

Title News

the official publication of the American Land Title Association



*FHLB Chairman
Martin Discusses
Financial Tools*

September, 1970



President's Message

SEPTEMBER, 1970

Well, to my knowledge, most of us are still alive in the third quarter of the year. And there are some bright spots in the economic picture, enough good news so that we will probably still be alive next year and preparing for the boom. A few isolated spots and cities have had good order volume right along. More power to them! It is fair to say, however, that most of us have scars to show.

If this is the "bottom-out" period and there is going to be improvement, why not push your luck and bolster your optimism by sending in your registration to the 1970 ALTA Convention at the Waldorf-Astoria right now? It promises to be a good Convention with lots of meat-and-potato stuff and a few frills, too. I am sure it will be attended by a serious-minded bunch who will insist on learning the most they can from the lineup of top-notch talent on the program.

This is no time to get caught with your public relations down. Customers are like rare jewels and should be handled with care. Of course, it helps a great deal if public relations work is combined with good service.

Attending state conventions has been fun and very rewarding. The places are nice and the friendliness and warmth of people in our profession is something to marvel at. The programs have been outstanding. We can be proud of the talented members of our industry and the way they give to all of us, often at great expense and trouble to themselves. And, when we go outside for talent, it is amazing to see the kind of people we attract. Our friends and brother-professionals are wonderful people, too.

Hope to see you in New York!

Sincerely,

Thomas J. Holstein



Great Western Title Guaranty Co. has King County, Washington, in a drawer

With the assistance of the computer, Great Western Title Guaranty opened its doors in Seattle, April 8, 1970, to become the first new title company in King County in forty years. President Edward A. Finsness is pictured above examining a portion of his computer produced title plant. This plant contains over 10 million document references listed by date and by property number onto rolls of microfilm. The entire plant can be stored in an ordinary desk drawer. Great Western is currently building similar title plants for Spokane County under the name of Inland Empire Title Company and for Skagit County as Skagit County Title Company, Inc.

HW Systems, Inc., specialists in computer applications for the title industry, is providing software and computer services in support of Great Western's title plant building efforts. For information on our full range of computer and consulting services, please contact Donald E. Henley, Executive Vice President, at the address below.

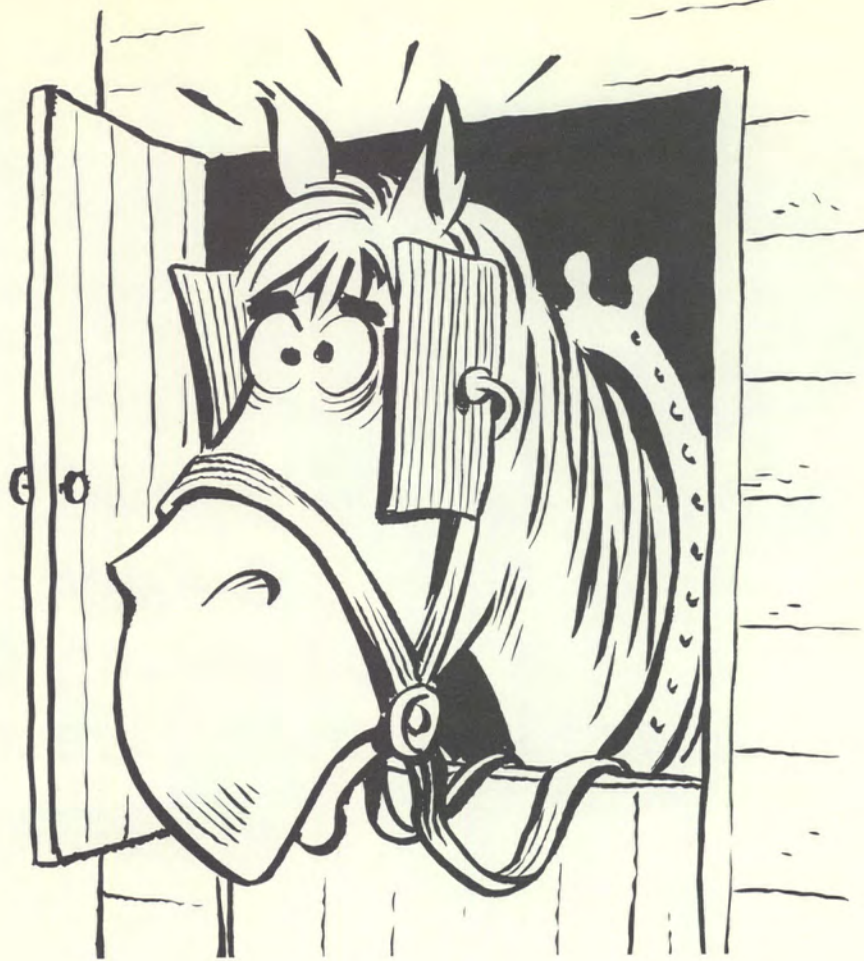


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the official publication of the American Land Title Association

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VOLUME 49, NUMBER 9, 1970

TITLE NEWS is published by American Land Title Association, 1828 L Street, N.W., Washington, D.C., 20036; (phone) 202-296-3671

GARY L. GARRITY, Editor

ALTA Immediate Past President Gordon M. Burlingame, Sr., Dies



Gordon M. Burlingame, Sr.

