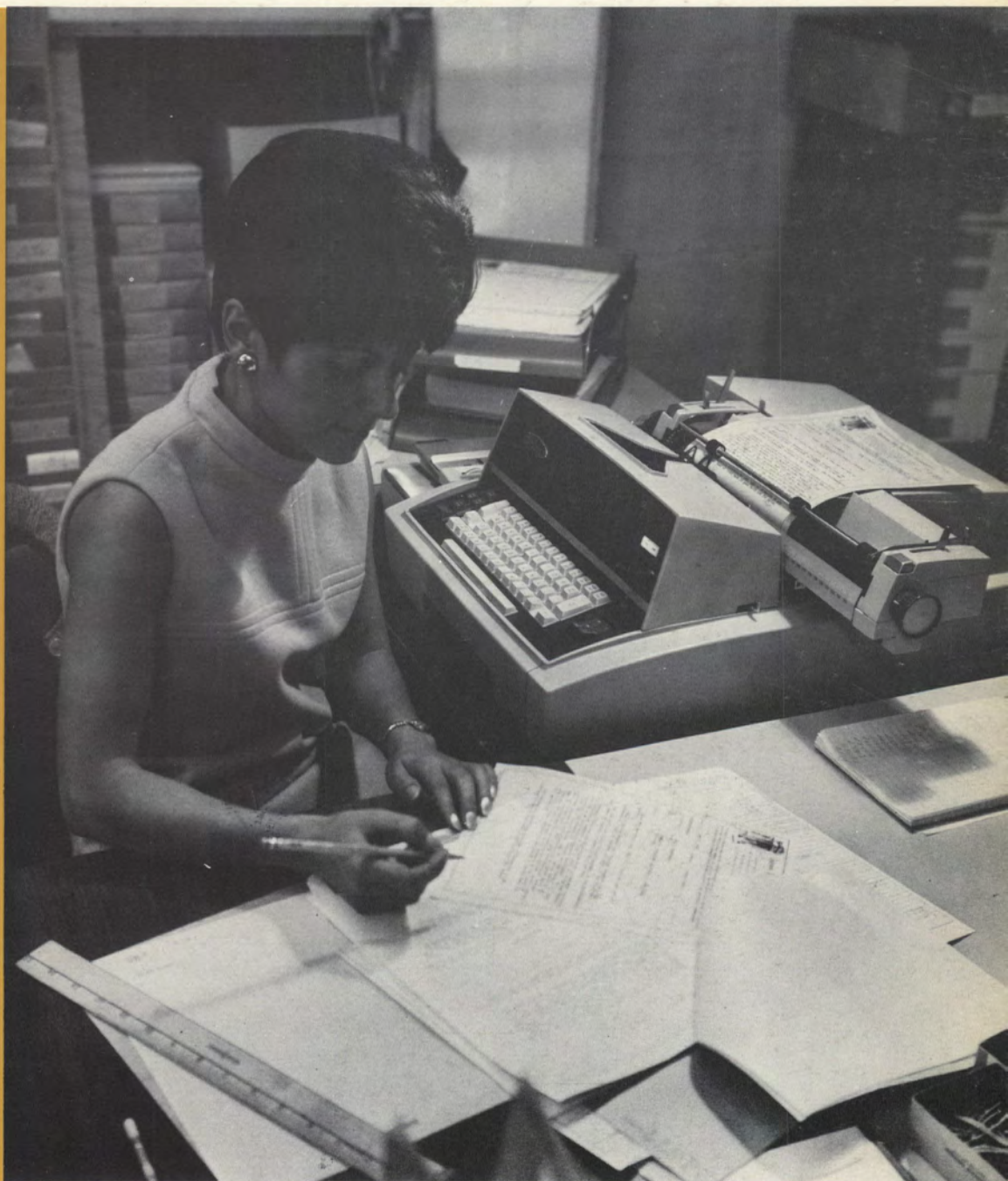


Title News

the official publication of the American Land Title Association

DO NOT REMOVE



*EDP Keeps
Service
Excellent*

February, 1970

DO NOT REMOVE



Vice President's Message

FEBRUARY, 1970

Under the able leadership of our president, Tom Holstein, your ALTA officers and staff have met, and the programs for the current year are well under way.

All of the appointments have been made to our many working committees, and I'm aware that a number of these committees already have held meetings this year.

I also am pleased to report that your executive committee has authorized the creation of a new liaison committee between ALTA and the Mortgage Bankers Association of America. The conferees have been appointed, both by Tom Holstein and by Robert H. Pease, president of MBA, and this committee will hold its first meeting prior to our Mid-Winter Conference.

The plans for the Mid-Winter Conference in New Orleans now are complete. You will find the program for this Conference is timely and is keyed to the problems each of us is facing during this economic period. I urge all members to plan to attend this Conference, and I look forward to seeing you there.

Sincerely,

Alvin W. Long

Title News

the official publication of the American Land Title Association

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LaCrosse County Title Company
LaCrosse, Wisconsin

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Chicago Title and Trust Company
Chicago, Illinois

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ON THE COVER: Electronic data processing has enabled Lawyers Title Insurance Corporation's Northern California District Office to maintain excellent service as business volume increases. For the story, please turn to page 4.

VOLUME 49, NUMBER 2, 1970

TITLE NEWS is published monthly by American Land Title Association, 1725 Eye Street, N.W., Washington, D.C. 20006 (phone) 202-296-3671.

GARY L. GARRITY, Editor

'Operation Grassroots' Gets Under Way

Gary L. Garrity

ALTA Director of Public Relations



What does the future hold for commercial title companies in Florida.

Look for more emphasis on systems and equipment that efficiently handle growing work loads while



Clarence Hull
Florida Title &
Guaranty
Jacksonville

holding down overhead. That includes greater use of joint facilities, automation, and advanced copy equipment.

