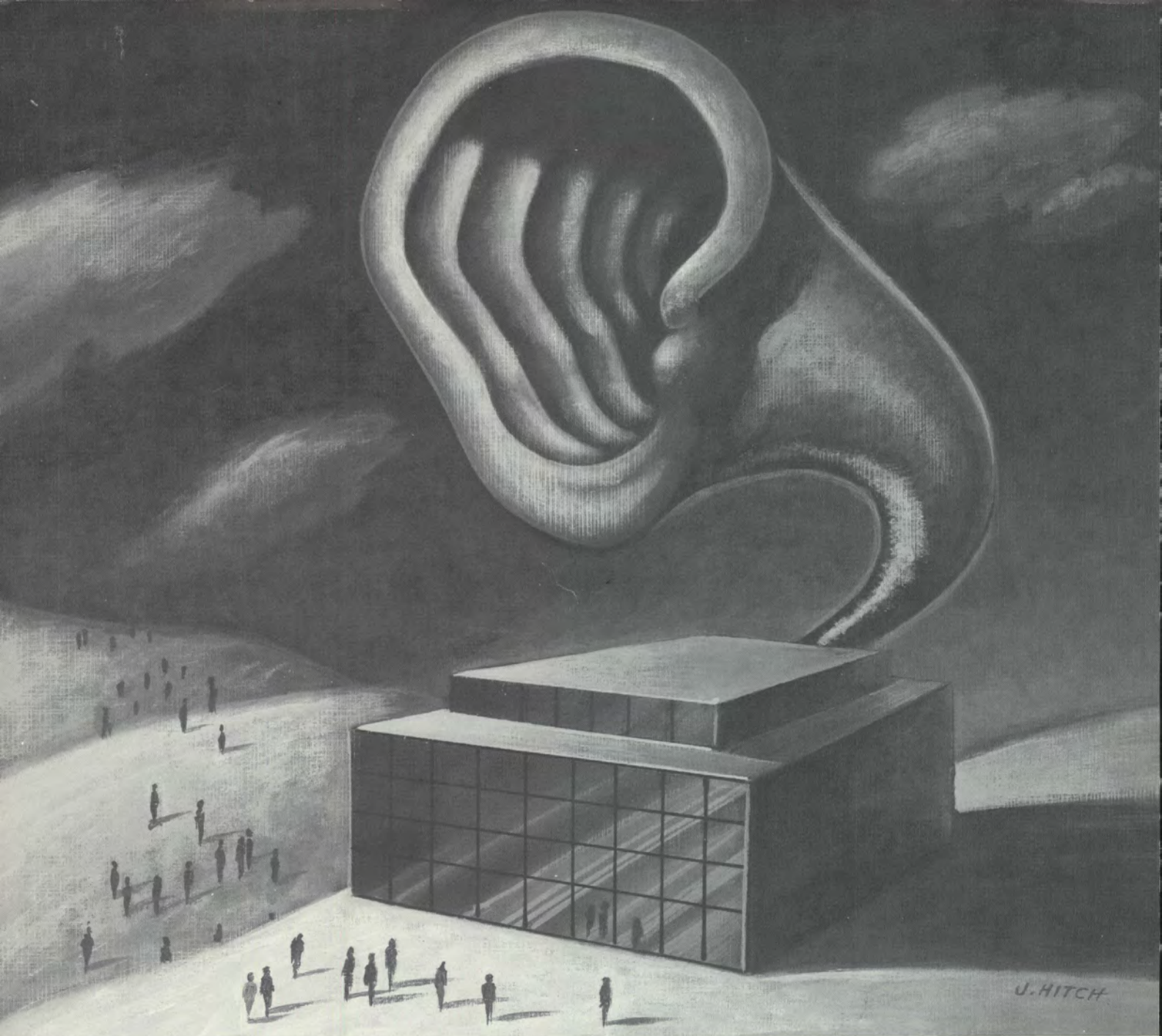


Title News

MARCH-APRIL, 1986



Mid-Year Convention Workshop Impressive



We're all ears

In the days of Edison's Victrola, life moved at a slower pace. People took the time to listen. Today, in a rapidly changing and increasingly complex business world, it's easy to forget that listening makes a difference.

We're making that effort to listen. With the combined strengths of Dynacomp Inc.

and Title Data Inc., we're bringing title companies, large or small, the services they need.

We offer services that automate title plant indexes, store on-line real estate property tax records, and provide internal management control in collecting, processing, and reporting of information associated with title orders.

Give us a call and let us tune into your office automation needs. We'll show you how our services perform all your title office functions in one complete system.

TRW

Real Estate Information Services
714.385.5000

Title News

Contents

Volume 65, Number 1

A Message From the President-Elect	5
Escrow Obligations, Liabilities (P. C. Templeton)	9
Indiana, Oregon Follow Denver as Seminar Sites	13
Affiliated Association Exchange	15
Calendar of Meetings	24
Names in the News	28

Front Cover: Lee Gardenswartz, Ph.D., Marina del Rey, California, leads discussion in a session on stress management during an impressive Title Management Workshop held as part of the 1986 ALTA Mid-Year Convention in March. More coverage of the Convention will be featured in the next issue of *Title News*.



Title News is published by the American Land Title Association, 1828 L St., N.W., Washington, D.C. 20036. Telephone (202) 296-3671.

ISSN 0040-8190

Editor: Gary L. Garrity

ASSOCIATION OFFICERS

President

Gerald L. Ippel
Ticor Title Insurance Company
Los Angeles, California

President-Elect

John R. Cathey
The Bryan County Abstract
Company
Durant, Oklahoma

Chairman, Finance Committee

Richard P. Toft
Chicago Title Insurance Company
Chicago, Illinois

Treasurer

William H. Little
SAFECO Title Insurance Company
Los Angeles, California

Chairman, Title Insurance Underwriters Section

Marvin C. Bowling, Jr.
Lawyers Title Insurance
Corporation
Richmond, Virginia

Chairman, Abstracters and Title Insurance Agents Section

Charles O. Hon, III
The Title Guaranty
& Trust Co.
Of Chattanooga
Chattanooga, Tennessee

Section Representatives, Board of Governors

John M. Bell
The Security Abstract
& Title Co., Inc.
Wichita, Kansas

Richard A. Cecchetti
Title Insurance Company
Of Minnesota
Minneapolis, Minnesota

Mike Currier
Guaranty Title Company
Carlsbad, New Mexico

David R. Porter
Transamerica Title
Insurance Company
San Francisco, California

Immediate Past President

Jack Rattikin, Jr.
Rattikin Title Company
Fort Worth, Texas

ASSOCIATION STAFF

Executive Vice President

Michael B. Goodin

Senior Vice President

William J. McAuliffe, Jr.

General Counsel

James R. Maher

Vice President—Public Affairs

Gary L. Garrity

Director of Government Relations

Robin E. Keeney

Director of Research

Richard W. McCarthy

Director of Meetings And Conferences

Susan E. Perry

Vice President— Administration

David R. McLaughlin

Looking for the right system for your office? Ask an expert.



At Title Data, we have always thought our customers were the true experts at selecting title systems — like Fred Hemphill, Senior Vice President at Lawyers Title Insurance Corp.

When Lawyers Title began looking for a system to recommend to approximately 3000 agents, branches and subsidiaries, they knew the decision would be an important one. After a thorough internal investigation of the systems on the market, they enlisted the help of one of the Big 8 firms to aid them in their search.

"We found that Genesis best met the strategic needs of Lawyers Title for several reasons," said Hemphill. "First, its design allows users to develop personalized worksheets and to use their own forms and terminology without extensive outside support. Second, Genesis basic software addresses the needs of small or large installations, permitting easy expansion as requirements grow. Third, the software's UNIX® operating system supports up to a dozen or more terminals. And the use of AT&T hardware offers strong

maintenance support in both metropolitan areas and small towns."