The land title profession lost one of its most widely respected and well liked leaders August 18 when Gordon M. Burlingame, Sr., died after suffering a stroke at his home in Bryn Mawr, Pa.

He was serving as immediate past president of ALTA at the time of his death, and was chairman of the board for The Title Insurance Corporation of Pennsylvania, Bryn Mawr.

His intellect, experience, and wit were characteristic in his many contributions to the land title profession through ALTA, the Pennsylvania Land Title Association, and his company.

He began ALTA service as a member of the Board of Governors and skillfully chaired various Association committees before becoming president.

His expertise was reflected in his home state during service as PLTA president and executive vice president, as chairman of the title insurance advisory committee of the Pennsylvania insurance department, and as general manager of the Pennsylvania Title Insurance Rating Bureau. He also had served as president of the National Title Underwriters Association.

During a long career as a titleman, he was settlement clerk, title examiner, title officer, vice president, and director of predecessor companies before being named president of the company for which he was chairman of the board at the time of his death.

In addition to his active role in the land title profession, he engaged in numerous civic, charitable, educational, and fraternal activities.

Survivors include his wife, Christine, who is well acquainted with many ALTA members through Association meetings; a son, Gordon M. Burlingame, Jr., vice president and treasurer of The Title Insurance Corporation of Pennsylvania; and a daughter, Christina, all of Bryn Mawr.

His presence will be missed in many areas of endeavor, but none more greatly than in the land title profession.

by either the Constitution and By-Laws Committee or any five (5) members of the Association.

“(b) Notice of any such proposed amendments, setting forth the text thereof, shall, after such submission, (1) be sent to each member not less than sixty (60) days prior to the next Annual Convention, and (2) be posted in a conspicuous place at such Convention no later than twelve o'clock noon on the second day of such Convention.

“(c) Any such proposed amendment may be adopted by the affirmative vote of two-thirds of the active members in attendance at such Convention or any such proposed amendment may be amended in whole or in part at such Convention by like vote and adopted as so amended by the affirmative vote of two-thirds of the active members in attendance at such Convention.”

Textbook by Titleman Now in Fifth Edition

The non-technical text, *Real Estate Law*, by Robert Kratovil, Esquire, vice president, Chicago Title and Trust Company, now is in its fifth edition (Prentice-Hall).

The latest edition includes explanations of such developments as the Federal Open Housing Law, planned unit developments, the impact of the Uniform Commercial Code on real estate transactions, contract zoning, floating zones, forced dedications by land developers, and new trends in shopping center leases.

Constitution and By-Laws Amendments To Be Considered at 1970 Convention

(Editor's note: In accordance with Article XI, Amendment or Revision, ALTA Constitution and By-Laws, the following proposed Constitution and By-Laws changes were presented to the Association membership at the 1970 ALTA Mid-Winter Conference in New Orleans. These amendments will be submitted for approval at the 1970 ALTA Annual Convention in New York City. They are presented here to provide an opportunity for ALTA members to study them in ad-

vance of the upcoming Convention.)

* * *

“The Constitution and By-Laws may be amended in whole or in part as follows:

“(a) A proposal to amend the Constitution and By-Laws shall be submitted in writing to the Executive Committee or to the Board of Governors (addressed in care of the Executive Vice President) at least 120 days prior to any Annual Convention

Branch Opened By Commonwealth

Commonwealth Land Title Company, Washington, D.C., has opened a new branch office to serve northwest Washington and suburban areas.

Richard M. Alonso has been appointed branch manager.

New Financial Tools for Housing



Author Martin

(Editor's note: Since initial publication of the following article in its July *Journal*, Federal Home Loan Bank Board has announced that its 12 District Banks have received offers totaling \$331.5 million in the first phase of the FHLB System's Government National Mortgage Association backed securities program. Late in June, FHLB Chairman Martin and the regional bank presidents announced this first series of purchases of FHA and VA mortgages from member savings and loan associations and mutual savings banks.)

* * *

There seems to be no question that the rest of our century provides us with the potential for unprecedented growth in urban resources, whether it be in housing or in commercial, industrial, or recreational facilities. For the first time in our his-

tory, our leaders have identified our housing problems and set minimum goals. Certainly our society has proved in other fields that it has the necessary technological skills to reach these goals. Why, then, is there talk of a housing crisis? Why did we, with others, have to draw up what came to be known as an Emergency Home Financing Act?

