring about a better understanding to title matters to their neighbors and future customers.

(Left to right) Mr. Burlingame, Mrs. Mary Davis, Vice President, ILTA; Mrs. Jeanette Pauli, Secretary-Treasurer, ILTA; and Mr. Stufflebeam.



THE UNIFORM COMMERCIAL CODE IN SOUTH DAKOTA

By HAROLD H. SCHULER, Secretary
South Dakota Land Title Association

The South Dakota Land Title Association held its special meeting in Pierre December 2, 1967, relating to the Uniform Commercial Code. Forty companies were represented. Assistant Attorney General Courtland Kelley reviewed the recent opinion pertaining to the Uniform Commercial Code.

Highlights of the meeting are as follows:

1. Many abstracters reported that they are being asked to certify to the U.C.C. The general feeling at the meeting was that abstracters are in the business of providing title information and that if the customers want U.C.C. information you should provide it, charge for the service, and get your Title Plant in shape so that you can certify to the U.C.C.

2. A number of abstracters reported that they are already certifying to the U.C.C. with a separate special certificate. Their procedure is as follows: each day the abstracter examines all of the Financing Statements of the U.C.C. filed in the Register of Deeds Office, and if any Financing Statement has real property described in Par. 5 or 6 or within it, they post such filing number of the Financing State-



ment to *their Abstract Company Tract Index*. The financing statements are filed chronologically in the Register's Office and going back through them and posting those with real property described to your Tract Index, will bring your plant up to date.

3. A motion was made and seconded that SDLTA President Houck appoint a committee to draw up a recommended Uniform Procedure for certifying to the U.C.C. President Houck appointed four lawyer-abstracters to the committee and their report is below.

4. It was agreed unanimously that the abstracters support a bill to amend the U.C.C. to require that

to perfect a Financing Statement that the real property must be described with a legal description and not "six miles south of town" etc.

Committee Report:

- A. If you do not certify to the U.C.C. we suggest this language to be included on your Uniform Abstracters Certificate: "No search has been made or liability assumed for Financing Statements filed under the Uniform Commercial Code."
- B. If you do certify to the U.C.C. this separate certificate is recommended.

Uniform Special Abstracter's Certificate for Uniform Commercial Code

The _____ Abstract Company, a corporation, and a bonded abstractor of _____ County, S.D. hereby certifies that there are no Unsatisfied Financing Statements filed under the provisions of the Uniform Commercial Code in the

Office of the Register of Deeds of _____ County, S.D. wherein real property is described, on the following described real estate in _____ County, South Dakota:
(Spaces)

Except:
(Spaces)

No liability is assumed for financing statements of the Uniform Commercial Code filed in the Office of the S.D. Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a financing statement is filed in the Office of the _____ County Register of Deeds covering timber, growing crops, or fixtures wherein the land is described other than by metes and bounds, the rectangular survey system or by recorded lot and block.

Dated at _____, South Dakota, this _____ day of _____ 19____ at _____ M. _____ Abstract Company

The following letter expresses the official opinion of the Attorney General of the State of South Dakota concerning the Uniform Commercial Code:

**STATE OF SOUTH DAKOTA
OFFICE OF
ATTORNEY GENERAL
Pierre**

October 23, 1967

Herbert A. Heidepriem, Esquire
State Senator
Miller, South Dakota

Re: Uniform Commercial Code—Security interest in fixtures, abstractor's duties and liabilities thereto.

Dear Senator Heidepriem:

You have requested my official opinion to answer the following questions:

- 1. If an abstractor uses the uniform certificate, does he become obligated to show financing statements covering fixtures which become attached to real estate:

- (a) if the legal description of the land is included in item 6 of the financing statement?
 - (b) if the legal description of the land is not included in item 6?
2. If your answer to 1 (a) above is affirmative, is the term "describe real estate" limited to metes and bounds, rectangular survey system and recorded lot and block, or would some other reference by which the real estate might be identified such as, for example, a street address, be sufficient?
 3. If the answer with respect to either 1 (a) or 1 (b) above is affirmative, do you have any suggestions to Registers of Deeds for the indexing of the financing statement in the real estate indices or otherwise, so that the abstractor may receive appropriate notice that an interest in land is involved?