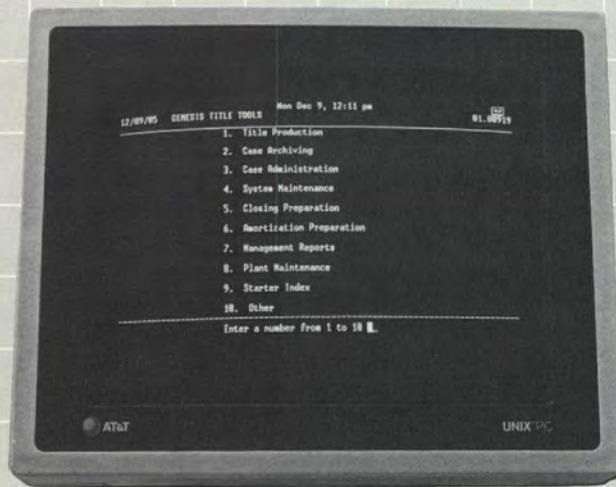
Like all title companies looking for the best system, Lawyers Title put a great deal of effort into selecting Genesis. Title Data is proud of that decision, and we are proud of Genesis' ability to meet title industry requirements —

- Producing policies, amortizations and management reports with speed and efficiency,
- Tracking orders automatically with cross-referenced indexes, and
- Offering separate programs for closing preparation, remote system networking, and plant maintenance.

Investigate Genesis' capabilities for yourself. Ask other industry experts. Test and compare systems, and gather all the information you can.

Because we think the more you know, the more likely you'll choose Genesis.

Genesis
The choice of experts
(800) 525-8526



A Message from the President-Elect



It is always exciting to attend an ALTA national event and the recent 1986 Mid-Year Convention in Washington certainly was no exception. Our general session speakers were exceptional and instructors for the Title Management Workshop sessions did an outstanding job.

Perhaps the most exciting aspect of the Mid-Year meeting was the enthusiasm, interest and dedication shown by our many committees. President Jerry Ippel and I had the opportunity to sit in on several of our committee meetings during the Convention, and it was an impressive experience.

The Education Committee, chaired by Cara Detring, is moving forward with plans for three ALTA Regional Seminars scheduled for this year, following work on the Mid-Year meeting Title Management Workshop. More information on the upcoming seminars is found elsewhere in this issue of *Title News*.

Chairman Mel John and the members of the Membership and Organization Committee have developed many ideas on how to recruit new members of the Association while retaining the existing ALTA membership. Chairman Oscar Beasley and members of his Title Insurance Forms Committee worked for three days during the Convention in their ongoing project to develop proposed changes in the ALTA policy forms.

As was reported at the Convention, Chairman Jack Derloshon and his Title Insurance Accounting Committee continue to work on the serious problem emerging from the Internal Revenue Service disallowing the unearned premium reserve deduction—which would mean a huge additional tax burden for title underwriters.

Again this year, the Convention's Affiliated Association Officer-Executive Management Seminar was very successful. More than 50 persons were on hand for this meeting, which has grown from a one-hour breakfast session a few years ago to a half-day professional management event tailored for regional and state title associations. Many affiliate officers and executives have commented in recent time on the importance of this meeting in the improvement of their association leadership skills. Most attendees typically come to both the ALTA Mid-Year and Annual Conventions a day early in order to attend this seminar.

Chairman Roger Bell and his TIPAC Board of Trustees had a very interesting breakfast meeting to discuss ways to encourage financial contributions for the upcoming congressional election. TIPAC is an essential voice for the title industry in the halls of Congress, and

we need continuing nationwide total support from title people in helping elect Senators and Representatives from both parties with political views compatible to our industry. Whether we like it or not, our industry is involved in politics and TIPAC is the most effective means for encouraging the congressional representation that is vital to our future. As this is written, the TIPAC request for contributions is being mailed. Please respond promptly.

Perhaps the committee with the most urgent and critical mission at present is the special Errors and Omissions Committee appointed this year by President Ippel. The chairman is Earl Harper, and members are Hughes Butterworth, Jr., and Harrison Jones. This committee has been charged with recommending solutions to one of the most serious problems facing our industry—which is obtaining errors and omissions insurance at affordable cost. Since the committee mailed its E&O questionnaire to ALTA members, nearly 600 responses have been received and these have been turned over to The Wyatt Company, consultant retained by the committee, for analysis. The ALTA Board of Governors is committed to do everything possible to provide a viable errors and omissions insurance alternative for ALTA members. The bad side is that there is no quick solution to the problem. A story on what is being done by the committee appears elsewhere in this publication.

These are just a few examples of the hard work and dedication found throughout the ranks of ALTA committees. Collectively, our committees provide an essential strength for the Association and for our industry. Everyone involved is to be commended for a most important contribution.

Also, Executive Vice President Mike Goodin and his staff are to be congratulated for their excellent work with the Mid-Year Convention.

As this is written, the season for regional and state title association conventions is drawing near. Designated ALTA representatives from the Board of Governors—including myself—are looking forward to attending, and to visiting with our members across the nation.

A handwritten signature in black ink, appearing to read "John R. Cathey". The signature is fluid and cursive, written in a professional style.

John R. Cathey

Changes In Prospect For Survey Standards

Members of the ALTA Liaison Committee with the American Congress on Surveying and Mapping have progressed in work with representatives of the surveyor organization to develop mutually acceptable amendments to the Standard Minimum Detail Requirements for Surveys adopted by ALTA and ACSM in 1962.

Content standards, including updated material proposed by the ALTA representatives, were approved by the ACSM Board of Direction in March. Although additional accuracy standards were pending within ACSM at this writing, the content standards are thought to be of particular importance by the title industry side.

ALTA Committee Chairman Mary C. Feindt, president, Charlevoix (Michigan) Abstract & Engineering Co., also is a registered land surveyor.

Besides Chairman Feindt, other members of the ALTA committee are Bruce S. Bobo, president, Lauderdale Abstract Company, Florence, Ala.; J. Carmichael Calder, assistant vice president and national title officer, First American Title Insurance Company, Santa Ana, Calif.; John R. Duffy, president, Hayward Land Title Company, Hayward, Wis.; Thomas E. Horak, vice president and senior plant officer, Commonwealth Land Title Insurance Company, Philadelphia; Charles A. Meyer, vice president, secretary and general counsel, Mid-South Title Insurance Corporation, Memphis, Tenn.; and Cindy M. Prestwood, senior vice president and manager, Bay County Land & Abstract Co., Inc., Panama City, Fla.

Consultant Retained By E&O Committee

Proceeding under authorization from the ALTA Board of Governors, the Association Errors and Omissions Committee has retained The Wyatt Company, Chicago, for consulting services related to evaluation of proposals before ALTA that address the errors and omissions insurance availability/affordability problem facing the title industry.

Initially, work as proposed includes analysis of conventional insurance proposals made to ALTA. Evaluation of these includes scope of coverage offered; premium and rating programs to be utilized; proposed sales, underwriting and claims administration programs; and size, experience and quality of insurers. Plans include comparing the conventional proposals against the conventional insurance market to the extent that it remains.

An element being pursued in the evaluation is determining which insurers are in the title insurance agents liability market and their general approaches to underwriting and pricing.

As this is written, the possibility remains that additional alternatives may be explored, depending on what is determined from the initial evaluation. Emphasis has been placed on completing the evaluation as expeditiously as possible.

Members of the committee include Chairman F. Earl Harper, president, Southern Abstract Company, Bartlesville, Okla.; Hughes Butterworth, Jr., president, Lawyers Title of El Paso (Tex.), Inc.; and Harrison H. Jones, senior vice president and regional manager, Commonwealth Land Title Insurance Company, Louisville, Ky.

Keeney, Throckmorton Join Association Staff

In two recent additions to the ALTA government relations staff, Robin E. Keeney has joined the Association as director of government relations and Kelly L. Throckmorton has accepted a position as legislative assistant.

