

NOV
1978

Title News

Convention — **RECAP** — Seminar

DO NOT REMOVE



a message from the President-Elect

In our day-to-day involvement in the management of our own businesses as well as the activities of ALTA, we are constantly faced with the problems created by the necessity of complying with a long list of federal and state laws and regulations, the existence of Indian claims involving land worth billions of dollars, unusually high inflation and heavy taxes. The problems continue with unjustified and uninformed attacks on the efficiency of our business and the reasonability of our charges, class-action lawsuits and excessive peaks and valleys in the level of real estate activity.

All of these problem areas are extremely serious. For the most part they will be with us for a long time to come. Without turning our backs to these problems, I suggest that we occasionally examine the positive side of the ledger.

We live in a country in which we are still entitled to due process of law—our "day in court." We can generally expect fair treatment by the courts. Our standard of living is the highest in the world and continues to improve. Hard work, intelligence and merit still pay off. Most people can have both a job and an education if they really want them. Even though we oppose paying welfare money to those who are not in fact entitled to it, we are still a nation that believes in providing for those who cannot provide for themselves.

Of special interest to those of us in the title business is the fact that more title evidence, particularly title insurance, is being purchased today than ever before. And most of us, in spite of inflation and taxes, are reasonably prosperous.

The problems we face as a nation and as an industry must and will be dealt with. On the other hand, we all have much to be thankful for. The Thanksgiving season is a good time to count our blessings.

Robert C. Bates

Robert C. Bates



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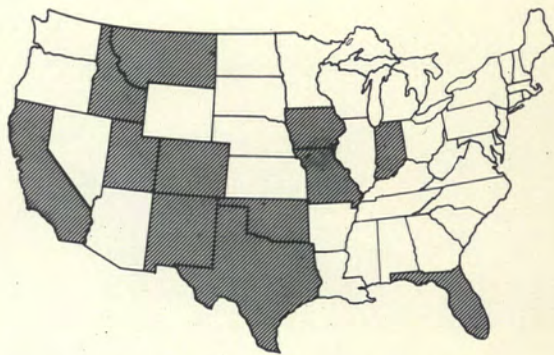
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Calendar of Meetings

Outside Back Cover

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Success Sets Tone of 1978 ALTA Annual Convention

When 1977-78 ALTA President C.J. McConville took the podium to open the 72nd ALTA Annual Convention in Boca Raton, Fla., it was to tell a success story.

The good news was that the five basic objectives which the ALTA Executive Committee adopted one year ago have been "accomplished or exceeded."

McConville explained how significant strides have been made to correct misconceptions about the land title industry, and how the Association has taken positive positions on federal legislation affecting the industry. He reported how attempts by federal and state governments to intrude on the current land transfer system have been effectively opposed and that the Association has strengthened its role as an information disseminator. Finally, McConville said that efforts have succeeded to involve a broader segment of members in ALTA projects.

The president's address was the first of many speeches to the nearly 1,000 persons assembled for the Sept. 24-27 meeting in Boca Raton, Fla., where progress was reported in dealing with industry-related problems. Perhaps the most complimentary comment came from a guest speaker.

"I would like . . . to commend your industry for one thing and that is for becoming fully involved with the issues," said John E. Hart, Insurance Companies Committee chairman,

American Institute of Certified Public Accountants (AICPA) in his general session remarks.

Hart had come to speak on the AICPA exposure draft on proposed changes in title company accounting. He attributed the development of a second, revised AICPA exposure draft to the "overwhelming" title insurance industry response to an initial exposure draft at public hearings last summer and said the forthcoming version should prove more acceptable to ALTA members.

Drafts compared

The first exposure draft addressed four issues. They are premium revenue recognition, losses, loss adjustment expenses and title plant. In addition, the new draft includes an evaluation of investments and of gains and losses as well as real estate used in title insurance company business operations.

Hart said that most insurance companies tend to "sit back and allow another authoritative body to write rules for them and then merely react.

"I must say," he continued, "that your industry was completely prepared for the Insurance Companies Committee and it was not necessary to scramble for authoritative documentation in order to support their conclusions."

Another front where ALTA's involvement has borne fruit is in the Indian land claims arena, according to ALTA Indian Land Claims Committee Chairman Marvin C. Bowling Jr.