In addition, the land title industry role of the abstractor-agent will continue to increase in importance as his title insurance volume builds. Strong competition for title business from affiliates of the state Bar Fund will remain—and will be met locally with the excellent service typical of ALTA members.

These, in consensus, are views expressed by Florida members when visited on the first field trip in connection with



H. D. Roberts
St. Johns County
Abstract
St. Augustine

ALTA's "Operation Grassroots," a program announced in November by Association President Thomas J. Holstein. This writer made the swing in December, calling on 12 abstracter-

agents and one underwriter branch in scattered locations. A primary purpose of the visits is to develop an up-to-date picture of needs and trends in abstracting—as viewed locally.

Operations visited include Florida Title & Guaranty Company, Jacksonville; St. Johns County Abstract



Sam Mansfield
Marion Abstract
Ocala



Chester Crum
Lawyers Title Branch
Tavares

Company, St. Augustine; Marion Abstract & Title Company, Ocala; Fidelity Title & Guaranty Company, Orlando; Real Estate Title Company, Tampa; Polk County Abstract Company, Bartow; DeSoto Abstract Company, Arcadia; Meridian Abstract & Title Company, Miami; Broward County Title Company and Lauderdale Abstract and Title Company, both Ft. Lauderdale; Palm Beach Abstract & Title Company,



George Balfour
Fidelity Title
Orlando

West Palm Beach; Martin County Title Company, Inc., Stuart; and the Lawyers Title Insurance Corporation branch at Tavares.

Counties in which these concerns are located have populations ranging from around 20,000 to approximately one million.

Comments received on the trip—and those obtained on additional "Operation Grassroots" visits to other parts of the nation this year—are to be considered by ALTA officers and staff in planning future activity. Subjects discussed in Florida ranged from ALTA meetings and programs to local problems. Here is a summary of other local-level findings in the Florida visits.

ALTA members called on generally agreed that continued concentration by the national association on



S. E. Wynn
Polk County Abstract
Bartow

relations with the federal government—and on the ALTA public relations program to better inform Congress and the public about the title business—are highly important. Also mentioned at a number of com-



S. V. Foster
Real Estate Title
Tampa

panies was the usefulness of bulletins and other materials supplied from the ALTA office.

In discussing their individual needs, people at a number of the Florida companies mentioned more information on copy equipment, and expressed concern about the establishment of title insurance agent operations that have inadequate records and resources. Also cited was a desire for assistance in the training of new employees.

Most companies visited have made recent increases in the salaries of existing employees to retain personnel in a competitive labor market. Nine of the companies reported they offer employees profit sharing or bonus, eight have health insurance coverage, seven offer life insurance, and five provide pension benefits (some through larger parent company plans).

Nine of the companies have added microfilm or copy equipment in the past five years. At least two now use a machine that makes copies directly from microfilm. On the electronic data processing side, one company recently put its entire general index on EDP tab cards—and uses error-free magnetic tape machines to type material, along with a magnetic card machine that permits quick revision of material typed at closings. Another handles its accounting through the computer system of a sister real estate investment company. Still another has used a computer printout to update its title plant records.

Other systems improvement reported by companies include one company's placing its entire tract in-

dex on 4 x 6-inch "ditto slips." Another has put listings of every county subdivision in a single, alphabetical file to eliminate indexing for posting—and has implemented visible tabs color coded by type of entry in its name index.

Nine of the companies reported business volume increases for 1969 and 1968, in comparison with the respective preceding years. Approximate per cent increases estimated for the two years, respectively, are 6½, 9; 25,25; 12,10; 5,15; 35,10; 15,60; 5, 2½; 50,50; 15,10.

In spite of the state of the national economy, titlemen at nine of the companies said they anticipate business volume increases in 1970. One company optimistically looks for as much as a 50 per cent increase because of greater concentration on title insurance marketing. At the other end, two companies predict 5 per cent increases. Other percentage increase predictions are 25, 20, 20, 10, 10, and 10. Three companies report they anticipate decreases and one expects no significant change from 1969 figures.

Seven companies reported operating expense increases for both 1969 and 1968 in comparison with the respective previous years. Another estimated a 16 per cent operating expense increase, 1969 over 1968, but reported 1968 operating expenses were down about 16 per cent in comparison with 1967. Still another said operating expenses were up about 4 per cent in 1969, but were

down about 8 per cent in 1968. Four companies projected operating expense increases for 1969 only in considering the two years; these increases as estimated in percentages are 23, 12, 5, 5. Companies reporting operating expense increases for both 1969 and 1968 estimated them as follows: 5,5; 5,5*; 5,5*; 8,9; 25,25; 25,25; 50,50 (*taken as averages). Inflation—and particularly salaries and cost of equipment and supplies—were named as causes of the increases.

Seven companies reported net profit increases for both 1969 and 1968 in comparison with the respec-

tive previous years. The estimated percentage increases for the two years respectively, are: 20,3; 16,33; 5,15; 25,10; 100,100; 10,10; 50,5. Another described a "steady increase" in net profit. Still another estimated a 90 per cent decrease, 1969 against 1968, and said 1968 saw a 150 per cent increase over 1967. Another projected a 50 per cent decrease, 1969 against 1968, because of substantial investment in new facilities—adding that otherwise 1969 would be the best net profit year in its history. Another reported its net profit has averaged between 15 and 20 per cent of gross volume over the past five years; another reported a projected 40 per cent increase on a smaller volume of orders than in 1968, largely because of condominium work; and still another reported a "steady decrease."

Spokesmen for eight of the companies said their concerns have increased abstract service charges with-

Continued on page 8



Claude Jones
DeSoto Abstract
Arcadia

tion on copy equipment, and expressed concern about the establishment of title insurance agent operations that have inadequate records and resources. Also cited was a desire for assistance in the training of new employees.