The political-economic priorities must be set: enormous amounts of capital are required, and we still are not sure about the optimum allocative mechanism to attract that capital and to give it maximum benefit cost ratios.

The savings and loan industry, together with the savings bank industry, have traditionally been the mainstays in providing mortgage funds. This Board is bringing out some new tools now which not only will help savings and loan associations better do the job they were created for but also will help to attract new capital from life insurance companies and pension funds. We will be accepting tenders of Federal Housing Administration paper soon. Commitments have been made by pension fund and insurance company managements, and we don't want to see them evaporate.

I am convinced that the provisions of the Emergency Home Financing Act and our new mortgage-backed Government National Mortgage Association bond (to be available when markets permit) will help us clear

away intervening obstacles so that we can turn housing around and realize our growth potential. Mortgage funds are so scarce and so expensive today that lenders cannot meet their obligations to their borrowing public including "their" builders. The cost of funds has driven the rate paid by borrowers for housing to levels unprecedented in recent history. In June, Federal National Mortgage Association auction yields shot above 9.15 per cent! The moderate-income family and the low-income household are largely priced out of the new housing market today.

I think the industry and the public are becoming aware of the dramatic effect that new financial mortgage tools can have—if we make proper use of them.

A Washington business editor wrote recently that, "Major help is on the way for the housing industry—and, in time for persons seeking new homes."

He went on to tell his readers about the proposed secondary market for conventional mortgages, about the Federal Home Loan Mortgage Corporation, about the GNMA pool, and about the \$250 million FHLB System authorization.

We at the Board also think that "major help is on the way." Indeed, some of our new resources already are available. Our specially priced bank advances topped \$7.0 billion in June, 1970. But we will have to work to-

gether if the new tools are to do the job they were meant to do. We can't do a thing from Washington if we don't have massive support from the banks and the industry. What are the new programs and how can we work together to assure their success?

The GNMA-bond program will be our vehicle for going forward with the purchase of Veterans' Administration and FHA mortgages. The Board plans that the bank system is going to be in the mortgage business in FHA, VA, and conventional loans from this day forward, not only for one or a few times. We know, therefore, that we will have to have some inventory of mortgage paper on hand from now on out. Associations should plan with us to develop a district by district market relationship with their Federal Home Loan Banks. This can produce good returns, considering the heavy liquidity the bank system will be carrying from time to time.

Bank presidents, chief examiners, and supervisory officers have been urged to cooperate, even to promote actively the purchase and sale of mortgage paper and of participations—on an economic basis, of course. It is past time to serve the "nonborrowing" member in this way. The 12 banks have been asked to hold themselves out as markets with a very frank notion that we are getting mortgage inventory together. They know the system is moving in the direction of a national housing policy, which is to support the market for conventional loans, and for FHA and VA loans within our own system.

The secondary market is going to be one of our most valuable tools for stabilizing housing. Its services will, by statute, be available to savings and loans, mutual savings banks, and commercial banks. The secondary market provision for a FHL Mortgage Corporation could provide \$2 billion a year in additional funds for home mortgages, equivalent to financing for about 80,000 additional family homes. The Board realistically anticipates that the program may not go smoothly at the start, but we are asking our bank presidents and their top officers to begin work with the industry through the "Sellers Guide and Services Guide"

just issued. I know of no other way to get enough funds to enough associations at this time.

The potential importance of the congressionally subsidized advances program is easily seen when we realize that the advances mechanism as it stands accounted for approximately 25 per cent of all one- to four-family mortgage funds provided in 1969. Though limited in scope, the new specially priced advances program already has won wide industry support, and we are sure it will do much to tide the System over pending the hoped for Emergency Home Financing Act of 1970. The \$250 million would permit us to increase advances to savings and loan associations by an additional \$4 billion a year for mortgage lending. This can mean 160,000 housing starts.

As to the GNMA-backed security, we plan to put out an issue as soon as we can, considering market conditions. We are not under any pressure, though, to buy at any cost and to issue at any yield. The capital markets today are nearly chaotic. I think it is best to accumulate the mortgage paper and work out bond issues on a reasonable basis.

We must remember that the largest holders and accumulators of capital in this country are the pension funds. In this decade it appears their position and rate of growth will exceed "savings accumulators." Of the hundreds of billions now held by pension funds, only approximately 3 per cent is invested in real estate loans. This small percentage is not due to the fact that real estate loans are bad investments but primarily because of certain inherent disadvantages to the funds: (1) mortgage amortizations create a continuous reinvestment problem; (2) the majority of fund managers do not have nor wish to recruit and staff a real estate investment department; (3) the selling of loans can be price-discontinuous and time consuming, thereby producing a degree of illiquidity. The mortgage-backed bond eliminates all three of these objections.