These questions are submitted in regard to the effect upon licensed abstractors of Sub-title 9 of the Uniform Commercial Code which was adopted as Chapter 150 of the Session Laws of 1966.

The Uniform Commercial Code, UCC, permits a security interest to be created in a fixture which is or may become attached to realty. (Secs. 9-102 and 9-113) Sections 9-401 and 9-402 require the ordinarily filed instrument, a financing statement, in order to give constructive notice as to an interest claimed in a fixture attached to real estate to be filed in the same office as a mortgage against such real property would be filed or recorded. Sec. 9-402 provides that if goods which are or are to become fixtures, is included as security, the financial statement "must also contain a description of the real estate concerned." The method of filing such financing statement is provided by Sec. 9-403(4). Briefly stated, such statement is given a consecutive file number, and is stamped with the date and hour of filing. In addition, such is indexed according to the name of the debtor, noting the numerical file number, and the address of the debtor, as given in the financing statement. In practice two copies of such financing statement is furnished the filing officer, one of which is placed in such numerical file, and the other in the alphabetical index.

The duties of an abstractor, as well as his obligation as such, are well settled. Such is summed up in 1 Am. Jur. 2d 237 ("Abstracts of Title," Sec. 12) as follows:

His (the abstractor's) obligation is to make a full and true search and examination of the records relating to or affecting the title of the land in question, and to prepare an abstract thereof, covering the desired period of time, noting accurately every transfer, conveyance, encumbrance, judicial proceeding and other instrument of record in any way affecting the title within the period covered.

This rule is supported by *Wacek v. Frink*, 51 Minn. 282, 53 NW 633, and these decisions of our Supreme Court: *Goldberg v. Sisseton Loan and Title Co.*, 24 SD 49, 123 NW 266; *Stephenson v. Cone*, 24 SD 460, 124 NW 439, 26 LRA (NS) 1207, and *Dupratt v. Black Hills Land & Abstract Co.* (SD 1966) 140 NW 2d 386. In the same American Jurisprudence citation, the limitation on an abstractor's duties is pointed out, citing among the authorities, *Stephenson v. Cone*, supra. Says such text:

Ordinarily the law does not impose on an abstractor the duty of giving any opinion as to the legal effect of any of the instruments reflected in the abstract he prepares, unless he expressly or by necessary implication assumes that responsibility. He need not concern himself with the legal effect of matters of record which he discloses by the abstract, and of course, is not to be understood as making any representation as to the genuineness or authenticity of any recorded instrument, nor is he under any duty to resolve inherent obscurities or verify the correctness of distances and measurements as given in documents and shown on the abstract or point out the effect of discrepancies.

In *Stephenson v. Cone*, supra, our court summed up the textbook rules above given, as follows:

To furnish abstracts of title is a business—a sort of profession. The party undertaking it assumes the responsibility of discharging his duty in a skillful and careful manner. That is just what he is paid for doing. Patience in the investigation of records is the main capacity required. There are no professional opinions required of the abstractor. It is his duty to furnish facts from the records, without concern for their legal effect. Upon the facts furnished, the purchaser must make his own examination and determine for himself on their sufficiency. The abstractor collects the evidence from the records, and notes the same on the abstract, and if he makes a mistake or oversight or omission, resulting in damage, he must respond to the injured party. (Many cases cited.)