Mrs. Arlene Heller
Broward County Title
Ft. Lauderdale



Allan Ricketts
Lauderdale Abstract
Ft. Lauderdale



Robert Lewis
Meridian Abstract
Miami



Charles Potter
Broward County Title
Ft. Lauderdale



Robert Shirk
Palm Beach Abstract
West Palm Beach



Carl Turner
Martin County Title
Stuart

EDP Keeps Service Excellent

Electronic data processing has doubled typing speed and eliminated most proofreading in the preparation of land title reports, binders, and policies at Lawyers Title Insurance Corporation's Northern California District Office in San Jose.

The advances in processing have helped the district office continue providing excellent service as business volume increases. Largely re-

sponsible for the gains in efficiency are Frieden Model 2341 Flexowriter document revision writing machines, according to Lawyers Title officials.

All standard clauses and repetitive data—such as those setting forth taxes, restrictions, easements, and other matters affecting land titles—are contained in a series of color-coded, edge-punched cards. The cards are used to automatically print out

appropriate information on a report, binder, or policy. With this system, it is unnecessary for a typist to individually enter repetitive data over and over.

A typist needs only to enter variable data not included in the edge-punched cards. Only this variable data need be checked for typing errors.

In printing out a title insurance policy, a paper tape punched during report or binder typing is inserted into the reader unit of a 2341. The tape is easy to edit: the machine stops automatically on sentence, word, or character when deletions, additions, or replacements are required.

While the original tape is printing out the final policy, the 2341 is punching a final tape for the permanent file. When the real estate concerned changes hands again, this final tape is used in a title search on the new transaction.

A comparable magnetic tape system previously was used by the Lawyers Title district office, according to Jack Critcher, plant supervisor. The change to paper tape was made because the magnetic tape operation involved one more typing and proofreading step than required with the 2341 system. In addition, the magnetic tapes had to be catalogued and searched for data retrieval. Information on the paper tapes can be easily retrieved through the office filing system, and the tapes are stored in a small area.

Features that increase the useful-



Automatic typing of a document revision automatic writing machine is monitored in the Lawyers Title Northern California District Office. Edge-punched cards used to enter repetitive data in documents can be seen in the racks at left, rear.

Continued on page 10

association corner

state



Record Attendance At NLTA Meeting

Outstanding speakers, discussion of new legislation, and the largest attendance in the association's history were highlights at the sixty-first annual Nebraska Land Title Association convention in Lincoln October 9-11.

Nebraska Lt. Governor John Everroad and ALTA President Thomas J. Holstein were featured speakers on the program. Delegates also heard Herman Ginsburg and Willis R. Hecht, attorneys, Lincoln; Norris G. Leamer,

abstractor and attorney, South Sioux City, Neb.; Carlton W. Crosley, Webster City, Iowa; Ralph J. McPherron, abstractor, Glenwood, Iowa; and Herbert L. Jackman, attorney, Grant, Neb.

State association officers elected were: Amy Frohn, Lincoln, president; Ross Druliner, Benkelman, vice president; and James R. Ganz, Kearney, secretary-treasurer.

Elected to the board of directors were: Norris G. Leamer, South Sioux City; G. Hanford Smith, Lexington; Helen F. Beachell, Beaver City; and Donald M. Bell, Plattsmouth (immediate past president).



Note-taking preserves useful information conveyed by speakers at the Nebraska Land Title Association convention. Amy Frohn, new NLTA

president, receives the presidential gavel from Donald M. Bell, her predecessor in office.

Holstein Receives Wisconsin Award

ALTA President Thomas J. Holstein was named Wisconsin Titleman of the Year at the Wisconsin Title Association convention October 31-November 1 at Eau Claire, Wis.

"Yours has been a total effort beyond the call of duty and a great contribution to our Association," A. C. Achten, WTA president, said in presenting the award. "We honor you today with the highest award that the Wisconsin Title Association can bestow on a member of the title industry, not only for your excellent services to our Association, but as the first Wisconsin president of the American Land Title Association in 56 years."

In addition to honoring Holstein, Achten also presented an honorary membership to Harold A. Lenicheck, who recently retired as president of Title Guaranty Company of Wisconsin Division, Chicago Title Insurance Company, continuing as chairman of the board for that concern.

"During those years of service, he (Lenicheck) was also an active mem-



ber of our state and national associations . . . he gave unselfishly of himself, his time, and his talents," Achten said.

An appearance by U.S. Senator Gaylord Nelson of Wisconsin was another convention highlight. The senator spoke on work in Washington on programs involving water and air pollution control, and natural resources conservation.

Other featured speakers included:

—John W. Warren, chairman, ALTA Abstracters and Title Insurance Agents Section;

—Richard P. Buellbach, Milwaukee, who discussed the "Newly Formed Title Insurance Rating Bureau" in Wisconsin;

—C. Perry Liverton, Philadelphia, who commented on "Mechanization of the Small Title Plant";

—Stanley C. DuRose, Wisconsin insurance commissioner, whose talk was entitled, "Impact of Current Legislation on the Title Industry."

These state association officers were re-elected at the meeting: Achten, president; Otto S. Zerwick, vice president; James J. Vance, executive secretary; Nic S. Hoyer, John E. Hutson, and Clyde V. DeVillier, directors. Newly elected as directors are: Lenicheck, Dave Duchac, John Duffy, and Ted Schneider.

The convention ended with a costume party—complete with grand march and prizes for best costumes.

Missourians Honor 50-Year Abstracters

Six abstracters were presented plaques in recognition of 50 years service during the sixty-second annual convention of the Missouri Land Title Association, which was held in Kansas City in September.

They are E. R. Tirmenstein of Benton, Glen E. Toalson of Osceola, William M. McAdams of Kansas City, Charles D. Brandom of Gallatin, William H. Cohrs of Lexington, and Hoseo J. Taylor of Huntsville.