The district banks will buy FHA and VA loans by tender offers from their members at market prices. They

then will pool mortgages into a trust which will be used as collateral for bond issues. The bonds will carry the full faith and credit guaranty of the U.S. Government. This is possible with the guaranty of the Government National Mortgage Association, which was created for this and other purposes by the 1968 Housing Act. Repeating these loan buying and bond selling operations in succession will generate large amounts of new capital for housing through savings and loan associations.

The implications this has for the savings and loan industry are significant. A liquidity vehicle is created directly within the industry group. Opportunities exist for more rapid profit generation through loan generation sales and servicing. Though the loan may have been sold, the association or savings bank retains its customer and part of its income stream by continuing to service the loan. From the public point of view, this mechanism encourages and provides a market for federally assisted project loans, which are in need of all possible support. Regulatory and even statutory changes are in process to further industry participation.

All of us in the housing and home financing industries have a unique opportunity for sound growth in the seventies, eighties, and beyond. We have a chance to do an unusual and in some respects a new job and to get an especially high degree of personal satisfaction in carrying out a new and difficult operation. We will be doing things vital for our communities and vital for our nation. The savings and loan industry must seize this opportunity and assume responsibility for increasing housing starts and home mortgage credit during this period of housing crisis. We must not let pass this opportunity to use original approaches to meet the challenges that face us in housing and home financing. The use of these new tools will decide the future of housing. Active support and involvement by every management and every civil servant will help the industry and its supervisory agency shake off many of their historic limitations and move as leaders in housing financing in the 1970's.

Part VII:

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, and the February, April, May, and June, 1970, issues of *Title News*.)

* * *

WARRANTIES

Humber v. Morton, 426 S. W. 2d 554 (Texas, 1968)

Conveyance of a new house by builder-vendor carries an implied warranty that the house was constructed in a good and workmanlike manner and is suitable for human habitation. This case contains a review of decisions on the subject and concludes that the doctrine of "caveat emptor" does not apply to sale of a new house by a builder-vendor in Texas. On this point the court declares that the caveat emptor rule as applied to new houses is an anachronism patently out of harmony with modern home buying practices. It does a disservice not only to the ordinary prudent purchaser but the industry itself by lending encouragement to the unscrupulous, fly-by-night operator and purveyor of shoddy work.

WATER AND WATER COURSES

State of Delaware v. Pennsylvania Railroad, 244 Atl. 2d 80

Declaratory judgment action concerning title and related rights to certain foreshore between high and low water marks of the Delaware River.

Burden was on the State to establish accurately the location of the low water mark on the river by a preponderance of the evidence so as to exclude the railroad, a riparian owner, from filling in the foreshore between the high and low water marks. State failed to establish that a survey made of the low water mark on the river at the time the railroad, a riparian owner, began filling in the foreshore, was accurate and more reliable than a later survey fixing the low water mark at a point lower than that of the earlier survey, and the railroad could not be held responsible for having filled in the foreshore beyond the low water mark shown on the earlier survey.

County Board of Supervisors v. Department of Conservation, 381 Mich. 173 (1968)

The Michigan Department of Conservation acquired title in fee to two-thirds of upland and flowage rights to the remaining one-third upland in an area of ten lakes. The purpose was to construct a dam about a mile downstream from the outlet of the last lake. The avowed purpose was to create a waterfront impoundment. The Department planned to lower the

water level during the summer months to accelerate decomposition of decaying materials and to facilitate the planting of wildlife food.

Plaintiffs who had conveyed rights of property rights around the chain of lakes sought to restrain the proposed draw down. Prior to the disposition of that case, however, the trial court recommended to the plaintiffs that they seek from the Board of Supervisors a petition to establish a lake level pursuant to the provisions of Act 146 of the Public Acts of 1961.

The Conservation Department contended that the waters were exempt from the provisions of this Act. After remand to determine whether the stream was navigable in its natural state, the Supreme Court held, in its latest opinion, that the legislative intent was to vest in the Board of Supervisors the exclusive right to determine the continued existence of an artificial inland lake level. The court refused to adopt the position of the Conservation Department that it had corresponding power. The majority opinion seems to make the test of navigability dependent upon the ability of the water to support a ship of 15 tons' burden.

The significance of this decision is that it seems to be a first determination of the authority of the Board of Supervisors to have exclusive jurisdiction over artificial inland lakes. A motion for rehearing had not been disposed of as of the date of this report.

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

Action for injunction by riparian upland owners on nonnavigable lake within city limits to enjoin construction of apartment building extending 130 feet out into the lake on the ground that such construction impaired the rights of the residential riparian owners. At time of action, thousands of dollars had been expended by the builders involved in filling and construction under permit from the City of Seattle which had zoned their portion as commercial property.