The UCC, as we know, while adopted in many states, is of such modern origin that many of its provisions have not been adjudicated. The question raised in question 1 as to whether a financing statement which claims an interest in real estate, by virtue of a fixture, in the absence of a description of the realty affected, is one such problem. It is my opinion, however, that in the absence of such description of real property, that either such security interest would affect all of the property of such debtor in the particular county, or would be ineffective to give constructive notice of, or to claim an interest in any realty in such county. Logic would support the latter alternative, and it is my opinion that the bald-faced allegation that by a financing statement a security interest is claimed to certain fixtures on undescribed real property, would not give constructive notice as to such claim to any specific tract of real property, and therefore could not support a claim of interest in such specific realty. However, when such property is described within item 6 of the financing statement, constructive notice as to such claim is given by filing of such financing statement.

My answer, therefore, to question 1(a) is YES. My answer to question 1(b) is NO. Question 2 raises the sufficiency of the description of such real property. This exact question has not been answered by the courts as to this specific problem. The courts have, however, considered the description of the property or goods subject to security interest, and all have agreed that any description satisfying the rule of *Ford v. Ford*, 24 SD 644, 124 NW 1108 is sufficient.

In the *Ford* case, you may remember, the property conveyed by a deed was described as "all right, title and interest in and to all ranches, lands, houses, barns, stables and corrals belonging to Hugh Ford situated on Belle Fourche River, Butte County, D. T., commonly known as the headquarters of the Ford Bros. Cattle Company."

Our Supreme Court held this description sufficient, stating:

The office of a description in a deed is not to identify the lands but to furnish the means of identification, and that a description is considered sufficiently certain which can be made certain, and that a description in a deed would be deemed sufficient if a person of ordinary prudence, acting in good faith, and making inquiries suggested by the description given in such deed, would be enabled to identify the property.

Your attention is called to *Loomis v. Chicago and Northwestern Railway Co.*, 31 SD 408, 141 NW 386 which points out limitations on the rule, and to *Schlecht v. Hinrich*, 50 SD 360, 210 NW 192 which made the same rule applicable to a chattel mortgage.

Although our Legislature has frowned upon metes and bounds descriptions (see SDC 1960 Supp. 51.1405) it has permitted at least one specific exception thereto. (See Ch. 84, Laws of 1966). If such a description satisfies the criteria of the *Ford* case, it of necessity must give constructive notice when included within an financing statement claiming a security interest in goods which become fixtures, or are fixtures, on property described by metes and bounds.

The big problem that will face an abstractor are descriptions, which I have been informed have heretofore been filed, which describes the real property as being located a certain number of miles from a designated municipality (such as ten miles west and three miles south of Town "A".) It is my opinion, however, that inasmuch as such instrument at least claims to affect title of ascertainable real property, caution would require an abstractor to note such financing statement, if such could conceivably describe the particular property subject to such abstracting, leaving it to the purchaser of such abstract of title to pursue his rights under the UCC to make inquiry of the secured party to determine if such fixture is attached to the land in question.

It is my opinion that question No. 2 must be answered that as long as the description given is such as will identify the land in question, it satisfies the provisions of the UCC, and the licensed abstractor should properly note its existence in such abstract.

Question No. 3 raises a question which I do not believe it would be proper for me to answer. It involves a question of policy to be determined by the several registers of deeds of the state, either alone, or in conjunction with the licensed abstractors of this state. Certainly the ideal solution would be for each register of deeds to note such UCC claims on his tract indices to real property wherever such is possible. Time alone will tell if such a policy can be reached between such public officers and licensed abstractors in this state.

Most sincerely,
FRANK L. FARRAR
Attorney General

COPIES OF ALTA STATEMENT TO ABA BOARD OF GOVERNORS NOW AVAILABLE

Last October, Thomas S. Jackson, the attorney for the American Land Title Association, submitted to the American Bar Association Board of Governors a seventeen-page "Statement in Opposition to Action by the Board of Governors to Sponsor a National Title Insurance Company." A number of members of the ALTA have requested copies of this statement. Accordingly, the statement has been reprinted and copies are now available from ALTA headquarters for \$1.00 plus postage.