"You can be proud of your Association for the accomplishments during the past year that it has made in the Indian claims area, especially in the legislative area," Bowling said. His committee and the ALTA Federal Legislative Action Committee (FLAC), chaired by Robert C. Dawson, have been active in the federal Indian claims legislation area.

"I believe the people at the White House, in the administration and in the staff in Congress . . . will not make significant plans for legislation without involving our people," Bowling said.

He assured the general session audience of his committee's continued involvement with Congress in its attempt to help develop a solution to Indian land claims.

Further involvement

FLAC Committee Chairman Dawson reported on his committee's involvement in a number of other issues such as sections 13 and 14 of the Real Estate Settlement Procedures Act (RESPA) and the Federal Trade Commission's real estate industry study.

(continued)



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Speaking before another general session, Rep. Sam M. Gibbons (D-Fla.), member of the House Ways and Means Committee, emphasized the importance of title industry involvement in government processes.

"I think what you're doing is important in that (government involvement) area. So few people understand how title and ownership relate to the free enterprise system and how they add to the flexibility and the growth of this nation," Rep. Gibbons said.

Stressing the importance of the business community's participation in raising funds for political races, Rep. Gibbons called it "a part of keeping the process free and competitive."

TIPAC termed a success

In fact, 1,300 ALTA members answered the call for political action in the past year, Title Industry Political Action Committee (TIPAC) Chairman Francis E. O'Connor reported at the convention. O'Connor said \$56,000 was collected to support campaigns of appropriate congressional candidates, making the 1977-78 year "the most productive solicitation campaign in TIPAC's five-year history."

Also included in the convention was an update of developments under RESPA. Government Program Manager Gilmer Blankespoor of the Department of Economic Affairs, U.S. Department of Housing and Urban Development (HUD), announced the award of the five demonstration grants made under Section 13 of RESPA.

Blankespoor explained that all of the selected jurisdictions have a centralized parcel index system with user access to records through a micrographic system. They are Warren County, Ohio; Pinal County, Arizona; Southern Middlesex Registry in Cambridge, Mass.; St. Louis, Mo., and the state of North Carolina.

Other matters on which conventioners were brought up to date were developments in unauthorized practice of law and housing growth.

Moses K. Rosenberg, a partner in the Harrisburg, Pa., law firm of McNees, Wallace & Nurick, discussed developments with respect to the unauthorized practice of law situation.

Mortgage Bankers Association of America Chief Economist Thomas R. Harter gave his view of the economy, predicting a relatively healthy housing future, and discussed alternative mortgage instruments.

Additionally, panel discussions focused on such matters as the availability of errors and omissions liability insurance; the application and availability of computer systems and equipment in the title industry; management of sex, age and race discrimination problems, and the title industry's relationship with state regulators.

Members in search of information on state government relations and public relations, found it in a pair of workshops.

Richard H. Howlett, chairman of the ALTA Government Relations Committee, keyed the government relations workshop with a philosophical examination of the purpose of a government relations program.

Mark E. Winter, ALTA director of government relations, followed Howlett with a nuts and bolts discussion of upgrading legislative involvement.

Then, representatives from Florida and California shared their expertise in state lobbying.

California Land Title Association Executive Vice President and Counsel Sean E. McCarthy said the title industry cannot afford to be uninvolved because it is a regulated business.

Lobbying in the states

"The power to give and take and do and not do lies—especially at the state level—in the hands of the elected bodies of officials," McCarthy said.

Then, he discussed how CLTA approaches lobbying and how its political action committee is viewed.

Peter Guarisco, executive secretary-treasurer of the Florida Land Title Association, led his listeners through steps FLTA follows when it attempts to pass a bill.

According to Guarisco, the three main ingredients in effective state lobbying area are always having a compromise bill ready, maintaining effective intelligence and being truthful.

Active members okay bylaws, adopt forms

ALTA active members at the convention approved proposed ByLaws amendments and also okayed two new title insurance forms.

The ByLaws amendments broaden the associate member category and add a new membership category, designated "member emeritus." The category was created for individuals retiring from the industry.