Held: Construction of apartment building extending over the water of

a nonnavigable lake is not a riparian use; issuance of building permit does not diminish the rights of other riparian owners; all construction involved which extended over the water of the lake, including fills, to be removed; and stated that federal common law as opposed to state law does not control riparian rights where title can be traced to patent issued prior to statehood.

WILLS

Evans v. Abney, 165 S. E. 2d 160

Decided December 5, 1968, the Georgia Supreme Court held that where a will gave land to the City of Macon, as trustee, for the operation of a park for the benefit of the white women and children of the City of Macon. But the United States Supreme Court (reversing the Georgia Supreme Court) had held that the City of Macon could not constitutionally exclude colored women and children from the use of the park, and the City could properly resign as trustee. The trust having failed, the property reverted to the heirs of the testator. The court held that the action of the trial court in declaring such a reversion did not constitute state action enforcing racial discrimination. It seems likely that this decision will also go up to the United States Supreme Court for review.

Meyer v. Texas National Bank of Commerce of Houston, 424 S. W. 2d 417 (Texas, 1968)

Meyer and his wife each made a will leaving all property of each testator to the other, allegedly pursuant to an oral agreement which was not referred to in either will. No provision was made for alternate beneficiary in case the devisee predeceased testator. Meyer, without knowledge of his wife, made a subsequent will devising only one-third of his property to his wife and two-thirds to his brothers, then predeceased his wife. She learned of his second will after his death, but died a short time later without changing her will. Her will was ineffective because the devise to her husband lapsed since he predeceased her. Her administrator, the Bank, sued to enforce the oral contract and thus

make the husband's first will effective. Held that the Statute of Frauds, in the absence of an effective will by the wife with benefits therefrom received by the husband, prohibits enforcement of the alleged oral agreement to make each spouse sole beneficiary under the other's will.

This was a case of first impression in Texas. Distinguished from *Kirk v. Beard*, 162 Texas 144, 345 S. W. 2d 267 (1961), in which oral agreement enforced because one testator took benefits and property under other's will, then repudiated his agreement and changed his own will.

Huckaby v. Huckaby, 436 S. W. 2d 601 (Texas, 1969)

A will of 1953 was offered for probate. It was contested on the ground that it was not the last will and testament and had been revoked by execution of a later one in 1957, which was not produced. But its existence was verified by two witnesses who had examined it but could not state its contents, except to say it was signed by the testator and two witnesses, and that it was not the document being offered for probate. Jury found 1953 will had been revoked. Above testimony held sufficient to support such finding of the jury. Burden of proof that will offered for probate has not been revoked, is on the proponent of it.

Benner & Company v. Atlas Remainder, Inc., 407 F. 2d 219 (Ohio, 1969)

Testator's Ohio will created a trust with the income to the wife for life; the trust to terminate on her death with remainder "to my legal heirs". The wife (widow) later sold her interest as income beneficiary and the apparent remaindermen sold their interest to others. The purchasers of the interest of the widow brought an action to determine rights under the will against the purchaser of the interest of the apparent remaindermen and also made as defendants such apparent remaindermen. The issue was raised that this action was premature since there might be, because of subsequent deaths and births, remaindermen in being at the wife's death who were not parties to this action and not

bound by it, and that the doctrine of virtual representation was inapplicable.

Held: A requirement of the doctrine is that the representative for unborn persons must have a similar or identical interest in the litigation. Here, the remaindermen who would be representing the unborns have sold their interests; they no longer possess an interest in the remainder. The unborn remaindermen would therefore not be represented by such remaindermen since they are no longer interested in the outcome. The doctrine of virtual representation is therefore not applicable.

Larson et al v. Anderson, 167 N. W. 2d 640 (Iowa, 1969)

Proceeding for construction of will. The Buena Vista District Court, Richard W. Cooper, Jr., held that testatrix created tenancy in common, and not joint tenancy, and appeal was taken. The Supreme Court held that where will was not drafted by an Iowa lawyer, but was drawn for Iowa resident, technical words "joint tenant" which were repugnant to other provisions, were not entitled to full weight that they might have been entitled to if used by experienced Iowa draftsman, and that under paragraph giving residue to testatrix' brother and three sisters to share and share alike in fee and as joint tenants and not tenants in common, residue would be divided into four equal shares with one-fourth share to be distributed to each of surviving sisters and remaining one-half to be distributed to heirs at law of deceased brother and deceased sister on the basis of per stirpes and not per capita.

Welch v. Welch, 252 Atl. 2d 131 (Del., 1969)

Where husband feloniously killed wife and then committed suicide and where their reciprocal wills provided that estate should go to spouse, if surviving, but otherwise to charitable corporations, husband's estate held entirely property for benefit of charities as alternative beneficiaries of wife, though husband survived wife.