MIKE GOODIN IN RIOT CONTROL

The ALTA staff shares with all Association members the sense of shock and outrage at the murderous attack on Dr. Martin Luther King. We deplore with equal vigor the senseless destruction which followed this tragedy.

Washington, D. C. was one of many cities which suffered untold damage in the wake of the assassination. We are happy to report that the staff members, although inconvenienced, suffered no serious harm from the riots which swept the city. The disturbance, however, drastically affected the personal life of one staff member. Michael B. Goodin, Business Manager for the American Land Title Association, is a member of the Army Reserves. The chronology of events which touched his life were probably duplicated over and over again throughout the country.

Dr. King was shot and mortally wounded at 7:05 p.m., Thursday, April 4. News of his death was broadcast nationwide exactly one hour later at 8:05. A crowd of bitter, hurt, angry citizens gathered in the heart of Washington's depressed area, attempting at first merely to force the closing of all the stores in the neighborhood as a sign of respect to Dr. King. The first act of vandalism (a shattered glass door of a local theater) occurred at 9:37, an hour and a half after the news of the death was broadcast.

The looting and burning which followed were brought under control rather quickly, so that by 4

o'clock in the morning, the police chief and mayor felt that the worst was over. Not so. The following day, with all ALTA staff members at their posts, (except Jim Robinson who was in Dallas attending the Regional Abstracters Meeting), news spread that rioting and burning had erupted again. By 2 o'clock, Friday afternoon, there was a pall of smoke over a portion of the city—just blocks from the ALTA office—and businesses were beginning to close. Upon confirmation that the situation was serious, ALTA's Executive Vice President, William J. McAuliffe, Jr., suggested to the women employees that they return to their homes.

In the meantime, Mike Goodin, who was out of the office on business for the ALTA, returned to the office to find it empty. He then be-



gan the long trek homeward, competing with thousands of cars jamming the roads and highways out of the city. Mike walked through the door of his home to discover that his Army unit had been called to duty, and he made the return trip to Washington to report at the D. C. Armory.

In the rioting that followed, eleven persons lost their lives, some eight thousand were arrested, hundreds more were injured and the property damage exceeded \$13,000,-000.

As this report is being prepared for *Title News*, Mike Goodin is still on duty patrolling the streets of Washington, safeguarding the lives and property of its citizens. It is confidentially expected that within a day or two, Washington's Mayor will release the military groups, and Mike Goodin will once again be back at his desk. When he returns, we will ask him to write his own story for ALTA members about the tragedy and turmoil which followed Dr. King's assassination.

In the meantime, if Mike hasn't answered your letters, please be a little patient.

A MID-YEAR RESOLUTION

One resolution everybody in every ALTA member company might make in 1968 is to help educate the public to the value of owner's title insurance.

Few things are so helpful to your industry in terms of new business . . . and few are so helpful to the home or property buyer!

As a dramatic series of events in Montgomery and Prince Georges Counties, Maryland, showed in 1967, ignorance is not bliss when it comes to title insurance. Embuzzlements left home owners facing two, rather than one, mortgages on their homes.

ALTA has a simple, low-cost leaflet . . . featuring actual newspaper headlines . . . which vividly explains the important difference between home owner's and mortgagees title insurance.

The Maryland case history shows that the term "title insurance" is often loosely used by many. Many people simply don't know the difference. Resolve now to help reduce this lack of knowledge. Banks, real estate offices and many others will . . . ALTA's experience has shown . . . distribute this leaflet to their customers —if you make it available.

Order your supply NOW! Prices are nominal.