After an extensive review of candidates for the position, an ALTA Personnel Selection Committee unanimously agreed to name Robin to the director's position. Serving on the committee were Association President Gerald L. Ippel, President-Elect John R. Cathey, Finance Committee and Government Affairs Committee Chairman Richard P. Toft, Past President and former Government Affairs Committee Chairman C. J. McConville (who continues as a member of that committee), Past President and Former Government Affairs Committee Member Thomas S. McDonald, and Executive Vice President Michael B. Goodin.

Robin previously was a legislative representative in Washington for the National Association of Small Business Investment Companies. Earlier, she served on the staff of the Direct Selling Association. A graduate of the American University in Washington, Robin is a past



Keeney



Throckmorton

president of the National Council of Career Women. She is a member of the American Society of Association Executives and the Capitol Hill Club.

Kelly is a graduate of North Carolina State University and is a certified paralegal. She has worked in the office of Congresswoman Marjorie S. Holt (R-Md.) as an LBJ congressional intern.

Six Title Insurers Appeal in FTC Case

On February 7, 1986, the six title insurance companies whose challenge to the constitutionality of the Federal Trade Commission's exercise of enforcement authority had been dismissed on technical grounds by the federal district court in Washington, D.C., in January, appealed their case to the Federal Court of Appeals in Washington. That same day, in a separate case, a special three-judge court in Washington, in holding the Gramm-Rudman-Hollings Act unconstitutional, embraced the same constitutional principles argued by these title insurers.

On February 11, the six companies filed with the federal court of appeals all of their appeal papers, including a request that a hearing of their case be expedited and that the case be heard by all of the active judges of that court, an unusual procedure reserved for cases of great importance.

As this is written the court of appeals has not acted on either of those requests. If the court grants the request for expeditious consideration, oral argument in the case probably would be set for March or April.

Industrial Valley Title Buys District-Realty

Industrial Valley Title Insurance Company has announced the purchase of District-Realty Title Insurance Corporation from Title Insurance Acquisition, Inc., a subsidiary of Crysopt Corporation. Industrial Valley, a Philadelphia-based underwriter, previously owned District-Realty from 1977 through 1984. Samuel R. Gillman continues as District-Realty president, according to IVT President James J. Mooney.

Located in Washington, D.C., District Realty is one of the oldest title insurance companies in the metropolitan area and has operated since 1891.

Industrial Valley Title is licensed in and has offices in 19 states, and is the parent company of Continental Title Insurance Company of Haddonfield, New Jersey.

A.P.D. presents...

TAD-PC *Complete Real Estate Closing and Escrow Documentation*

Designed to use YOUR Phrases
Produces Error Free Documents
Prorates/Calculates and Balances
Provides Complex Amortizations

Saves Time and Increases Volume
Direct Access to Screens/Programs
Eliminates Repetitious Typing
Integrated Word Processing

TAD-TRUST *Integrated or Stand Alone Escrow Accounting*

Tracks Investments by Banks
Offers a Variety of Reports
Limits Overdraft Exposure
Provides Fee Income Analysis

Tracks Investments by Type
Profiles Customer Base
Passwords by Authority Level

TAD-CPM *Computerized Property Management*

Residential/Commercial/Industrial
Real Estate Investment Trusts
Integrated G/L Systems
Consolidated Liabilities

Individuals/Corporations/Partnerships
Automatic 1099's and K1's
Lease Billing and Receivables Management
Bottom Line Return Analysis

**All 3 Systems available as stand alone units,
Local Area Networking or Multi-User Capabilities.**

Toll Free Support

Hands-on Training

 **Automated Processing &
Development Corporation**

3215 West Warner Avenue • Santa Ana, California 92704 • 714-641-6726

1-800-354-5020 (National)
1-800-833-8638 (California)



Take a long look at your current margin of profit.

Then look to Landata

Your firm is in business for profit. Steady increments of profit. At least, it should be.

When you look to Landata, you're joining a growing number of title and real estate companies across the nation in gaining increased profits through automated title services, increased productivity through fully integrated programs, and new profit centers through sales of real estate related data.

At Landata everyone—from corporate headquarters to our 10 subsidiaries nationwide—is a title industry veteran. Our team of title, computer, and software experts have developed, tested—and now market nationwide—the most flexible, accurate and efficient computer systems to fully automate all the ways in which your company uses real estate information. And on site training by title professionals means training from *your* point of view.

Take a Look at AIM (Automated Information Management)

Our exclusive AIM System of 4 fully integrated programs:

- Order Entry and File Flow
- Document Preparation
- Escrow Closing
- Escrow Accounting

With AIM, operators enter data only *one* time. Once entered, data is automatically crossfiled throughout the system into every file you require.

Title Plant System

Fully automate your title plant through on-line user participation in a Landata subscriber system. Or Landata can fully automate your present in-house title plant. Access up-to-date mapping to any scale desired. And consider turning your title plant into a profit center through sales of real estate information to such markets as retailers, energy companies, lending institutions, and taxing authorities.

Look to Landata ...

- On-site surveys to determine your individual requirements
- Digital VAX 11/700 Series Computers
- Digital PRO 350 Personal Computers
- Custom programming
- Title-trained customer support personnel and our toll free customer service number 800-551-3220. In Texas 800-392-0061.

After you've seen the others, look to Landata. Soon you'll see a boost in productivity and profits.



LANDATA, INC.

Real Estate Information

**For additional information,
phone or write the office nearest you.**

AUSTIN

LANDATA, INC. OF AUSTIN
313 East Anderson Lane
Austin, Texas 78752
(512) 452-9222

DALLAS

LANDATA, INC. OF DALLAS
8131 LBJ Freeway, Suite 715
Dallas, Texas 75251
(214) 783-4433

© 1985, Landata, Inc.

DENVER

LANDATA, INC. OF DENVER
1225 17th Street, Suite 1950
Denver, Colorado 80202
(303) 298-9222

HOUSTON

LANDATA, INC. OF HOUSTON
9720 Beechnut
Houston, Texas 77036
(713) 271-0241

GENERAL OFFICES

LANDATA, INC., GENERAL OFFICES, 2200 West Loop South, Houston, Texas 77027
(713) 871-9222, (800) 551-3220, In Texas (800) 392-0061

KANSAS CITY

LANDATA, INC. OF KANSAS CITY
1021 Grand Avenue, Suite 401
Kansas City, Missouri 64106
(816) 471-4266

LOS ANGELES

LANDATA, INC. OF LOS ANGELES
412 West Broadway, Suite 211
Glendale, California 91204
(818) 247-3282

PORTLAND

LANDATA, INC. OF PORTLAND
200 SW Market, Suite 110
Portland, Oregon 97201
(503) 226-7169

PALM BEACH

LANDATA, INC. OF W. PALM BEACH
2001 Broadway
Riviera Beach, Florida 33404
(305) 863-8001

SAN ANTONIO

LANDATA, INC. OF SAN ANTONIO
5409 Jackwood Drive
San Antonio, Texas 78238
(512) 680-4060 or (800) 292-2061

TAMPA

LANDATA, INC. OF TAMPA
6304 Benjamin Road, Suite 503
Tampa, Florida 33614
(813) 884-7111

Escrow Obligations and Liabilities

By P. C. Templeton

At its inception, the title industry performed the single function of providing title evidence in one form or another. If we compare the industry in its original form with the industry as we see it today, we perceive a dramatic contrast. We now see ourselves performing functions that our forefathers in the business never even dreamed about. Most of the corollary functions we now find ourselves embroiled in were adopted as marketing tools in the form of additional services offered to secure title business.

Occasionally, however, a cute, gentle, little kitten after its adoption grows up to be a tiger that will eat everyone in the house if permitted to do so.

One such kitten that has grown up to be a tiger now living in our house is our function as an ESCROW AGENT! The business of ESCROW is separate and distinct from the title industry but, in many of our stores, they are inextricably married. It is therefore appropriate that we in the title industry give some consideration to the subject of ESCROW in the brief space allocated to this article.

The procedural intricacies of setting up the actual closing process, which are more appropriately covered in seminars or in-house training programs, will not be dealt with here. We will center our present discussion on the basic concept of ESCROW and the obligations and liabilities of the ESCROW AGENT.