Estate of Chayka, 40 Wis. 2d 715, 162 N. W. 2d 632

In the instant construction proceeding where it appeared that after the husband's death and probate of the joint will, the wife remarried and prior to her death allegedly gave estate assets to her second husband, the trial court erred when it held such disposition of estate assets was not controlled by the will because there was no evidence of the underlying contract, for under the facts presented conclusive inference of a contractual basis therefor arose therefrom.

ZONING

Sansa v. Heck, 13 Ohio App. 2d 94, 234 N. E. 2d 312 (1968)

Landowner purchased real estate in area zoned for residence dwelling uses and "uses customarily incident thereto" and constructed a private air field thereon for his use and those of his guests. Zoning inspector, joined by others in the area, sought to enjoin use of land as private air field.

Held: A private air field or landing strip is not included as a use customarily incident to the use of land as a family dwelling house, "at least in this year 1967 (sic)".

A case of first impression in Ohio.

Lanciano v. Zoning Board of Adjustment, 45 D. & C. 217 (Pa., 1968)

Lessee filed an application with the Department of Licenses and Inspections for permission to conduct an automobile body and fender repair shop. This application was refused because the premises were in a residential district. Lessee appealed to the zoning board of adjustment requesting a variance which was refused. Lessee appealed to Court of Common Pleas.

Subsequently, the owner and another filed a joint application with the same Department seeking permission to conduct an automobile body and fender repair shop on the premises. The application was denied. The Zoning Board refused to hear an appeal until the property was brought into compliance with the zoning ordinance (the property was then being used for an automobile body and fender repair shop). The applicants asserted

that since the Board's refusal of the prior application the block had become nearly entirely commercial and industrial rather than residential.

Held: The applicants must bring the use of the premises into compliance with the zoning code and the prior decision of the Zoning Board of adjustment. It was in the discretion of the Zoning Board of adjustment whether it wished to grant a rehearing or not.

Norton Realty & Loan Co., Inc. v. Gainesville, 224 Ga. 166 (1968)

Plaintiff purchased property and expanded substantial sums in publicly announced plans for development in reliance upon existing zoning, then defendant City amended zoning to prohibit contemplated development.

Held: Plaintiff had vested right in continuation of existing zoning so as to prohibit change.

Depue v. Clinton, 160 N. W. 2d 860 (Iowa, 1968)

Zoning ordinance of City of Clinton zoned property in question R-1 Single Family Resident District. It was proposed to build a nursing home in this district which was not allowed under the zoning. Nursing home proprietors applied to City Council for a special permit to erect the nursing home in the R-1 District. Ch. 414 of Iowa Code (1966) provides for a Board of Adjustment having the power to grant special exceptions. The zoning ordinance provided for application to City Council for special uses and it was under that section that the Council permitted the nursing home.

Held: The state law prevailed over the provisions of the zoning ordinance in regard to special uses. The Board of Adjustment was the sole body having power to make special exceptions (which includes special uses). The action of the Council and the section of the zoning ordinance under which it acted were invalid.

Most city zoning ordinances in Iowa give the city council power to issue permits for uses in violation of a particular zone. This case invalidates all such ordinances and many existing permits.

Beckman v. Grand Island, 182 Neb. 840, 157 N. W. 2d 769 (1968)

Action for injunction to prevent use of premises as a rehabilitation center for alcoholics. The zoning regulations in question permit occupancy for the purpose of a boarding house.

Held: Since the use was within the common understanding of the term "boarding house", it was lawful. Restrictions of zoning ordinances cannot be extended by implication to cases not clearly within the scope of the purpose and intent manifest in the language.

Case of first impression.

Syracuse v. Farmers Elevator, 182 Neb. 783, 157 N. W. 2d 394 (1968)

Action by City to enjoin defendant from conducting an anhydrous ammonia fertilizer business upon property immediately adjoining the city limits of the plaintiff. Defendant claimed that prior to the date of the zoning ordinance, it had purchased the property in question, installed a storage tank, and made other commitments to such an extent that defendant had acquired an interest in a nonconforming use.

Held: In order to obtain a fixed interest in a nonconforming use, a person must either have caused substantial construction to be made or have incurred substantial liabilities relating directly thereto, or both.

First determination of facts required to establish nonconforming use.

Westminster Corp. v. Zoning Board of Review, 238 A. 2d 353 (R. I., 1968)

Zoning Board permitted the erection of a 23-story office building, 273 feet high, despite the fact that the set-back did not comply with the ordinance and there was off-street parking for only 98 spaces where standards of the ordinance required 400.