Officers elected at the convention include Borden D. Stoll, Plattsburg, president; Philip M. Fitzgerald, St.

Louis, vice president; Hugh B. Robinson, Carrollton, secretary; and Phyllis Schnebelen of Farmington, Marvin Linder of Linneus, and Judson L. Palmer, Kansas City, all directors.

Speakers at the convention included Gordon M. Burlingame of Bryn Mawr, Pa., 1968-69 ALTA president.

St. Paul Completes Burton Acquisition

Completion of the acquisition of Burton Abstract and Title Company of Detroit, Mich., by The St. Paul Companies, Inc., has been effectuated with the merger of Burton into a wholly owned subsidiary of The St. Paul.

Michigan Insurance Commissioner Russell Van Hooser has approved the previously proposed merger.

The merged company continues to do business in Michigan under the name of Burton Abstract and Title Company.

Under terms of the merger, one and one-half shares of The St. Paul Companies stock were exchanged for each of the approximately 200,000 shares of outstanding Burton stock.

Burton provides title, abstract and escrow services throughout Michigan. The concern over a century old, has 19 offices in the state, and in 1968 had premium and service-charge income of \$7 million.



Philip Fitzgerald, left, and Borden D. Stoll, respective vice president and president of Missouri Land Title Association, discuss plans for the year ahead.



A distinguished group at the Wisconsin Title Association convention includes, from left, John Warren, chairman, ALTA Abstracters and Title Insurance Agents Section; Otto Zerwick, WTA vice president; U. S.

Senator Gaylord Nelson of Wisconsin; and Al Achten, WTA president. Another photograph shows Senator Nelson addressing the convention on water pollution and air pollution control, and conservation.



names
names in the news
names



ELMORE



MARSHALL



VOGT



WILLIAMS

Lawyers Title Insurance Corporation has announced the election of **John M. Elmore, Jr.** as vice president with offices in Richmond. **Carl F. Ferguson** replaces **Elmore** as manager of the Cleveland branch of the company.

Richard E. Marshall has been named title officer in the company's Los Angeles office; and **Timothy S. Vogt** has been named manager of the Lawyers Title West Palm Beach, Fla., office.

Kenneth F. Williams, of the Winter Haven (Fla.) office, has been elected Florida state title officer.

* * *

A. N. (John) Talley has been appointed manager of the Lauderdale

Abstract and Title Company and Peninsular Abstract Company joint abstract plant in Fort Lauderdale, Fla.

* * *

Mel Kensinger has been appointed executive vice president of Colorado Title Guaranty Co., at its Colorado Springs home office. Named vice president, marketing services and vice president, production, were **Bill Birmele** and **M. R. Stephens**.

* * *

Arthur F. Fraley has been promoted to assistant vice president, agencies, of Peninsular Title Insurance Company, Jacksonville, Fla. Fraley served previously as vice president and manager of Fidelity Title & Abstract Division, Peninsular Abstract Company, a wholly owned subsidiary of Peninsular Title.

* * *

Barry W. Crelin has joined New Jersey Realty Title Insurance Company as associate title officer.

* * *

L. Karl Kraeger, president for 23 years of Missouri Title Guaranty Co., St. Louis, has been elected chairman of the board of directors. **William H. Murch** was elected president, and **Julius R. Nahmensen**, vice president and secretary.

* * *

Commonwealth Land Title Insurance Company has announced the following promotions: **John A. Day**, title officer; **Raymond T. Wosnicki**



DAY



WOSNICKI



GAUSE



ZERONE

and **Henry C. Gause**, assistant title officers; **Francis L. Zernone**, manager of Commonwealth's Glenside (Pa.) office.

* * *

W. Howard Harcourt has been appointed manager of a new Miami, Fla., office of Inter-County Title Guaranty and Mortgage Company.

* * *

Chicago Title and Trust Company has announced the following promotions in its trust division:

Helen M. Kullberg and **William R. Rudolph**, senior escrow officers; **Jerome N. Arendt** and **Peggy A. Baker**, escrow officers; **J. Stanley Johansen**, trust officer.



Industry leaders helped Rattikin Title Company open its new downtown Fort Worth headquarters recently. The move—third in the company's 26 years—was made to acquire more space and better facilities. Instead of the customary ribbon cutting, the men crashed through a giant warranty deed which symbolized the company's taking charge of 15,750 square feet of space in a refurbished building. The group includes, left to right, Jack W. Townes, president, Texas Mortgage Bankers Association; Wade Nowlin, president, Fort Worth Mortgage Bankers Association; Ed Conley, president, Fort Worth Savings and Loan League; Jack Rattikin, Jr., president, Rattikin Title Company; Bill Thurman, executive vice-president, Rattikin Title Company; J. B. Sandlin, president, Builders Association of Fort Worth and Tarrant County; K. D. McKenzie, Jr., president, Fort Worth Board of Realtors, and Joe Bruce Cunningham, president, Tarrant County Bar Association.



Albert Y. Bingham, chairman, finance committee of the board, Chicago Title and Trust Company, has retired from that position. His career with the company began in 1942. He will continue as a director of Chicago Title and Trust, and as a director and chairman of the finance committee of Halsey, Stuart & Co., Inc., a wholly-owned investment banking subsidiary of the company.

Samuel Bates Dies

Word has been received of the death of Samuel O. Bates, president and general counsel of Commerce Title Guaranty Company, Memphis, Tenn.

His career had included being an attorney and judge whose concerns covered criminal, probate, and title law. He also served as attorney general of Shelby County (Tenn.) and as state representative and state senator.



Ernest J. Billman, left, chairman of the board, Security Title Insurance Company, Los Angeles, recently was honored as 1969 "Humanitarian of the Year" for his contributions to charitable organizations including Gateways Mental Hospital, YMCA, Los Angeles County Heart Association, and United Way. Shown here with him at presentation ceremonies are Ernest E. Debs, center, chairman of the Los Angeles County Board of Supervisors, and Merwin Kreeger, attorney and president of the Men's Club of Gateways.