Associate membership will be available to individuals including real estate brokers, mortgage bankers, surveyors, lending institutions, developers, builders, or counsel to mortgage banking companies, life insurance companies and supervised institutions which make loans secured by real property and other organizations except title insurers and individuals engaged in providing services related to the land title industry.

One of the new forms, the Notice of Availability of Owner's Title Insur-

(continued on page 15)

Following the government relations workshop, ALTA Public Relations Committee Chairman Edward S. Schmidt opened the public relations workshop by defining public relations as the effort to create good will as a basis for good business.

Then, a member of the committee, H. Randolph Farmer, outlined the basic elements of a sound public relations program.

He identified the industry's public relations problem as one of education. He said that once the facts about the industry are known, "we need not fear the climate in which legislators and regulators will operate."

The public relations workshop closed with a question and answer panel entitled, "What's Your P.R. Problem?"

Since committee activities are of vital importance to the Association, various committee chairmen presented reports of their committee activities. Among them were Robert C. Bates, who reported the accomplishments of the ALTA Liaison Committee with the

(continued on page 15)





RESPA Dissected at ALTA Seminar

The effectiveness of the Real Estate Settlement Procedures Act (RESPA) has yet to be determined. RESPA has failed to reduce settlement charges for the consumer, but provides an opportunity for consumers to be informed of settlement charges, most panelists agreed at the recent ALTA federal seminar in Washington, D.C. The panelists, who represented various segments of the real estate

industry, consumers and government, however, did not unanimously agree on why costs have not been reduced.

C.J. McConville, ALTA immediate past president, said although there have been several positive developments as a result of RESPA, its effect has not been that dramatic since the real estate settlement process was not really that

inefficient or costly before the act became effective.

"We really can't expect RESPA to have a great impact on settlement charges connected with title insurance. Abuses were not as severe or widespread as believed," McConville said.

In McConville's opinion, the goal Congress was trying to achieve with RESPA cannot be attained since the problems did not exist on the scale that Congress believed and the types of settlement charges regulated were not that significant to begin with.

Gerald F. Hogan, legislative director of Consumer Federation of America, agreed that RESPA disclosure has not been a success, but attributed its failure to a weak law and poor administration. He called RESPA's disclosure requirements "second rate at best."

Untimely information

Another speaker, Josephine Reynolds, who is a vice president of National Permanent Savings and Loan Association in Washington, D.C., said that RESPA requires the lender to provide the consumer with settlement cost information at loan application which is of little use since many settlements settlement decisions already have been made by then.

Reynolds suggested that the consumer would be better informed if settlement cost information was made available to the buyer by real estate sales personnel.



John E. Flood Jr., ALTA treasurer, (standing) poses a question from the floor to panel members at the recent ALTA federal seminar held in Washington, D.C.

"We really can't expect RESPA to have a great impact on settlement charges connected with title insurance. Abuses were not as severe or widespread as believed."

The panel's Realtor representative, Fred E. Chippendale, who is president of the Greater Baltimore (Maryland) Board of Realtors, said another reason for RESPA's lack of success is that information in the booklet required to be distributed to the home buyer under RESPA is not being read.

However, Realtors in his market area already provide buyers with settlement cost estimates in advance because high Maryland settlement costs—due largely to transfer taxes—make it important to determine early whether or not the buyer will be able to cover the charges at closing, Chippendale said.

Department of Housing and Urban Development Government Program Manager Gilmer Blankespoor outlined areas of concern to be examined under Section 14. They include:

- High settlement costs
- The information booklets are distributed too late to the consumer



Speakers at the federal seminar in Washington, D.C., are pictured left to right: Fred E. Chippendale, president of the Greater Baltimore (Maryland) Board of Realtors; Cynthia Lewis, acting director, real property practices, HUD; Gilmer Blankespoor, government program manager, HUD; Roger N. Bell, ALTA president; Josephine Reynolds, vice president of National Permanent Savings and Loan Association, Washington, D.C.; C.J. McConville, ALTA immediate past president, and Roger L. McNitt, chief deputy commissioner of California's Department of Insurance, Los Angeles.

- The settlement process is controlled essentially by providers not consumers
- There is a lack of price competition in the settlement business

Consumer will shop

Roger L. McNitt, chief deputy commissioner of California's Department of Insurance, said he has seen evidence in the San Diego area that the consumer, provided with adequate information, will shop for title insurance.