Held: Board upheld on the theory that the record disclosed sufficient evidence to establish that strict compliance with the ordinance would cause more than mere inconvenience, distinguishing "between ordinance restrictions on the basic use of land and those that regulate the manner

Continued on page 12

names
 names in the news
 names
 names



PERFECT



GERICKE



STINSON



SCHROEDER



HANNAH



GILBERT

Pioneer National Title Insurance Company has announced the election of **Thomas R. Perfect** as a vice president.

PNTI also has announced the promotion of **Robert W. Gericke** to manager of the firm's Lake County, Ind., operations.

* * *



GLOVER

Frank B. Glover has joined the home office of American Title Insurance Company, Miami, as vice president—agencies.

Lauderdale Abstract & Title Company, Ft. Lauderdale, Fla., has announced the election of **Jean Stinson** as vice president, and **Michael J. Schroeder** as closing officer.

* * *



WILDE

Gordon K. Wilde has been elected executive vice president and a director of Tennessee Title Company, Nashville.

* * *

G. D. (Dan) Meadows has been promoted to vice president of Mid-South Title Company, Memphis.



WOFFORD

William N. Hannah, Jr., has been named reinsurance administrator, a newly-created position, for Lawyers Title Insurance Corporation.

A. J. Gilbert has joined the Lawyers Title Los Angeles office as California state counsel.

Lawyers Title also has announced the election of **Hoke S. Wofford, Jr.**, as manager of its Decatur, Ga., office, replacing **Henry B. Sutton**, who has been transferred to Atlanta.

* * *

Industrial Valley Title Insurance Company, Philadelphia, has an-

nounced the promotions of **James R. Calabria**, manager, Industrial Valley's new Chestnut Hill office, and **Harry E. Livengood**, title officer.

* * *



FITZGERALD

St. Paul Title Insurance Corporation, St. Louis, has named **Clarence M. Turley, Jr.**, president, Clarence M. Turley, Inc., St. Louis, and **William B. Conn**, president, Burton Abstract and Title Company, Detroit, to its board of directors.

St. Paul also has named **Philip M. Fitzgerald** vice president—underwriting and claims division.

* * *



CONN

William B. Conn has been elected president of Burton Abstract and Title Company, Detroit, replacing **H. John Badenhoop**, who will continue to serve as chairman of the board.

* * *



LITTLE

Security Title Insurance Company, Los Angeles, has announced the elec-

tion of **William H. Little** to executive vice president.

* * *



RACKAY

Chicago Title and Trust Company has announced the following promotions: **Raymond H. Brinkman**, vice president—data processing and management systems; **Emil V. Rackay, Jr.**, vice president, Chicago Title Insurance Company; and **William C. Shabesta**, assistant secretary, underwriting department, CTI.

Correction Noted

Under "names in the news" in the August, 1970, *Title News*, Tony Cicione and Mike Smith were incorrectly listed as employees of Security Title and Guaranty Company. They are employees of Security Title Insurance Company.

Titleman Honored



A plaque commemorating his 65 years of distinguished service in the land title industry is presented to F. L. (Roy) Youngblood, Hastings, Neb., at a Nebraska Land Title Association regional meeting June 27 in Hastings. Making the presentation is Amy Frohn, NLTA president. At the ceremony, Youngblood was commended for his leadership as past president of that association, and was cited for the way he has performed land title evidencing and has served as a title insurance agent. Still active in association and community affairs at 85, Youngblood said he isn't thinking of retirement.

Seltzer Heads Connecticut Board

Arthur J. Seltzer, president, Metropolitan Title Guaranty Company, has been elected 1970-71 president of the Connecticut Board of Title Underwriters.

Russell D. Webb, manager, Lawyers Title Insurance Corporation, Hartford branch, was elected vice president; and T. Richard Kennedy, member, Donovan, Donovan, Maloof & Walsh, and counsel to the Board, was elected secretary-treasurer.

The Board is a voluntary association of title insurance companies licensed by the insurance department, state of Connecticut, as a title insurance rating organization. The Board, on behalf of its member companies, establishes and files title insurance rates, rating plans, and policy forms with the superintendent of insurance for use in Connecticut.

Titleman Sinks Ace

Everett Orr, assistant vice president, Title Guarantee of Rhode Island Division, Commonwealth Land Title Insurance Company, has won the admiration of fellow titlemen who challenge par on the fairways of the nation.

While playing the 125-yard sixth hole at Silver Spring Golf Club, Riverside, R. I., Orr sank a hole-in-one using a No. 8 iron.

J. W. Hoover Dies

Word has been received of the death of John W. Hoover, president, National Title Insurance Co., Miami, July 3 in Coral Gables, Fla.

A 44-year resident of Miami, Mr. Hoover took over duties as National Title president in 1959 when his father, A. W. Hoover, founder of the company, died.

in which a permitted use may be made of the land”.

Case points up some inconsistencies in two lines of zoning cases.