OPERATION GRASSROOTS, continued from page 3

in the past five years, and all include a raise in the fee for a certificate of completed abstract.

Personal contact and membership in local civic and realty organizations were mentioned as important means of local business promotion by personnel at eleven companies. Good service was generally cited as an important promotional vehicle. One titleman benefits from serving as secretary for his local Board of Realtors and multiple listing service, and as

a member of his city planning board. Sending out calendars, printed interest tables, and other giveaway items also was mentioned. These estimates of percentage of time spent on promotion were made at the companies visited: 5, 10, 10, 10, 5, 5, 5, 1, 12, 2. In addition, these estimates were made of per cent of total operating expenses spent on promotion: 4, 10, 4, 10, 1, 5, 5, 1, 3, 1.

Ten companies reported using yellow pages and city directory advertising, six said they advertise in special publications including those of a legal nature, three use radio advertising spots, two occasionally advertise in their local newspapers, and

two apply speeches and talks as public relations tools. One company reports adapting a television advertising spot from the ALTA film, "A Place Under the Sun," after obtaining permission to do so, and one develops its own news releases for the local newspaper and is working on a soundslide presentation to help in promotion with local real estate groups.

Among desired state legislative changes mentioned at the companies visited were statutes that would enable public records to be self-purging in 30 years, law to reduce the amount of paperwork in title evidencing, simplification of mechanic's lien laws, and law to establish promulgated ab-

stracting and title insurance rates for use by Florida abstractor-agents.

Information obtained during the "Operation Grassroots" visit to Florida is being analyzed with an eye to future ALTA activity and appreciation is extended to the title companies concerned for their excellent cooperation. Other ALTA members around the nation will be asked to assist in this program during visits to other states. After abstractors and agents are visited elsewhere, a useful, up-to-date national picture will be assembled on current needs and trends. This information will be helpful in future ALTA programming.

Northeastern Opens Branch in Brooklyn

Northeastern Title Guaranty Corporation has announced the opening of a branch office in Brooklyn, N.Y.

Jacob Schlanger has been appointed vice president and manager. He will be assisted by Louis Lande, assistant vice president, and William H. Kanter, counsel.

Northeastern also has announced its home office has moved into new and enlarged facilities in Mineola, N.Y.

Joseph S. Knapp, Jr., 1964-65 ALTA President, Retires After Busy Career

Joseph S. Knapp, Jr., 1964-65 ALTA president and chairman of the board for The Title Guarantee Company (Baltimore), has retired after a busy land title industry career dating back to 1917.

In addition to his duties as a title company executive, he has been active in endeavors of ALTA, the Bar, and other real estate and civic organizations.

Besides serving ALTA as president, vice president, treasurer, and chairman

of the Title Insurance and Underwriters Section, he was a member of the Board of Governors from 1952 to 1955, and for two years was chairman of the Eastern Regional Conference.

He has served the Real Estate Board of Greater Baltimore as vice president and as a director.

For many years, he has been president of a Catholic orphanage and a member of the Board of Catholic Charities in his home community.

Directory Notice

Production difficulties have been encountered in preparation of The 1970 *American Land Title Association Directory*. Because of these problems, delivery of the publication is being delayed.

Your patience is appreciated as the *Directory* complications are resolved.

First American Now Operates in Idaho

Policies of title insurance now are being issued in the state of Idaho by First American Title Insurance Company, Santa Ana, California, as the result of an underwriting agreement negotiated with Twin Falls Title & Trust Company of Twin Falls, Idaho.

The new affiliate brings to 13 the number of states in which First American issues policies, First American President D. P. Kennedy noted.

Established in 1907, the Twin Falls firm is headed by Gordon Gray, president, and his son, Michael P. Gray, assistant secretary and trust officer.



Joseph S. Knapp, Jr.

ness of the 2341 system are a typewriter-like keyboard that makes a machine easy to learn and machine capacity which will enable auxiliary units to be added. The additional units can bring extra input capacity or utilize an on-line computer tie-in. Capacity for expansion is considered particularly important as a title company's operation grows and a more sophisticated system is needed.

In addition to the 2341 system, the San Jose office also maintains a key-punch department and uses a computer service bureau to update printouts on property information. Plans are for the keypunch operation eventually to be replaced by a fully computerized title search to serve the four Lawyers Title offices in surrounding Santa Clara County.

Critcher, and Renato Simoni and Bert L. Brown, respective northern California manager and assistant secretary for Lawyers Title, recently

worked with Conrad J. Rebillot, the company's director of research and development, in evaluating the district's various electronic data processing techniques in connection with a nationwide study of Lawyers Title EDP systems in different locations. An objective in the study is to formulate recommendations for standardization.

Fidelity Abstract Indexes with EDP

Fidelity Abstract and Guaranty Company, Benton, Ark., is offering electronic data processing land description index services to interested concerns.

According to James A. Gray of Fidelity Abstract, the service includes punching EDP cards from the customer's source material, sorting the cards geographically, and returning them to him for hand filing.

If a buildup should occur in a particular area of a county, a Fidelity

Abstract customer may have his EDP cards listed if he chooses—and use the listing as supplemental sheets in his tract book system. Or, he may choose to remain on a card system.

Equipment used by Fidelity Abstract for the service includes an IBM 029 printing key punch machine and a sorter. Initial inquiries received concerning the service have included those regarding construction of complete abstract plants.

Disbursing Company An Aid to Builders

Lawyers Title of Louisiana, Inc., New Orleans, offers a financial management service to builders through a disbursing company called Cash Plan.

The operation of the disbursing company provides effective assistance to builders, lending institutions, and suppliers, according to James W. Mills, Jr., president of Lawyers Title of Louisiana. Centralized funds, records, information, and programs are used by Cash Plan. Controlled purchase orders and cost breakdowns are applied for each step of construction.