McNitt said that individual states are better able to regulate title insurance than the federal government since state regulators can better react to changing laws than the federal government. The California anti-rebate law is much broader based than the anti-kickback provision under RESPA, McNitt said.

Nearly 100 federal agency and congressional staff members attended the event, which lasted an entire morning and was moderated by ALTA President Roger N. Bell. The seminar is a function of the ALTA Government Relations Program.

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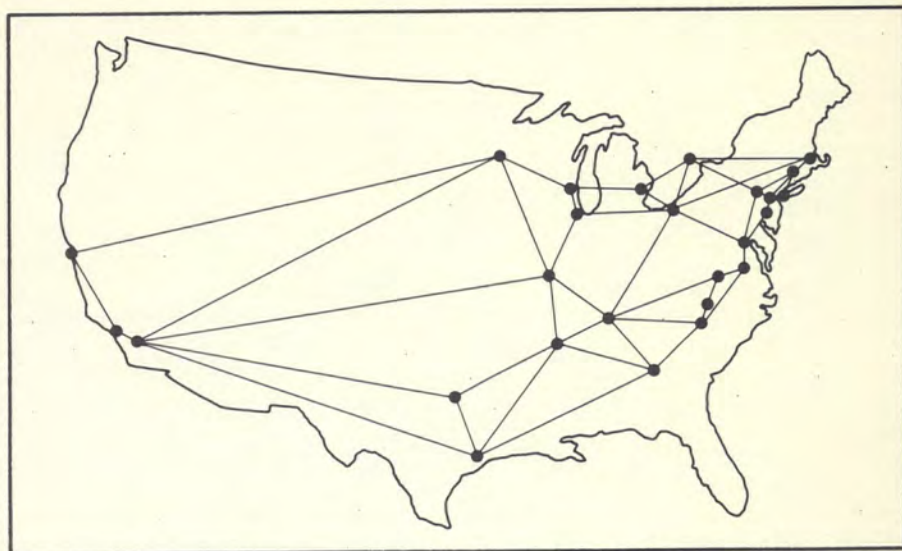
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Names in the News...

The Title Insurance Company of Mobile, Ala., recently announced the election of **William M. Heard Jr.** as president. Heard has been with the company since 1955. He succeeds **Harold G. Goubil**, who after 39 years of service, retired his positions as president and member of the board of directors.

Also announced were the promotions of **Terrence K. Nash** and **Lawrence A. Giardina** to senior vice president.

The Title Insurance Company of Mobile is a subsidiary of Commonwealth Land Title Insurance Co.

Cliff Collins has been appointed president of Commonwealth Land Title Co., Los Angeles, a subsidiary of Commonwealth Land Title Insurance Co. Collins has over 10 years experience in the land title industry.

Fred L. Miller, director of athletics and professor of physical education at Arizona State University, Tempe, has been elected to the board of directors of First American Title Insurance Co. Miller currently serves as president and member of the board of directors for the National Association of Collegiate Athletic Directors.

Vernon S. Evans has been named vice president/claims for First American. Evans joined the company in 1959 as a poster. Appointed to replace Evans as vice president and manager of First American's Orange County division is **Anthony W. Smith**. Smith has been with the company 21 years. **Jan Cobb**, formerly assistant vice president, succeeds Smith as vice president and manager of the Riverside, Calif., office.

Robert L. Saville Jr., vice president for Lawyers Title Insurance Corp.,



Clifford Collins



Richard McRoberts



Michael Starrett



William Fitzpatrick

has retired after 44 years with the company. Saville has worked in the company's branch offices in Newark, Pittsburgh, New York and Dallas as well as in the home office in Richmond, Va.

Janet A. Alpert has been elected assistant vice president and assistant director/national division and **Richard L. McRoberts** has been named assistant vice president/agency relations. Both are assigned to Lawyers Title's home office in Richmond, Va.

Lawyers Title also announced the election of two national division office managers. They are **Michael P. Foley** in the Troy, Mich., office and **Deborah R. Moser** in Norwalk, Conn.

William A. Hatfield has been named branch manager for Lawyers Title's Sarasota, Fla., office. He joined the company in 1962. Succeeding Hatfield as Miami, Fla., branch manager is **G. Thomas Kirk Jr.** Kirk has been with Lawyers Title for 17 years.