Black's Law Dictionary defines escrow as: "A writing, deed, money, stock or other property delivered by the grantor, promisor or obligor into the hands of a third person, to be held by the latter until the happening of a contingency or performance of a condi-

tion, and then by him delivered to the grantee, promisee or obligee. A system of document transfer in which a deed, bond, or funds is delivered to a third person to hold until all conditions in a contract are fulfilled."

In a transaction involving the transfer of a property right for consideration, the vendor should not permit title to pass from him until he has received consideration. The vendee should not permit the consideration to pass until he receives title. Neither should entrust his asset to the other. The solution to the impasse is obvious. Both place their assets into the hands of an impartial party to be safeguarded until it is time for the transfer to take place.

This impartial party is most commonly known as the "escrow agent," who acts in a

fiduciary capacity. *Black's Law Dictionary* defines fiduciary capacity as follows:

"Fiduciary capacity. One is said to act in a 'fiduciary capacity' or to receive money or contract a debt in a 'fiduciary capacity' when the business which he transacts, or the money or property which he handles, is not his own or for his own benefit, but for the benefit of another person, as to whom he stands in a relation implying and necessitating great confidence and trust on the one part and a high degree of good faith on the other part. The term is not restricted to technical or express trusts but also includes such offices or relations as those of an attorney at law, a guardian, executor or broker, a director of a corporation, and a public officer."

Due to the fast-moving times in which we live and to the litigious nature of modern society, it is advisable that we pause occasionally and meditate on the fiduciary liabilities and escrow responsibilities we assume when we accept the assignment of escrows.

Contract Definition Lacking

As title insurers and title insurance agents, our work product results in a policy contract that clearly (at least to us) sets forth our obligations, duties, options, and the limits of our financial liability. As an escrow agent, however, we have no contract of our own creation that has any "exceptions" or "exclusions from coverage." We have no contract that can be relied upon to define or put a limitation on our financial liability.

Simply put, it is open season on escrow agents with no restrictions on weapons or shooting hours.

To add further to our terror, in many parts of the country, residential transactions are closed without formal escrow instructions.



P. C. Templeton has been a land title professional since 1947. He is a past president of the New Mexico Land Title Association and is a member of the Education Committee of that organization, in addition to having served as a member of the ALTA Education Committee. His discussions on escrows are well received at ALTA Regional Seminars around the nation. Among his many activities are serving as an instructor for land title courses for NMLTA, the New Mexico Bar Association, International Right-of-Way Association, Continuing Education Department of the University of New Mexico, and the Technical Vocational Institute, Albuquerque, New Mexico. He is president of First American Title Company of New Mexico, Albuquerque.

The purchase agreement (to which the escrow agent is not a party) is the sole source of information and must be translated into closing instructions. Also, we swallow real hard when we remember that, if we are agents, our underwriter does not pick up our escrow losses. We perceive several swords hanging directly above our head by threads that are sometimes very slender.

Surely, we all enjoy the business we are in or we would not be in it. Our business will be even more enjoyable if we retain enough of our revenues to remain financially solvent. In order to do this, we are well advised to remind ourselves that the waters seem to get deeper and deeper as time goes by. However, deep waters hold terror only to those who cannot swim. In order to stay afloat and swim well, we need first to know, and then to stay within the confines of a few mandates that are imposed upon escrow agents. Listed as they come to mind and not necessarily in order of priority are a few of these mandates:

1. Never lose sight of the fact that we are a FIDUCIARY. *Black's Law Dictionary* contains a definition of fiduciary that reads in part as follows:

"Fiduciary /fed(y)uwsh(iy)ery/. The term is derived from the Roman law, and means (as a noun) a person holding the character of a trustee, or a character analogous to that of a trustee, in respect to the trust and confidence involved in it and the scrupulous good faith and candor which it requires. A person having duty, created by his undertaking, to act primarily for another's benefit in matters connected with such undertaking. As an adjective, it means of the nature of a trust; having the characteristics of a trust; analogous to a trust; relating to or founded upon a trust or confidence.

"A person or institution who manages money or property for another and who must exercise a standard of care in such management activity imposed by law or contract; e.g., executor of estate; receiver in bankruptcy; trustee. A trustee, for example, possesses a fiduciary responsibility to the beneficiaries of the trust to follow the terms of the trust and the requirements of applicable state law. A breach of fiduciary responsibility would make the trustee liable to the beneficiaries for any damage caused by such breach."

2. MAINTAIN IMPARTIALITY

The escrow closer has no discretionary power, but can act only in accordance with instructions. If the instructions are unclear or silent on any matter, a judgment call by the escrow agent might favor one party or the other. Our actions are strictly limited to compliance with instructions.

We usually receive our order from only one party to the transaction or his duly appointed agent. It is normal for the one who brought

the closing to us to feel that they should be able to make changes in the instructions or to give us additional instructions on matters not covered originally. NOT SO!

The escrow agent must operate only upon instructions from *all* parties to the transaction. We are strictly prohibited from taking instructions from one party only—or from his broker—or his attorney—or his mother-in-law.

We operate impartially, without favoring either party. If we must structure a closing when it was not practical to have all parties initial changes in the escrow instructions, have them do so in the closing room before signing them up.

3. HAVE READY FUNDS

One of the earlier mandates is to obtain the fiduciary funds. These monies must be in the form of "ready funds," also known as "spendable funds."

When, in the course of events in the escrow process we cause or permit the documents of transfer to be delivered or recorded, we are obligated to immediately fund the transaction. This obligation is absolute and inescapable. If we do not have ready funds in our trust account, we are forced to make the disbursement from our own funds. (This can have a traumatic impact on our profits.)

The following are NOT ready funds:

- Personal checks not negotiated (cash). The depositing of personal checks into our trust account does not constitute ready funds until the account upon which the check was drawn has been debited and our trust account has been credited by the bank. If the check is on an account in an out-of-state bank, it must physically reach the bank and then be forwarded to our bank. This process takes at least 10 days to assure us of ready funds in our account.
- Simply calling a bank and getting assurance that there are sufficient funds in an account to cover a check does not assure us of ready funds. Several things can happen before we make the deposit: the account may be closed, another check on that account may beat ours to the bank (first presented, first honored), or payment may be stopped on the check. A bank may give us assurance that adequate funds are in the account but it cannot hold funds in that account to cover a check not presented (even for another bank).
- Cashier's checks not negotiated are not ready funds because payment can be stopped on cashier's checks.
- Non-negotiated checks drawn on money market accounts such as Merrill-Lynch, Dean Witter, etc., do not constitute ready funds. These masterpieces of engraving are certainly impressive looking but they

are nothing more than a personal check. They often take longer to clear. Even though they are issued on a local office, they are quite often funded from an account in another city. This takes time, usually at least two weeks.

- Drafts are absolutely not ready funds. They are tricky, tricky, tricky! A check is an unconditional promise to pay with certain penalties if they bounce. A draft is a conditional promise to pay. It will not be honored until conditions have been met. The conditions can vary widely, and someone other than yourself must decide if they have been met.
- Cash, certified checks and wire transfers are ready funds.

4. CONTROL THE FUNDS

We are under a strict mandate to adhere to certain control measures and accounting procedures in the handling of escrow funds.

First, these funds must be sequestered in a trust account. If we deposit escrow funds into our operating account, we have in effect disbursed the funds TO OURSELVES! This is known as "comingling" and is looked upon with disfavor by certain narrow-minded law enforcement officials, who take the view that any of the comingled funds spent for our own account are taken from the fiduciary funds, even though our bank account may maintain a balance larger than the amount of such fiduciary funds. This practice has been known to result in the loss of the license to do business, and in a few extreme cases has resulted in the acquisition of a striped sun tan by the perpetrator thereof.

Even though we place all escrow funds in a trust account, we might still be guilty of comingling if we do not maintain a separate ledger on each open escrow with funds in that trust account. The balance in the trust account must at all times be exactly the same as the aggregate of the balances indicated on the open escrow ledgers.