Benefits of using Cash Plan, according to Mills, are prompt payment for suppliers, security for lenders, and improved profits for builders through better buying power, prompt service, and accurate cost records.

Contractors pay a fee for Cash Plan services, which include a continuous check on job progress and payments, and a final report featuring a complete and detailed cost record for a job. Cash Plan is designed to greatly lighten the paperwork load of the contractor.

Lawyers Title of Louisiana also publishes COMPTRAN, a monthly computerized compilation of all real estate transfers in Orleans, Jefferson, St. Bernard, and St. Tammany parishes. COMPTRAN is a printout from the company's regular title plant records, which are placed in the sequences needed for the monthly report. The publication is offered to



Conrad Rebillot, left, and Jack Critcher of Lawyers Title go over printout sheets from the EDP equipment in the Northern California District Office.

such groups as real estate brokers, mortgage lenders, bankers, and buyers and sellers of real estate.

Each COMPTRAN report is in the mail to subscribers within two days after the close of the month. COMPTRAN contains a complete breakdown on each transaction listed—including legal description, municipal number, and square and lot designations with special emphasis on locating municipal numbers.

Abstracter Income Sources Analyzed

A commentary on "Ways to Make Money in the Abstract Business without Making Abstracts" was presented by Henry O. Arnall, Jr., of Poteau, Okla., during an Oklahoma Land Title Association Owners-Managers Meeting during December in Oklahoma City.

Addressing his remarks to the

needs of small abstracters, Arnall prefaced his listing of ways to make money with the statement, "Performing all of the items listed below would probably furnish you some additional income, but would also help your competitor acquire most of your customers; or in the event you do not presently have a competitor, you might create the desire and need for one."

He then listed the following "ways to make money":

—Title reports; ownership take off (oral or written); list of daily recordings (deeds, mortgages, oil and gas leases, court filings); UCC search; loan applications; closing loans; closing assumption sales and cash sales; loan collections or servicing; escrows; construction fund disbursement; paying taxes for non-residents; property management; notary; special assessment district information; checking taxes.

—Title insurance; oil and gas lease purchases; oil and gas lease title cura-

tive; addresses of non-residents; rights-of-way purchase and information; court-appointed or independent appraisals; certified copies of instruments; photocopies; additional charges for recording instruments; actual recording of county clerk's or court clerk's instruments; copy of microfilm to county clerk as insurance; rental of vault space; credit bureau (in smaller towns); agent for map companies; real estate sales; insurance other than title insurance; contract typing and microfilming; charge postage on mailing abstracts.

One other suggestion arose during the discussion, according to Mrs. Lou Jackson, executive secretary of the state association. Referral was made to a practice of charging a fee for the storage of abstracts.

"If the above items do not create enough income for you to live in the manner which you would enjoy," Arnall observed, "then you might attempt to do a little abstracting in your spare time."

A Title Engineering Firm To Service The Title Industry

- Title plants built and reorganized
- Central map control systems
- General index rewrites

(Also, we are in the market to purchase a title company to use as a pilot plant for our Pre-Examined Title System.)

Address all inquiries to:

Synchro-Systems, Inc.

P. O. Box 5200
Sherman Oaks, Calif. 91413
Phone (213) 461-7252

Part III: ALTA Judiciary Committee Report

(Editor's note: Members of the ALTA Judiciary Committee have submitted over 400 cases to Chairman John S. Osborn, Jr., executive vice president and general counsel, Louisville Title Insurance Company, for consideration in the preparation of the annual Judiciary Committee Report. Chairman Osborn reports that 142 cases have been chosen from this number for the report. Earlier installments may be found in the November and December, 1969, issues of *Title News*.

* * *

DEEDS

Masterson v. Sine, 68 Adv. Cal. 223, 321, 436 P. 2d 561 (1968)

Grantors, husband and wife, conveyed property by grant deed reserving option to repurchase the property. Thereafter husband grantor was adjudged a bankrupt. Trustee in bankruptcy and wife sought declaratory relief to establish trustee's right to specific performance on the repurchase option.

Held: Testimony of the bankrupt grantor of a contemporaneous oral agreement to be personal to the grantor is admissible to establish the alleged nonassignability of the option to repurchase although the reservation of the option was unqualified and silent on the subject of assignability. A presumption that the option was freely transferable could be rebutted by a prior or contemporaneous collateral agreement concerning the missing term.

The significance of the case lies in its impact on the parol evidence rule.

Bartels v. Hennessey Brothers, Inc., 164 N. W. 2d 87 (Iowa, 1969)

Action by grantees under subsequent deed against grantee under prior deed and common grantor to quiet title to land purportedly conveyed by subsequent deed on ground that prior deed, which had been corrected as to description prior to final indexing and recording, without re-execution, re-acknowledgement and re-delivery was a nullity, and, thereby, accorded subsequent grantees no constructive notice. The Linn District Court quieted title in subsequent grantees, and prior grantee appealed. The Supreme Court held that the deed which has been properly indexed and recorded imparted constructive notice to subsequent grantees where correction had been effected "by the parties" to the deed, and the subsequent grantees would have discovered existence of the deed if they had examined the recorder's index book and records.

In City of Marietta v. Glover, 225 Ga. 265, 167 S. E. 2d 649 (1969)

The City of Marietta owned a tract of land which had been a public park for 113 years, but the deed under which it had acquired title and the record thereof was lost during the Civil War. When the city attempted to establish its title by a Torrens proceeding, naming as defendants the heirs of the original grantor, they objected, claiming that the lost deed had contained a reverter clause under which title would pass back to them upon cessation of use for park purposes. Seeking to prove their contention, they

offered hearsay testimony of persons claiming to have been told of the provisions in the deed many years ago. The court held that title cannot be proven by hearsay evidence or general reputation in the community. Hearsay evidence has been admitted to show land lines and customary rights, and the identity of heirs at law, but the provisions of a lost deed cannot be proven in this way.