State Ex. Rel. Ryan v. Pietrzykowski, 42 Wis. 2d 457 (1969)

An interim zoning ordinance duly adopted by the town to freeze existing uses cannot validate the legality of the operation of a mobile home court if compliance with the statutory requirements has not been had. Hence, petitioners were not foreclosed in the instant case from contesting or, having determined in another action, the validity of the interim zoning ordinance or the legality of the licences granted.

Titlewoman Retires

Mrs. Velma Seward McCorvey, secretary of Title Insurance Company, Mobile, Ala., has retired after 43 years with that concern.

She was elected assistant secretary in 1943 and was promoted to secretary in 1966. Most of her service with the company was in the escrow department, according to Harold G. Goubil, TIC president.

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meeting timetable



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

October 22-23, 1970
 Dixie Land Title Association
 Broadwater Beach Hotel
 Biloxi, Mississippi

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

October 22-23, 1970
 Nebraska Land Title Association
 Lincoln, Nebraska

September 11-12, 1970
 South Dakota Land Title Association
 Kings Inn
 Pierre, South Dakota

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

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

November 6-7, 1970
 Land Title Association of Arizona
 Tucson, Arizona

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

November 19-20-21, 1970
 Florida Land Title Association
 Robert Meyer Motor Inn
 Orlando, Florida

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

December 2, 1970
 Louisiana Land Title Association
 Royal Orleans
 New Orleans, Louisiana

September 24-25-26, 1970
 Ohio Land Title Association
 Statler Hilton
 Cleveland, Ohio

1971
March 3-4-5, 1971
 ALTA Mid-Winter Conference
 San Diego, California

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

October 3-4-5-6, 1971
 ALTA Annual Convention
 Statler Hilton
 Detroit, Michigan



*"I am in love
with this green earth."*

Lamb

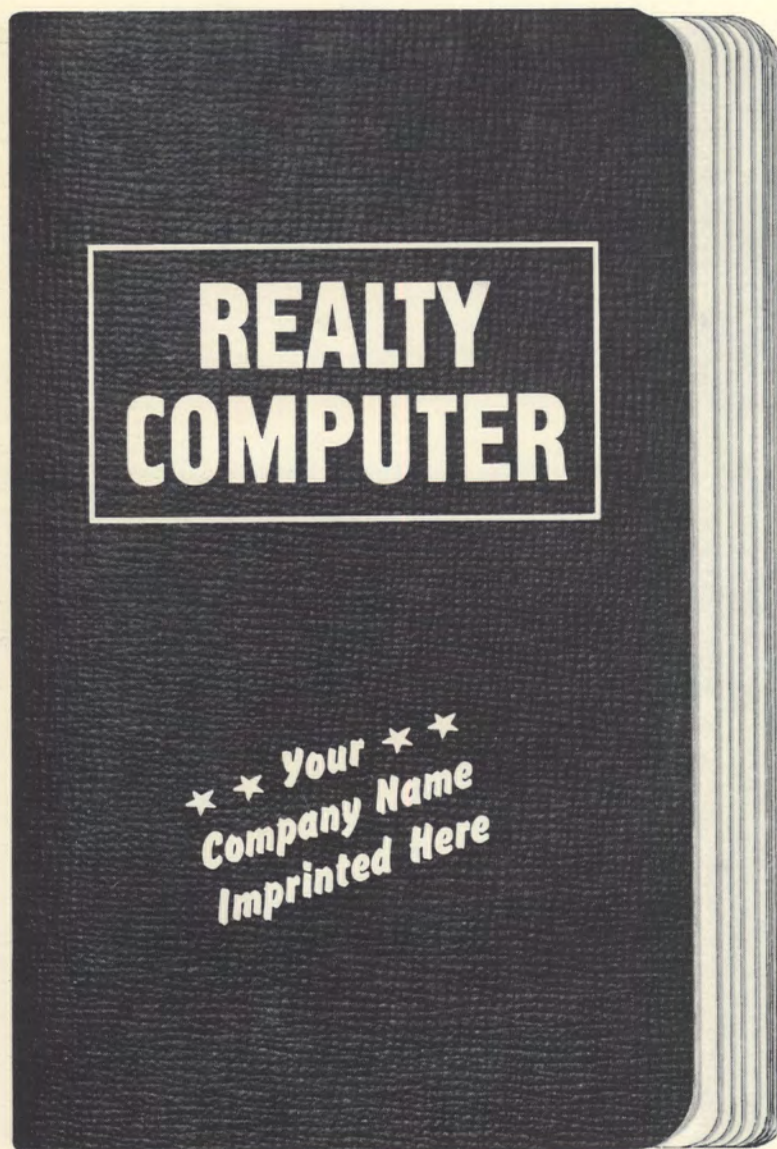
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