GENUINE Engraved Stationery

FREE DIES AND PROOFS

LETTERHEADS

\$23⁰⁰ FOR 1000

BUSINESS CARDS 1000 FOR 19.00

BUSINESS ANNOUNCEMENTS 500 FOR 37.00

RUBBER STAMPS - 90¢ PER LINE - OVER 3" \$1.40 PER LINE

NOTARY OR CORP. SEALS - HAND OR DESK \$8.95

Write for FREE PROOF TODAY

DEWBERRY ENGRAVING CO. | WORLD'S LARGEST
3201 So. 4th AVE., BIRMINGHAM, ALA. 35222 | ENGRAVER

NAMES IN THE NEWS



Mr. HENRY ALLEN MARK has been appointed a member of the Board of Directors of Home Title Division, Chicago Title Insurance Company. Mr. Mark

is a Senior Partner of the New York law firm of Cadwalader, Wickersham & Taft. He joined that firm in 1950 and has been a partner from 1953 to date. In addition to being active in many civic affairs, Mr. Mark is a member of the Real Estate Board of New York, the New York State Bar Association and the American Bar Association.

* * *



WILLIAM O. PETERSON has been appointed Administrative Assistant to Harold Arman, Vice President and Los Angeles Division Sales Manager for

Title Insurance and Trust Company. Immediately prior to his affiliation with Title Insurance in February of this year, Peterson had been Vice President and Operations Manager for Charter Title Company. In his assignment, Mr. Peterson will assist Mr. Arman in the planning, organizing and the

coordination of the Los Angeles Division sales program, as well as assisting in analyzing the Division's Business Development strategies and tactics including the number of projects planned and implemented. Prior to entering the title insurance industry he had been, for a number of years, a real estate broker in the San Gabriel Valley area.

* * *



On Wednesday, March 13, 1968, HERBERT ALSTADT, Vice President and Division Manager of the Title and Trust Division of Pioneer National Title

Insurance Company, Portland, Oregon, completed 45 years service with PNTI. Over 100 friends and business associates attended a luncheon in his honor at the University Club in Portland which was hosted by George B. Garber, President of PNTI. Mr. Alstadt joined the Title and Trust Company, a predecessor of PNTI, in Portland, on March 13, 1923 as a messenger. Shortly after starting to work with Title and Trust he entered Northwestern College of Law from which he was graduated in 1928 with an LLB degree. He held many positions from messenger and file clerk to Branch Manager.

In 1938 he became Branch Man-

ager of the Clackamas County Office of Title and Trust Company. In September, 1945, he was made a Vice President. With the merger of Title and Trust Company into Pioneer National Title Insurance Company in 1966, Mr. Alstadt became Vice President and Division Manager of the Title and Trust Division. In addition to many civic activities, Mr. Alstadt has been active in the affairs of the Portland Board of Realtors and National Association of Real Estate Boards. He served as regional Vice President of NAREB in 1963.

* * *



HILL

Promotion of two officers of The Title Guaranty Company of Wyoming, Inc., Casper, Wyoming was announced by President, Robert R. Rose, Jr.

COFFMAN



ROY P. HILL, JR. was elected as a director of the company and was named as Executive Vice-President in addition to his present office as General Manager. He joined the company as office-manager in 1958.

Elected as Secretary-Treasurer was MILTON M. COFFMAN, JR. and succeeds his father, Milton Coffman, who remains as a director. Mr. Coffman, Jr. joined the Company in 1962 as manager of the Natrona County operation. He is presently Mayor of the City of Casper.

* * *

CHARLES C. HAMPTON, Vice President of Lawyers Title Insurance Corporation, retired on January 31 after twenty-five years of service with the company in Texas. Hampton, with headquarters in Dallas, had been in charge of the company's operations in Texas.

BILLY E. VAUGHN has been elected Texas State Manager by the company's Board of Directors.

Hampton is a past president of the Title Underwriters of Texas and a past president, director and regional vice president of the Texas Land Title Association. In 1966, he was named "Title Man of the Year" by the Texas Land Title Association in recognition of his contributions to the title insurance industry over the years. The Association cited Hampton for "many years of work in development of various forms and procedures for the title business and quiet but effective development of legislation of great importance to the industry."