Selectmen of the Town of Nahant v. United States of America, 293 F. Supp. 1076 (Mass., 1968)

Where deed from town to United States for purpose of establishing life saving station contained no language indicating that estate must expire when property ceased to be used for purposes mentioned, or that it was intended to last only so long as property was so used.

Held: Deed did not create fee simple determinable, and mere recital in deed of purpose for which land conveyed was to be used is not in itself sufficient to impose any limitation or restriction on estate granted.

E. E. Marshall, as Administrator, v. Hollywood, Inc., a Florida corporation, Case No. 2245, District Court of Appeals of Florida, Fourth District. (Opinion filed June 30, 1969.)

This case has not yet been reported in the advance sheets. This case upholds the validity of the Florida Marketable Title Act, which was enacted in 1963. The court stated that the Act is "undoubtedly the most important piece of legislation dealing with real property titles enacted in the Senate of Florida in many years." The claim against the title was based upon a deed that the court accepted as being a forgery and completely void. The land involved is wild, unimproved, and not in the possession of any of the owners. The Florida Marketable Title Act provides, in short, that any person who, together with his predecessors in title, has been vested with any estate in land of record for thirty years or more shall have a marketable title to such property which shall be free and clear of all claims, with certain exceptions. The Act provides for a method

of protection for valid claims. The court applied the Act to validate a record title based upon a void deed. The court indicated in the decision its intent to certify the question to the Florida Supreme Court as one being a matter of great public interest.

Wooddell v. Hollywood Homes, Inc., R. I., 252 A. 2d 28 (1969)

The court held that a corporation's deed bearing the seal of different corporation was not void. The Rhode Island Statute (Section 34-11-2), which provides that no seal is necessary to render valid an instrument conveying lands, tenements or hereditaments, applies to corporations as well as to individuals. The use of the corporate seal on the deed in question was mere surplusage. (The holding in this case is no surprise, but since the court has spoken on the subject, conveyancers may be emboldened to quit the practice of requiring correction and re-recording of deeds of corporations in similar instances.)

DOWER

Perlberg v. Perlberg, 18 Ohio St. 2d 55 (1969)

A conveyance to children of a former marriage, without consideration other than love and affection, by a man engaged to be married, without disclosure of the conveyance to his intended wife whom he later marries, does not defraud her of her right of dower, provided for in Sec. 2103.02 Revised Code (*Ward v. Ward*, 63 Ohio St. 125, over-ruled).

EASEMENTS

Bach v. Sarich, 74 Wash. Dec. 2d 580, 445 P. 2d 648 (1968)

First, I should state that the State of Washington adheres to the rule respecting non-navigable lakes, that while the ownership goes to the center of the lake, all the riparian owners have a right to the use of the surface of the lake for boating, swimming, fishing, and similar recreational uses, as long as they do not abuse the rights of other owners. *Snively v. Jaber*, May 3, 1956, 48 Wash. 2d 815. In light of this general rule, the Bach Case becomes significant in its strong affirmation.

One of the riparian owners on Bitter Lake, a non-navigable lake, filled a portion of the bed of the lake which he owned. He then proceeded to construct an apartment house on the filled land. Twenty-four other riparian owners brought an action to enjoin the same.

Between the date of the temporary restraining order and the trial date, the defendant proceeded rapidly with the construction. The court finally ordered the demolition of the construction and the removal of the fill. The Supreme Court affirmed the lower court, stating that the riparian rights to the recreational use of the surface of the lake are characterized in this state as vested property, protected by the Constitution. The court further held that the construction of an apartment house is not a proper riparian use, particularly since there had been no commercial zoning of said lake area. In answer to the appeal of the defendant on the matter of balancing the equities or relative hardship, the court pointed out that this was for the *innocent* defendant and not for the one who took no action to mitigate his loss after being warned and while a suit was pending. This decision seemed harsh, but is certainly a full affirmation of the rule of common right to the recreational use of the surface of a non-navigable lake.

Alban v. R. K. Co., 15 Ohio St. 2d 229 (1968)

Plaintiff land owner was granted an easement for ingress and egress over a strip of ground 80-feet wide, described by metes and bounds. Defendant subsequently purchased the servient estate from plaintiff's predecessor in title and its deed was specifically made subject to the easement 80-feet wide in favor of plaintiff. Defendant provided and paved a ten-foot way across the parcel. Plaintiff contended that he had an easement over and across the entire 80 feet. Defendant contended that the grant only described an unlocated or undefined right of way and therefore created only the right to a reasonably convenient and suitable right of way

within the property described in the easement.

Held: Plaintiff had the right to a convenient way across the land of defendant and no more, and defendant may make improvements on, or alterations in, the remaining portion of the described strip of land. To hold otherwise would unduly restrict its use.

Case of first impression.

Sanders v. Roselawn Memorial Gardens, Inc., 159 S. E. 2d 784 (W. Va., 1968)

Owner of servient tract granted successive easements for the purpose of travel in and over a certain road in favor of various property owners.

Held: Such grants are valid and any party may improve the private way so long as such improvements do not injure a co-owner.

Fanti v. Welsh, 161 S. E. 2d 501 (W. Va., 1968)

A sewer line was laid from one parcel to another without the benefit of the grant of an easement. Its presence could not be detected on the surface. More than sufficient time to acquire an easement by prescription had elapsed. The purchaser of the parcel to which the line ran was a bona fide purchaser for value without notice many years after the prescription period had run.

Held: No easement by prescription had been acquired because there was no actual or constructive notice, nor would an inspection of the premises readily disclose the existence of the easement or facts sufficient to put a reasonably prudent buyer on inquiry.