Michael J. Starrett, a Lawyers Title employee since 1971, has been appointed assistant counsel for Lawyers Title. He is assigned to the company's home office in Richmond, Va.

William J. Fitzpatrick has been appointed a senior vice president and **Roger Williams** has been elected vice president and special counsel for Ticor. In addition to his new position, Fitzpatrick also serves as secretary and general counsel. He joined the company in 1972 as



Michael Foley



Thomas Kirk Jr.



Roger Williams



Nadine Fannin



Robert Schramm



Richard Stipe

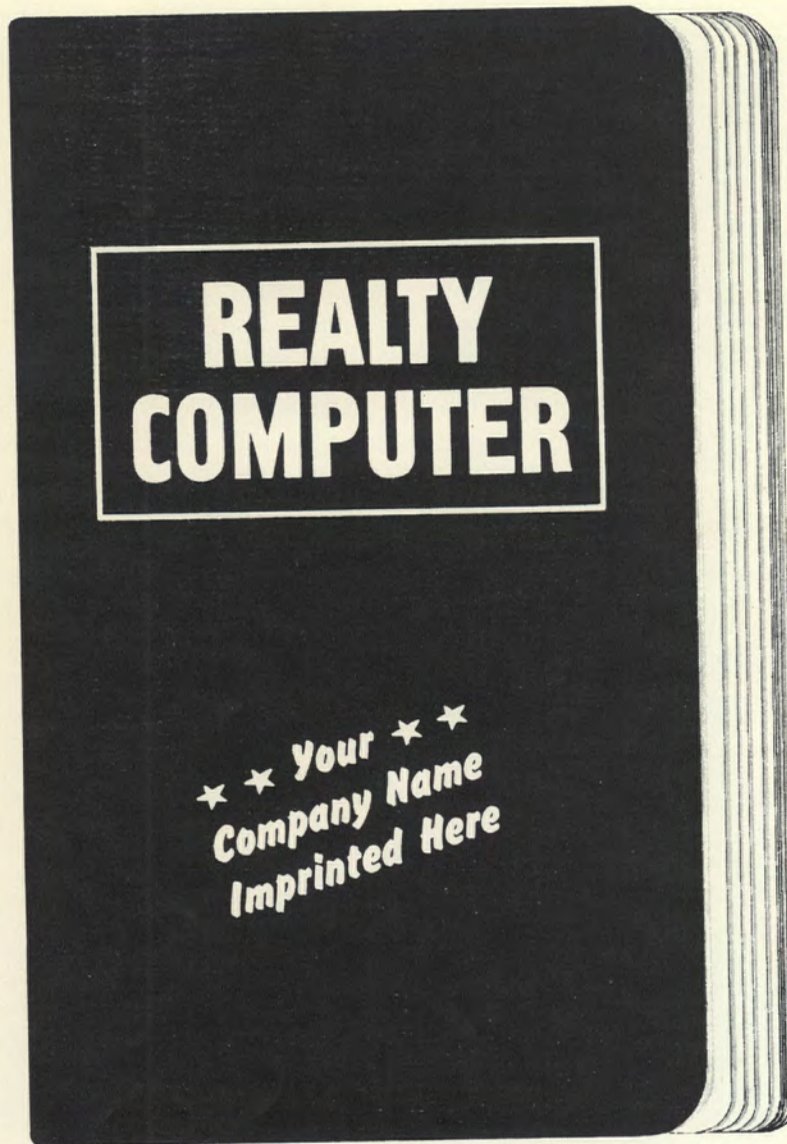
associate general counsel. Williams formerly was executive vice president and general counsel for Great Western Financial Corp.

Commonwealth Land Title Insurance Co. has announced the following appointments. **Nadine Fannin** has been named assistant vice president and manager for Commonwealth's Fremont, Calif., office. **Richard Stipe** has been appointed assistant vice president for the Orlando, Fla., office. **Robert Schramm** of Havertown, Pa., has been named advertising company manager and **Peggy Gavin** of Narberth, Pa., will serve as assistant secretary.

Ralph G. Vitolo of Brooklyn was appointed assistant counsel, New York State, for Commonwealth. Vitolo has over 20 years experience in the land title industry.