Vaughn, a native of Texas, joined Lawyers Title in 1959, as a Sales Representative in the Western States Office in Dallas. He is a graduate of Stephen F. Austin College in Nacogdoches, Texas.

In Albuquerque, Vaughn served as secretary of the New Mexico Land Title Association and as secretary of the Albuquerque Mortgage Bankers Association. He is a member of the Downtown Dallas Kiwanis Club.

* * *

J. D. EATON has been named Escrow Officer and Branch Manager of the new office of Stewart Title & Trust of Phoenix, Arizona. The new branch is the eighth to be opened in Maricopa County by Stewart Title.

Elwood F. Kirkman, President of Chelsea Title and Guaranty Company is pleased to announce that FRANK W. MARSALEK and JOHN R. WILLIAMS have become associated with the company as Vice-Presidents.

A careerist in the title field, Mr. Marsalek became associated with a national title insurance company in 1941 where he remained to eventually head their branch office in the nation's capital.



Mr. Marsalek is a member of the Maryland and American Bar Associations, and has participated in the Real Estate and Trust Section of the American

Bar Association.

He is currently Secretary for both the Maryland State Title Association and the District of Columbia Land Title Association.

Mr. Williams, also a professional in Title Insurance matters, has been associated with a national title insurance company since 1954 in all phases of the title business.

An Attorney also, he was admitted to practice in 1940, and is presently a member of the Virginia and Kentucky Bars.



Mr. Williams served as a member of the American Land Title Association's Standard Underwriting Practice Committee, and as a member of the Standard

Forms Committee.

Mr. Marsalek has been designated Maryland State Manager with offices at 4709 Chase Avenue, Bethesda, Maryland.

Mr. Williams has been designated manager of the Company's Division Office which covers the States of Maryland, Virginia and District of Columbia and his office will be located in the Barr Building, 912 17th Street, N.W., Washington, D.C.

* * *

JAMES H. MCKILLOP of Winter Haven, Florida, has been elected Florida State Counsel of Lawyers Title Insurance Corporation. He was formerly Title



Officer.

A native of Winter Haven, McKillop is a graduate of the University of Virginia and the University of Florida College of Law. He joined the legal department of Lawyers Title's Florida State Office in Winter Haven in 1960.

* * *

The Home Office Claims Department of Lawyers Title Insurance Corporation, Richmond, was recently reorganized. BRUCE L. BYRD, who has been named Assistant Counsel-Claims, is in charge of the department. Mr. Byrd has been with Lawyers Title since 1955. HARRY T. TALIAFERRO, JR. and HENRY M. JARVIS have been named Title Officers-Claims by the company's Board of Directors. Mr. Taliaferro joined Lawyers Title in 1959 as a Claims Attorney. Mr. Jarvis has been with Lawyers Title's Legal Department since 1964.



The promotion of THOMAS D. STOCKTON as manager of Napa County Operations for Title Insurance and Trust Company, has been announced by

Hale Warn, senior executive vice president. Immediately prior to his new assignment, Stockton served the company as assistant manager of the San Luis Obispo County Office.

Stockton is a native of Bakersfield, California, and is a graduate of Bakersfield High School and Bakersfield Junior College. His higher education was obtained at Stanford University, Hastings College of Law and Southwestern University Law School. He joined Title Insurance and Trust Company in October, 1956, in the Bakersfield office, where he served as searcher and title officer. In 1963 he assumed the managership of the Inyo-Mono County Operations and in 1966 was promoted to assistant manager of San Luis Obispo County.

At a recent meeting of the Board of Directors, Stockton was elected an assistant vice president of the company.

* * *

FRANK J. KROEMER has been elected Vice President and Comptroller of Inter-County Title Guaranty & Mortgage Company, New York. Mr. Kroemer, a veteran of 33 years in the title insurance business, was formerly Senior Vice President and Comptroller of the Home Title Guaranty Company and Vice President and Financial Officer of the Home Title Division of the

Chicago Title Insurance Company. He was then named Treasurer and Comptroller of the Chicago Title Insurance Company. Mr. Kroemer will work out of Inter-County's home office in Floral Park, Long Island.