The ledger on each individual escrow must "zero out" at closing or there is a violation of our fiduciary responsibility. If there is a shortage, we have violated our obligation to the vendor and must reimburse the trust account IMMEDIATELY from our own funds and try to recoup later. (This invariably results in an involuntary visit to the front office.)

If, after closing, there is an overage indicated on the ledger, we have violated our obligation to the vendee. The overage is not our money. If we keep it, we have misappropriated trust funds. (This is frowned upon in certain circles.) It may be embarrassing, but the overage must be disbursed to the appropriate party, even though the check is just for a few pennies.

Continued on page 21

THE COMPLEX MADE SIMPLE



RELIABLE & AFFORDABLE
Designed Specifically For You
And Your Title Office

Micro-Plus software and hardware can help you increase your office efficiency. These programs will run on a large variety of computer equipment from single user systems to mainframes.

TABS Title Agency Business System For Large Multi-Unit Title Operations

TABS is a comprehensive package of true business software written in high level COBOL and designed to take advantage of the new and powerful micro systems. These programs automate many Title Office functions, including:

- Order Entry
- Closing Statements
- Forms Generator
- Target Communications
- File Maintenance
- Checkwriting
- Title Documents Systems
- Billing and Invoicing
- Management Reports
- Closing Documents
- Property
- Reference and Customer Files
- Escrow Bank Manager
- Disbursement Programs
- Word Processing
- Integrated Backup and Recovery

Most systems are bundled with additional office automation software including Calendar scheduler, Communications, Graphics, and Electronic spread sheet. Complete multi-company general ledger accounting programs are also available.

Special Announcement:

Micro-Plus products will operate on the new ALTOS 5 to 30 user systems. Altos has over 65,000 systems in place world wide. It's performance, rock solid reliability, and price simply can't be beat.



COMPUTER SYSTEMS
WORLD LEADER IN
MULTI-USER MICRO SYSTEMS

MICRO-CLOSE

For Smaller Offices

MICRO-CLOSE is a package of programs designed for limited applications where there is no need for a full version of TABS. These programs are also written in powerful COBOL:

- Closing Statements
- Checkwriting
- Disbursement Statements
- Optional Programs
- Customer Mail/Label Programs
- Escrow & Bank Account Management
- Word Processing

These programs are available for software only or as part of a configured single or multi-user system.

Whether it be TABS or Micro-Close...software only or configured system, we've got the package for you. To find out more, call or write, Michael C. Ellis:



6600 Busch Boulevard, Columbus, Ohio 43229

(614) 436-7587

Why automate with Sulcus? Reason #3: The Largest Array of Programs in the Field.



Meet John Motto,
Sulcus's Director
of Systems
Integration

"Sulcus means programs. Programs that improve productivity, programs for management, programs for financial control, programs for personnel.

"We offer the largest array in the field. Hundreds of industry-specific programs ensure that you can design and configure the exact system you need to run your business.

"Real estate closings, document preparation, automated

title plants, indexing, amortizations, escrow and trust accounting, truth-in-lending disclosures, and more...all come together from a single source: Sulcus.

"And program development is ongoing. When you discover a new need tomorrow, you'll probably discover we have a program to meet it."

The largest array of programs in the field is one reason why you should automate with Sulcus. There are more. Impeccable support. Years of continuity. Professional-to-professional distribution. The least expensive *total* solution available. The largest installed base of turnkey legal/financial/real estate systems anywhere.

Call our Marketing Department toll-free at
800-245-7900 for the facts.
You will soon be a member of the Sulcus family.



Sulcus Computer Corporation □ Corporate Offices □ Sulcus Tower, Greensburg, PA 15601
Telephone 412-836-2000 □ Sales and support facilities throughout the United States.

Indiana, Oregon Airports follow Colorado As Additional 1986 Regional Seminar Sites



Open discussion receives primary emphasis at ALTA Regional Seminars. Here, at the successful regional event held last November at the Kansas City airport, David Drury (standing), First Land Title Group, Fort Wayne, Ind.; Karen Brown, Central Missouri Abstract and Title Company, Columbia, Mo.; and Philip Wert, Johnson Abstract Company, Kokomo, Ind., lead an audience discussion on local title automation from the end user viewpoint.

After completing plans for an ALTA Regional Seminar April 18-19 at the Denver Airport (see January-February *Title News* for program details), members of the Association Education Committee are working on two more of the regional events scheduled for this year.

One will be held Friday afternoon and Saturday morning, October 17 and 18, at the Adams Mark Indianapolis, located near the airport serving that city, and the other will be Friday afternoon and Saturday morning, October 31 and November 1, at the Red Lion Inn, Jantzen Beach, Oregon, near the Portland airport and site of a successful ALTA Regional Seminar in the fall of 1984.

Work on lining up discussion leaders for the Indianapolis program is in progress as this is written. Following consultation with title industry leaders in the region, plans are to devote the entire first day to discussion of abstractor liability and avoidance of claims. Topics for the second day's agenda will be safe handling of funds at closing and employee rights-employer responsibility.

Program details for the Jantzen Beach meeting will be announced later.

ALTA has reserved a block of sleeping rooms (\$77 single, \$89 double) at the Adams Mark for Thursday and Friday nights, October 16 and 17. Reservations may be confirmed and extended if desired by calling the hotel at 317-248-2481 and identifying as part of the ALTA group. *The hotel will release all rooms not confirmed by September 18, 1986.*

Similarly, the Association has reserved a block of sleeping rooms (\$72 single, \$82 double) at the Red Lion for Thursday and Friday nights, October 30 and 31. Reservations may be confirmed and extended if desired by calling the hotel at 503-283-4466 or 206-892-7684 and identifying as part of the ALTA group. *The hotel will release all rooms not confirmed by October 9, 1986;* attendees who need accommodations should plan accordingly.

Registration for *both* the Indianapolis and Jantzen Beach seminars is \$70 for ALTA members and \$110 for non-members. Registration checks made payable to the Association may be sent to ALTA Vice President-Public Affairs Gary L. Garrity in the organization's office, Suite 705, 1828 L Street, N.W., Washington, DC 20036 (telephone: Area 202, 296-3671).

Members of the Education Committee include Chairman Cara L. Detring, vice president, The St. Francois County Abstract Company, Farmington, Mo.; Elizabeth J. Carlisle, training manager, Ticor Title Insurance Company, Los Angeles; Timothy J. McFarlane, vice president and manager, Idaho Title & Trust Company, Idaho Falls; Joseph M. Parker, Jr., vice president and counsel, Lawyers Title of North Carolina, Inc., Winston-Salem, N.C.; Joseph F. Seabeck, president, Land Title Company, Chelan-Douglas County, Inc., Wenatchee, Wash.; and Linda R. Smith, secretary, Cherryland Abstract & Title, Ltd., Sturgeon Bay, Wis.

PUSH BUTTON CLOSINGS WITH IBM® PC

DATACLOSE EXPRESS™ handles all of these essential forms:

HUD I Form Pages 1 & 2 (RESPA)
Buyer/Seller Settlement Statements
Truth-In-Lending
Lien Affidavit (optional)
Warranty Deed (optional)
FNMA Affidavit (1009)
Conventional Security Instruments (Mortgage) FNMA/FHLMC
Conventional Note FNMA/FHLMC
Private Mortgage Insurance Forms
FHA Security Instrument (Mortgage)
FHA Note
FHA Affidavit
FHA/VA Builder's Warranty
FHA Mortgage Insurance Certificate
VA Security Instrument (Mortgage)
VA Note
VA Certificate of Loan Disbursement (1876)
VA Report of Loan Processed on Automatic Basis (1820)
3 Cross Reference Cards (optional)
Checks
Disbursement Record
Amortization Schedule

DATACLOSE EXPRESS™ calculates:

Principal and interest
MIP (mortgage insurance premium)
PMI (private mortgage insurance)
APR (annual percentage rate)
Proration of taxes
Monthly payment calculations
Amount financed
Finance charge
Total of payments
Payment schedules
Adjusted interest
Simple interest
Closing document preparation rates
Title insurance rates
Recording fees
City/County transfer charges
State transfer charges

DATACLOSE EXPRESS™ compatible products:

EZ-FORM™ (document generator)
ON-TRAC™ (mortgage industry production management reporting & inquiry system)
TITLE-TRAC™ (title industry production management reporting & inquiry system)
Escrow accounting
Back title indexing
Word processing
Electronic spread sheet accounting

Our unique DATACLOSE EXPRESS™ System

handles the most complex real estate transactions—VA, FHA, conventional, cash sale, refinance or assumption—in a matter of minutes. Even complicated transactions are easily calculated—adjustable rates, 245's, graduated payment, balloons, calls, buydowns—all these loans are handled by DATACLOSE EXPRESS™. Every calculation computer accurate, every "t" crossed, every "i" dotted.