Ruth Campbell, **Mike San Souci** and **Nelson Salez** have joined the sales staff of Land Title Insurance Co. (California), a subsidiary of Lawyers Title Insurance Corp. Campbell will serve customers in North County. San Souci will work in East County and Salez in San Diego.

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Convention—(concluded)

Mortgage Bankers Association of America, and William A. Towler III, who presented the Section Education Committee's report at the Abstracters and Agents Section meeting.

Other general session speeches included the Washington Report of ALTA Executive Vice President William J. McAuliffe Jr. and ABC News Senate Correspondent Don Farmer's discussion of federal government happenings.

Another outside speaker was J.J. Rouse, public relations manager for Exxon U.S.A., who spoke on the energy crisis immediately after the Arab oil embargo, as it is now and as he projects it to be in the future.

The full text of the convention proceedings will be published in the January issue of *Title News*.

ByLaws—(concluded)

ance, will provide a means for members to formally notify the home buyer purchasing lender's title coverage of the availability of owner's title insurance.

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December 6, 1978

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New Orleans, Louisiana

December 7-8, 1978

National Title Underwriters Association
Annual Meeting
Royal Orleans Hotel
New Orleans, Louisiana

January 20-23, 1979

National Association of Home Builders
Las Vegas, Nevada

March 21-23, 1979

ALTA Mid-Winter Conference
Hyatt Regency New Orleans
New Orleans, Louisiana

March 29-31, 1979

North Carolina Land Title Association
Mills Hiatt House
Charleston, S.C.

April 19-21, 1979

Oklahoma Land Title Association
Holiday Inn West
Oklahoma City, Oklahoma

May 3-5, 1979

Texas Land Title Association
Hilton Inn
Austin, Texas

May 6-8, 1979

Iowa Land Title Association
Eddie Webster's Inn
West Des Moines, Iowa

May 17-20, 1979


California Land Title Association
Marriott's Las Palmas Resort
Rancho Mirage, California

June 3-5, 1979

Pennsylvania Land Title Association
Host Corral Resort
Lancaster, Pennsylvania

June 7-10, 1979

New England Land Title Association
Sea Crest Hotel
Falmouth, Massachusetts



Calendar of Meetings

June 10-12, 1979

New Jersey Land Title Association
Seaview Country Club
Absecon, New Jersey

June 14-17, 1979

Illinois Land Title Association
Playboy Resort
Lake Geneva, Wisconsin

June 21-23, 1979

Land Title Association of Colorado
Keystone Lodge
Keystone, Colorado

June 21-23, 1979

Oregon Land Title Association
Valley River Inn
Eugene, Oregon

June 28-30, 1979

Michigan Land Title Association
Boyne Highlands
Harbor Springs, Michigan

June 28-30, 1979

Wyoming Land Title Association
Saratoga, Wyoming

August 2-4, 1979

Idaho Land Title Association
North Shore Lodge and Convention Center
Coeur D'Alene, Idaho

August 8-15, 1979

American Bar Association
Dallas, Texas

August 10-11, 1979

Kansas Land Title Association
Glenwood Manor Motor Hotel
9200 Metcalf
Overland Park, Kansas

August 16-18, 1979

Minnesota Land Title Association
Thunderbird Inn
Minneapolis, Minnesota

September 7-9, 1979

Missouri Land Title Association
Sheraton St. Louis Hotel
910 North Seventh Street
St. Louis, Missouri

September 8-11, 1979

Indiana Land Title Association
Sheraton West
Indianapolis, Indiana

September 12-15, 1979

Washington Land Title Association
Admiralty Resort
Port Ludlow, Washington

September 25-28, 1979

New York State Land Title Association
Kutsher's Country Club
Monticello, New York

September 26-28, 1979

Wisconsin Land Title Association
Pfister Hotel
Milwaukee, Wisconsin

October 6-10, 1979

American Bankers Association
New Orleans, Louisiana

October 14-17, 1979

ALTA Annual Convention
Hyatt Regency San Francisco
San Francisco, California

October 14-17, 1979

Mortgage Bankers Association of America
Chicago Marriott Hotel
Chicago, Illinois

October 28-November 2, 1979

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