* * *

ALVIN W. LASHER, Akron, Ohio has been elected a Title Officer of Lawyers Title Insurance Corporation by the Board of Directors. Mr. Lasher has been engaged in title work since 1959. He was named an Assistant Title Officer of Lawyers Title in 1964.

* * *



The promotion of GORDON K. (BUD) WILDE as manager of branches for the Union Title Division of Pioneer National Title Insurance Company, has been

announced by Walter A. McLean, vice president and division manager. Wilde will be responsible for the management of the branches in Lake, Porter and La Porte Counties.

Wilde joined Title Insurance and Trust Company, Pioneer National's parent company, in October 1953, as a title engineer in the Santa Ana office. He progressed through the title department as a searcher, examiner, supervisor of examining and supervisor of engineering.

In December 1966, he was elected an assistant vice president of Title Insurance and Trust Company and concurrently was transferred to the San Bernardino office as manager of title processing.

* * *



MEETING TIMETABLE



May 5-6-7, 1968

Iowa Land Title Association
Holiday Inn, Waterloo

May 9-10-11-12, 1968

Washington Land Title Association
Sheraton Motor Inn, Seattle

May 17-18, 1968

Tennessee Land Title Association
Continental Inn, Nashville

May 19-20-21, 1968

Pennsylvania Land Title Association
Tamiment-in-the-Poconos

May 22-23-24, 1968

California Land Title Association
Hotel Del Coronado
Coronado

June 7-8, 1968

South Dakota Land Title Association
Hickory House, Huron

June 19-20-21, 1968

Illinois Land Title Association
Bel Air East Hotel
St. Louis, Missouri

June 26-27-28-29, 1968

Michigan Land Title Association
Boyne Highlands, Harbor Springs

June 27-28-29, 1968

Land Title Association of Colorado
Wort Hotel
Jackson, Wyoming

June 27-28, 1968

New Jersey Land Title Association
Seaview Country Club, Absecon

June 27-28-29, 1968

Wyoming Land Title Association
Wort Hotel, Jackson

July 14-15-16-17, 1968

New York State Land Title Association
The Greenbrier
White Sulphur Springs, West Virginia

August 15-16-17, 1968

Montana Land Title Association
Jorgenson Holiday Inn, Helena

August 22-23-24, 1968

Minnesota Land Title Association
Germain Hotel, St. Cloud

September 12-13-14, 1968

New Mexico Land Title Association
Holiday Inn, Gallup

September 12-13-14, 1968

North Dakota Title Association
Holiday Inn, Bismarck

September 13-14, 1968

Kansas Land Title Association
Salina Hilton Inn, Salina

September 13-14-15, 1968

Missouri Land Title Association
Colony Motor Hotel
Clayton, Missouri

September 28, 1968

Oregon Land Title Association
Hilton-Portland Hotel
Portland, Oregon

September 29-30-October 1-2, 1968

ANNUAL CONVENTION
American Land Title Association
Hilton-Portland Hotel
Portland, Oregon

October 24-25, 1968

Dixie Land Title Association
Parliament House
Birmingham, Alabama

October 24-25-26, 1968

Ohio Title Association
Commodore Perry Hotel, Toledo

October 24-25-26, 1968

Florida Land Title Association
Hollywood

October 24-25-26, 1968

Wisconsin Title Association
Pfister Hotel, Milwaukee

October 24-25-26, 1968

Nebraska Land Title Association
Holiday Inn of Kearney
Kearney, Nebraska

October 27-28-29, 1968

Indiana Land Title Association
Stouffers Inn, Indianapolis

November 1-2, 1968

Arizona Land Title Association
Valley Ho Hotel, Scottsdale

American Land Title Association