The DATACLOSE EXPRESS™ mortgage loan closing system will even disburse checks to the seller, the real estate agent, the title company—everyone in the transaction—upon your command, at the touch of a button.

And the entire transaction, from input to printout, usually takes less than 30 minutes. That's right...less than 30 minutes.

But that's not surprising. This versatile system was designed by working professionals with years of experience in real estate, banking and computer programming.

First Data Systems, Inc., is an outgrowth of Southern Escrow Company, Inc. of Nashville, Tennessee, a major mortgage closing company in the Mid-South since the sixties.

The success and flexibility of DATACLOSE EXPRESS™ is reflected in its implementation throughout the United States. Easily adapting to the different forms and nomenclature required by all state laws, DATACLOSE EXPRESS™ is being used today by title companies, attorneys, banks and savings and loan associations from Alaska to California to Florida.



The DATACLOSE EXPRESS™ System produces all essential real estate forms and provides an amortization schedule, too. First Data's closing system is only the beginning. There are other invaluable systems ready to help you improve the efficiency and accuracy of your operation. One, called TITLE-RITE™, produces title insurance commitments and policies. It

works in conjunction with DATACLOSE EXPRESS™ or as a stand-alone system, generating Binder/Commitments, Mortgagee Policies and Owner Policies. Other special First Data Systems include escrow accounting, a forms generator, back title indexing, title order tracking and management reporting, a loan tracking package for lending institutions and an installment collection system. All of

these First Data systems will help you handle your real estate business with greater speed and efficiency.

Our programs are packaged to run on the IBM® Personal Computers and the AT&T® product lines including multi-user and networking

environments. Our systems are designed to run under MS-DOS®, XENIX®, UNIX® System V and the IBM® PC Network.

Sound interesting? Return the coupon and we'll expedite a DATACLOSE EXPRESS™ Kit to you. If you're in a hurry, just pick up the phone and call our Telemarketing Department at 615-361-8404.

**DATACLOSE EXPRESS™ BUY IT...LEASE IT...
OR TEST IT with our special trial rental offer.**

**First Data Systems, Inc. □ 1187 Vultee Boulevard
Nashville, TN 37217 □ (615) 361-8404**

<input type="checkbox"/> Please send me more information about DATACLOSE EXPRESS™			FL
<input type="checkbox"/> Please call me. I'm in a hurry.			
NAME _____			
TITLE _____		() PHONE _____	
COMPANY/FIRM _____			
ADDRESS _____			
CITY _____		STATE _____	ZIP _____

AFFILIATED ASSOCIATION

EXCHANGE

Officers and executives of regional and state land title associations are invited to share association management and problem-solving experiences through submitting written reports for this department. Please send them to Gary Garrity, American Land Title Association, Suite 705, 1828 L Street, N.W., Washington, DC 20036.

Wisconsin Leaders Guide Restructuring

Wisconsin Land Title Association, Inc., has been in a restructuring process under the guidance of a Long Range Planning Committee consisting of the board of directors and past presidents, according to WLTA Executive Secretary Carrie Hoyer, Wisconsin Title Service Company, Inc. Roger B. Manley, Walworth Security Title Company, Elkhorn, is current president of the association.

Recent changes that have been implemented through the process include two-year terms for committee chairmen, which facilitates long-range planning; designating one afternoon for committee meetings and workshops at the association's spring meeting; obtaining directors liability insurance for WLTA officers, directors and former directors; retaining a part-time state lobbyist; and amending and updating the WLTA bylaws.

New PLTA Program Certifies Professionals

Leaders of the Pennsylvania Land Title Association have completed development of a program for conferring professional recognition upon members who—through education, experience and performance—demonstrate a proficient knowledge of title insurance. Program designations are Certified Land Title Professional (CLTP) and Associate Land Title Professional (ALTP) and, according to Association Executive Vice President Albert E. Pentecost, represent the highest measure of achievement attainable in the title business.

Before becoming a candidate for either designation, an applicant must have a minimum of five years employment with a title abstractor, agent or insurer licensed to do business in the state; must submit a letter of recommendation from a senior officer of

present employer; and must submit personal reference letters from two persons who are not relatives.

In order to earn professional designation under the program, an applicant must earn a specified number of evaluation points, and pass written and oral examinations. Evaluation points are awarded for experience, education, professional participation, and other activity such as publishing articles and preparing research papers.

Those active in developing the program include members of the PLTA Executive Committee, Professional Designation Committee, Education Committee and Public Relations Committee.

Executive Vice President Pentecost advises that he will send a brochure describing the new designation program to regional and state title association officers who write him at Pennsylvania Land Title Association, 175 Strafford Avenue, Executive Commons, Strafford, PA 19087.

Speaker, Seminar Activities for CLTA

Basic education and intermediate seminars, and a statewide speakers bureau, are recently-launched California Land Title Association activities that are gaining momentum in 1986, according to Association Executive Vice President Lawrence E. Green and Vice President-Public Affairs Derrick Young.

CLTA offered its first basic education seminar in October and the 30-student registration limit was reached within 10 days. Plans call for more basic education seminars in 1986, with each one expanded from the previous three-day program to four days. After intensive instruction, basic seminar attendees are given a comprehensive examination.

Two intermediate seminars lasting one day each are on the schedule for this year—one in the northern part of the state and one in

the southern region. Possible topics being considered include subdividing land, forgeries, new legislation and claims. Next year, the intermediate seminars will become regional events—with two presented in each of six demographic regions during 1986-87.

CLTA's nine-member Education Committee is in charge of the seminars.

With eight counties now being served by CLTA speaker bureaus in both the northern and southern parts of the state, the association Public Affairs Committee has targeted three to five more southern counties for addition to the speaker network during 1986. The speaker program is designed to reach opinion leaders and consumers at both the local and the state level, providing education on industry topics while strengthening positive public identity for the title business and countering misconceptions.