Fox v. Ohio Valley Gas Corporation, 235 N. E. 2d 168 (Ind., 1968)

A public utility attempted to construct and lay a pipe line in a county highway right of way without the consent of the abutting landowners who owned the fee to the center of the road, but which fee was subject to a public highway. The landowners claimed this was an additional burden and servitude. The Indiana Appellate Court in recognizing a distinction between a public way in a municipality and in a rural community stated that the placing of

a pipe line in a public way in a municipality would not be an additional servitude on the land, but that the placing of a pipe line in a public way in a rural community would be an additional servitude and the land-owners were entitled to damages.

Held: Supreme Court, reversing Appellate Court, abolished the distinction between city streets and rural highways as to the use of utility facilities therein and thereon. The dedication of land for highway purposes, when made, is deemed to comprehend not only specific uses in the minds of the parties at the time, but also those developed and invented which fall into the category of transportation in the future, the court recognizing as one example that industry has found it more feasible to move oil and gas through pipe lines

rather than by trucks on the surface of the road.

Massey v. Britt, 224 Ga. 762 (1968)

In 1930 A and B jointly acquired a tract which, in 1939, they divided into two parcels, each acquiring fee simple title to one tract. A's parcel contained a spring and the deed from B to A set forth a covenant that B could "get water from the spring," which he did by carrying it in buckets until 1968 when B commenced the laying of a pipe line across 75 feet of A's property. A seeks injunction.

Held: B has right to construct pipe line on theory that one who grants a thing is deemed also to grant that, within his ownership, without which the grant itself would be of no effect.

Hall v. Lea County Electric Coop. 78 N. M. 792, 438 P. 2d 632 (1968)

The owner of land upon which the state had acquired a prescriptive easement by means of maintaining a public highway sought to enjoin a co-op from constructing an electric transmission line on the easement.

Held: Construction and maintenance of an electric transmission line is consistent with the permissible uses to be made of a public highway easement and does not constitute an additional burden or servitude.

Case of first impression, adopting view of federal courts. There is no majority view on this question, but rather several minority views.

(Easements section to be continued)

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meeting timetable



April 1-2-3, 1970
MID-WINTER CONFERENCE
American Land Title Association
The Roosevelt Hotel
New Orleans, Louisiana

April 8, 1970
New England Title Association
Hartford, Connecticut

April 16-17, 1970
California Land Title Association
Palm Springs, California

April 30-May 1-2, 1970
Arkansas Land Title Association
Velda Rose Tower
Hot Springs, Arkansas

May 3-4-5, 1970
Iowa Land Title Association
Holiday Inn
Davenport, Iowa

May 7-8-9, 1970
Texas Land Title Association
Astroworld Hotel
Houston, Texas

May 7-8-9-10, 1970
Washington Land Title Association
Bayshore Inn
Vancouver, British Columbia

May 14-15-16, 1970
Oklahoma Land Title Association
Oklahoma Hotel
Oklahoma City, Oklahoma

May 21-22-23, 1970
New Mexico Land Title Association
Los Alamos Inn
Los Alamos, New Mexico

May 21-22-23, 1970
Utah Land Title Association
Tri-Arc Travelodge
Salt Lake City, Utah

May 22-23, 1970
Tennessee Land Title Association
Gatlinburg, Tennessee

May 24-25-26, 1970
Pennsylvania Land Title Association
Shawnee Inn
Shawnee-on-Delaware, Pennsylvania

June 17-18-19, 1970
Illinois Land Title Association
Stouffers Riverfront Inn
St. Louis, Missouri

June 18-19-20, 1970
Colorado Land Title Association
Antlers Plaza
Colorado Springs, Colorado

June 24-25-26, 1970
Michigan Land Title Association
Holiday Inn
Traverse City, Michigan

June 24-25-26-27, 1970
Oregon Land Title Association
Sunriver Lodge
Bend, Oregon

June 25-26-27-28, 1970
Idaho Land Title Association
Shore Lodge,
McCall, Idaho

June 26-27, 1970
New Jersey Title Insurance Association
Governor Morris Inn
Morristown, New Jersey

July 19-20-21-22, 1970
New York Title Association
Whiteface Inn
Lake Placid, New York

August 13-14-15, 1970
Montana Land Title Association
Northern Hotel
Billings, Montana

September 10-11-12, 1970
Minnesota Land Title Association
Fairhills Resort
Detroit Lakes, Minnesota

September 10-11-12, 1970
Wisconsin Title Association
Conway Hotel
Appleton, Wisconsin

September 11-12-13, 1970
Missouri Land Title Association
Stouffers Riverfront Inn
St. Louis, Missouri

September 17-18-19, 1970
North Dakota Land Title Association
Ramada Inn
Minot, North Dakota

September 18-19, 1970
Kansas Land Title Association
University Ramada Inn
Manhattan, Kansas

October 14-15-16-17, 1970
ANNUAL CONVENTION
American Land Title Association
Waldorf-Astoria Hotel
New York City, New York

October 25-26-27, 1970
Indiana Land Title Association
Indianapolis Hilton
Indianapolis, Indiana

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New Branch Opens

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First Merced is headed by William C. Chiburis, president, and Robert G. Stonum, secretary-treasurer. Serving with them on the board of directors is Robert L. Nickerson, attorney.

The company also has opened an office in Honolulu, Hawaii.

Amy Yamaguchi, licensed abstrac-

ter, is vice president and manager. Other staff members include Colbert S. Sasano, licensed abstractor; Jean Y. Okino, escrow officer; Vivian K. Nakamoto, bookkeeper; Carolyn T. Sumida, typing department supervisor.

Watson Elected

Joseph A. Watson, senior vice president of The Title Guarantee Company (Baltimore), was elected president of The National Title Underwriters Association at its annual meeting in New Orleans.

The association is composed of title insurance companies engaged in national business.

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