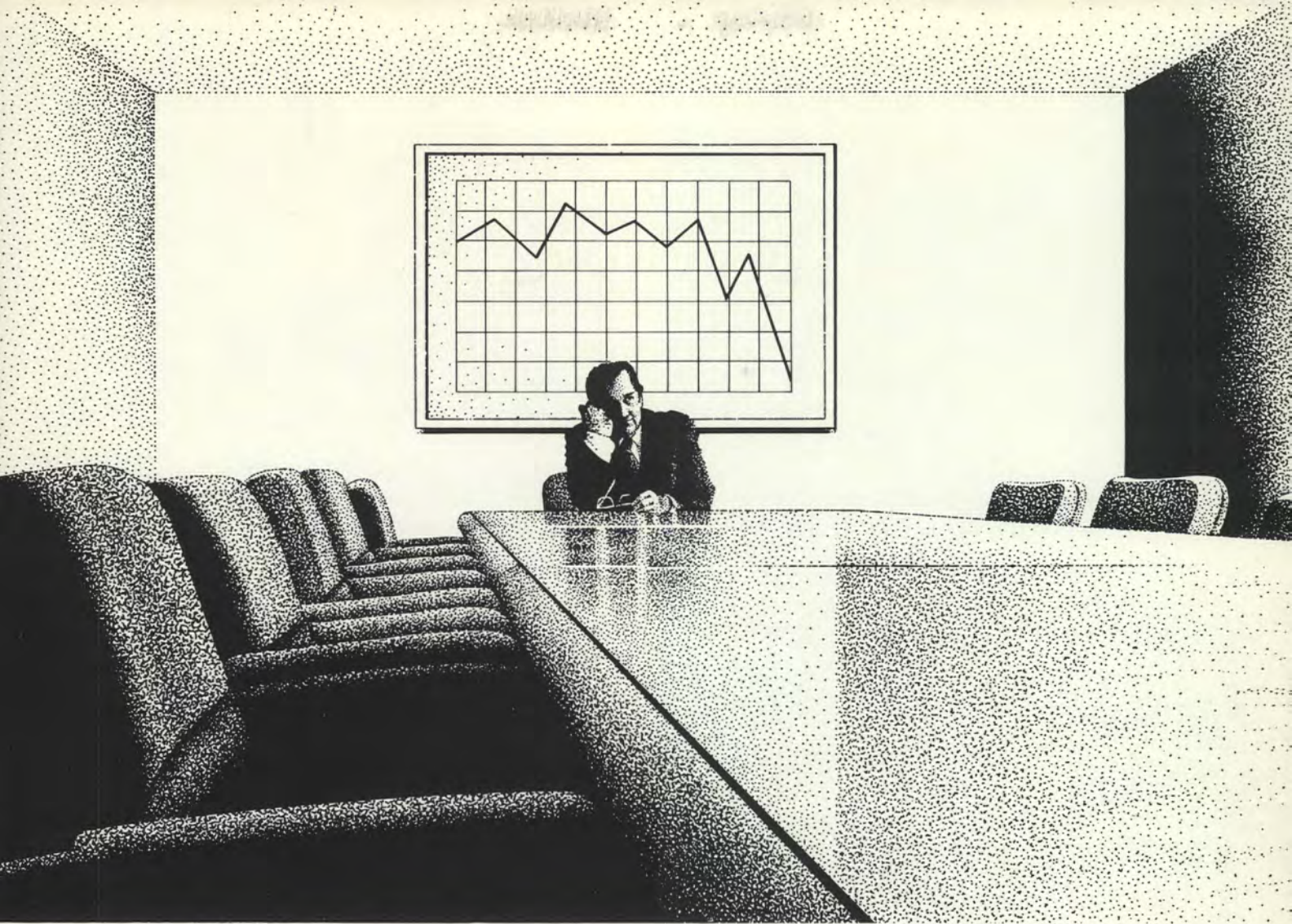
TLTA Develops PR, Recruiting Programs

Newly-introduced activities of the Texas Land Title Association include a membership recruiting contest and a public relations program, according to TLTA Executive Vice President Catherine L. Lancaster and Membership Services Coordinator Cheryl Lockhart. In addition, well known TLTA educational events continue to prove highly successful.

The Membership Committee, under the leadership of Chairman Celia Stallings, University Title Company, College Station, planned and initiated the contest, which makes TLTA members who sponsor new members eligible for two prize drawings of \$500 each.

Public Relations Committee Chairman Mark Greek, Alamo Title Insurance of Texas, San Antonio, reports the TLTA statewide public relations campaign is a grassroots effort linked to the Texas Sesquicentennial being celebrated this year in observance of the one hundred fiftieth anniversary of the state's independence from Mexico. Read-

**Let's assume
for a minute that
you're in business
to make money.**



Let's further assume that you intend to be in business making money five years from now.

Automation is not the complete solution, but many land title professionals are discovering that it is a necessary step. If you can accept that truth, you should take a good look at the company that started it all in your industry. The one all others followed. The

one that still has the most complete range of offerings for you.

After all, you'll want to be making money in business five years from now, too.

- Settlement/Disclosure
- Forms Generation
- Escrow Accounting
- Indexing
- Amortization
- Automated Title Plant (MIRS)
- Plotting
- And Many, Many More.



SULCUS
COMPUTER
CORPORATION

Sulcus Tower
41 North Main Street
Greensburg, PA 15601
(412) 836-2000

To see how Sulcus can help, call 800-245-7900.



Hard-working chairmen of Texas Land Title Association committees shown here are, left photograph, from left, Ron Gamill, Committee on Data Processing; Celia Stallings, Membership Committee; Mark Greek, Public Relations Committee; and Janet Sbeffield, Young Title People of Texas Committee. In the photograph at



right, from left, are Ronald F. Yates and Glenna W. Yates, co-chairmen, Convention Committee; Lorrie Cornett-Cotten, Land Title School of Texas Committee; and Becky J. Henderson, Education Committee. Recently-launched activities of the association include a recruiting contest and a public relations program.

Poland Associates, Austin public relations agency, has been retained to help plan and coordinate the campaign.

Nearly 1,000 title men and women attended the first two in the current round of TLTA educational seminars; two other seminars remain as this is written. Each half-day seminar is tailored for the region in which it is

held and features speakers from that particular area.

Four sections are offered during each seminar: closing/escrow procedures, abstract/examination, advanced closing, and management. This year, a new format has been successfully introduced for the management section.

Participants are served breakfast at different tables, and a different topic is discussed at each one. Among topics offered this year are personnel problems and solutions, public relations and marketing, and computers and data processing.

Continued on page 26



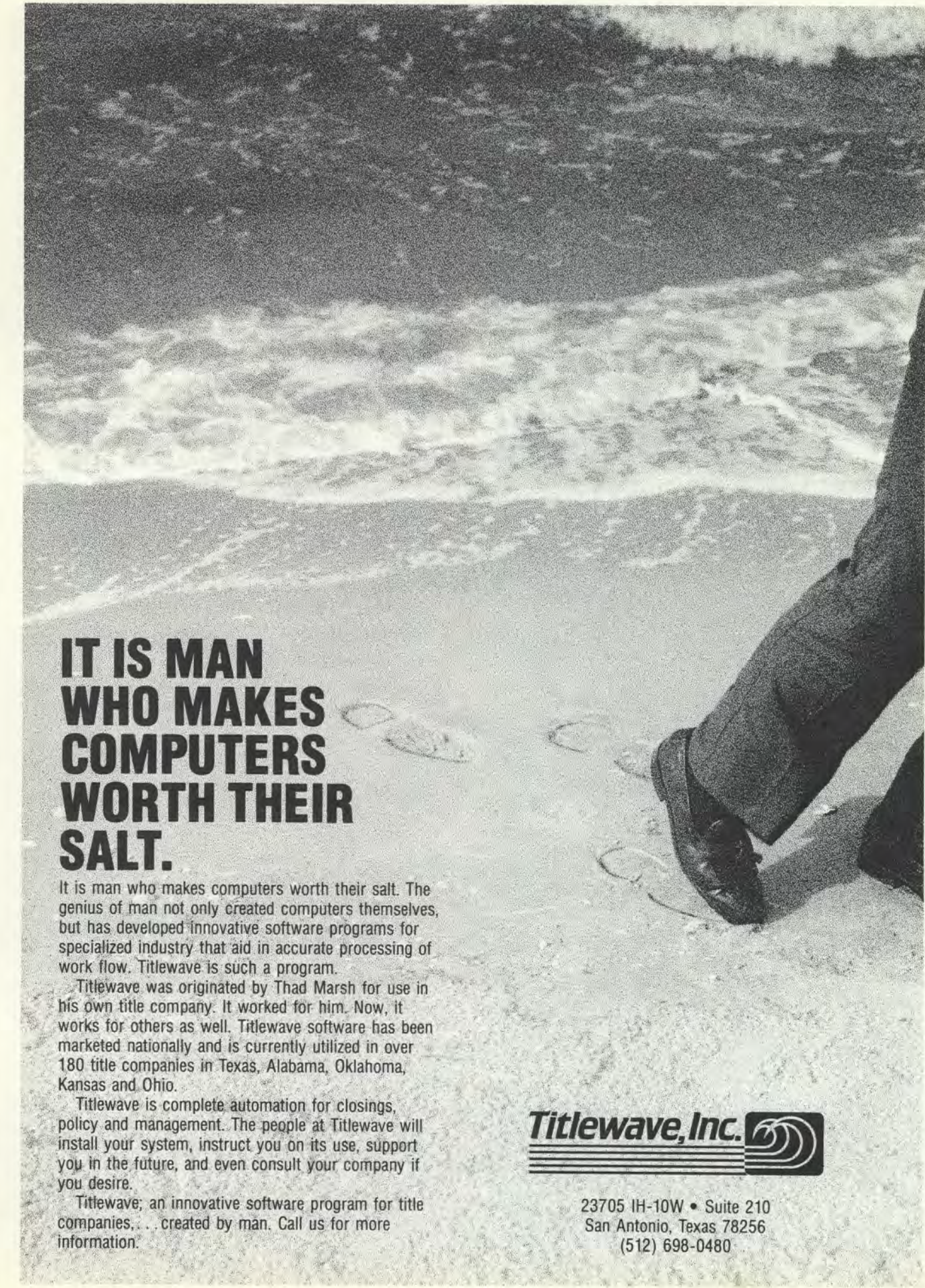
How do I educate my title company employees when there's so little time available during the work day?



Hmmm... that's a tough one—might as well stand on my head!



Contact the Land Title Institute about its correspondence courses.
 P.O. Box 9125
 Winter Haven, FL 33883
 (Telephone 813/294-6424)



IT IS MAN WHO MAKES COMPUTERS WORTH THEIR SALT.

It is man who makes computers worth their salt. The genius of man not only created computers themselves, but has developed innovative software programs for specialized industry that aid in accurate processing of work flow. Titlewave is such a program.

Titlewave was originated by Thad Marsh for use in his own title company. It worked for him. Now, it works for others as well. Titlewave software has been marketed nationally and is currently utilized in over 180 title companies in Texas, Alabama, Oklahoma, Kansas and Ohio.

Titlewave is complete automation for closings, policy and management. The people at Titlewave will install your system, instruct you on its use, support you in the future, and even consult your company if you desire.

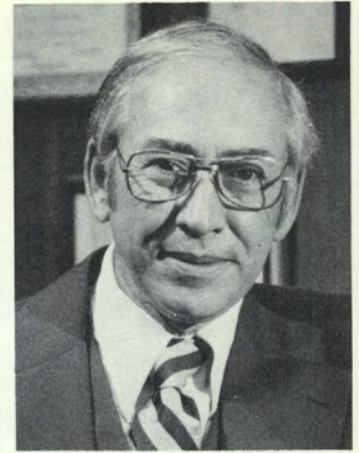
Titlewave; an innovative software program for title companies, . . . created by man. Call us for more information.

Titlewave, Inc. 

23705 IH-10W • Suite 210
San Antonio, Texas 78256
(512) 698-0480

"There's hardly anything in the world that some men cannot make a little worse and sell a little cheaper, and the people who consider price only are this man's lawful prey."

John Ruskin (1819-1900)



R. "Joe" Cantrell
"A title agent for title people"



ERRORS AND OMISSIONS INSURANCE

Escrow Agents, — Loan Closers, — Realty Sale Closers, — Abstracters, —
Title Searchers — Title Examiners, — and Title Insurance Agents

Title Pac provides:

Broad coverages:

Efficient and Considerate Service:

Prompt Premium Indications Provided:

Title experience and title knowledge:

Title people to settle claims:

Use our WATS TOLL FREE SERVICE for personal discussion

**35 YEARS OF SERVICE TO THE TITLE AND ESCROW—
CLOSING INDUSTRY**

**Title Pac
and
Escrow Pac**

2108 N. Country Club Road
P.O. Box 857
Muskogee, OK 74402
918-683-0166

Use Our Toll-Free Number
1-800-331-9759
(Except Alaska and
Oklahoma)

5. OBTAIN AND CONTROL PROPER DOCUMENTS

Just as we must obtain, control and account for funds, we must in like manner be sure that we obtain and safeguard the documents of transfer. At first glance, this seems simple enough. However, we are being constantly reminded by judges and juries that it is our responsibility to determine that the documents legally serve their intended purpose and properly convey the property rights that have been paid for with the funds we disbursed.

This is an awesome responsibility.

If, after closing, it comes to light that the documents did not adequately accomplish the prescribed functions as set forth in our escrow instructions, we are subject to attack. The attack may result in immediate payment of an escrow loss, or in litigation in which we are the first named defendant.

Remember that, as escrow agents, we can go broke winning law suits. We must therefore read the documents carefully and then see to it that they are properly executed, acknowledged, and recorded in proper sequence. We must be sure that all necessary individuals (including spouses, if needed) sign, be sure

that corporations are in good standing (not just in the process of being formed), and that the right corporate officers with appropriate corporate authority execute, be sure that the partnership does in fact exist and that the proper partner or partners sign, and-on-and-on, and on.

6. MAKE ADEQUATE (AND PROVABLE) DISCLOSURE

As escrow agents, we cannot give legal advice without bruising the delicate feelings of some of the more sensitive members of the legal profession, yet we must make certain disclosures to the principals to a transaction in order to fulfill our duties. The line of demarcation between making disclosures and giving legal advice is often nebulous, but we must make a determination of where that line is on every escrow we close, and make the appropriate disclosures.

A few things that immediately come to mind are:

- Balloon payments in underlying encumbrances. A purchaser tends to get a little bent out of shape when he closes in January and finds out in June that his monthly payment due in July includes a \$10,000 balloon installment.
- Calls on underlying encumbrances. Our buyer tends to also get upset upon finding that the assumed mortgage with an am-

ortization period of 30 years is due and payable in full four years after the date of closing.

- Due-on-sale provision in assumed encumbrance. It can actually ruin a buyer's entire day to get notice from a lender that the mortgage he assumed last month has been accelerated and is now due and payable. Especially when he had to empty the children's piggy bank and borrow \$183.26 from his mother-in-law to have enough money to close.
- Assumption requirements in assumed encumbrances. What if the buyer did not go through the qualification process required by the lender prior to closing, and then fails to qualify?
- "Wrap-around" mortgages or contracts. Assume that a "wrap" was created at closing that pays off in 10 years. Some time after closing, someone gets around to grinding the numbers and discovers that, when the buyer pays his "wrap" mortgage in full, there will be a balance of \$23,000 on the underlying encumbrance that was wrapped. WOW!!

If an escrow agent failed to read all the necessary documents in a chain of title and therefore failed to make disclosure of such matters *prior to closing*, that agent can certainly expect to experience drama, trauma,

dSETTLE III™

dBASE III™ Software to produce the HUD-1 Settlement Sheet **Automatically**

- *EASY TO USE - Can be installed and running in under 5 minutes!
- *Run on IBM PC, Compatibles, Clones or Workalike microcomputers under MS/PC-DOS.
- *You can keep your current computer.
- *NOT a dBASE III™ template!!
- *YOU DO NOT NEED dBASE III™ to use dSETTLE III™. (Compiled with WordTech's dBIII Compiler.)
- *Lets you edit and update continuously - calculates and stores Borrower and Seller totals as data is entered.
- *Fully documented including User Guide and Manual
- *30 day Money-Back Guarantee!
- *Prints on Dot-Matrix, Letter Quality or Laser printers.



Only **\$99.00**

and it works GREAT!!

Includes surface UPS within Continental US

Ordering Information

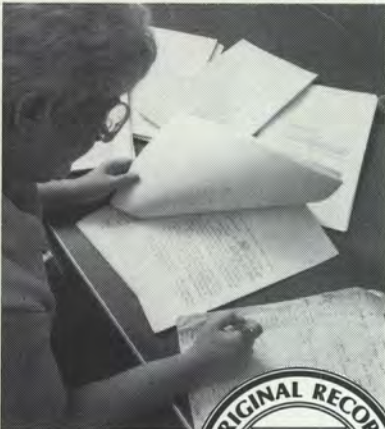
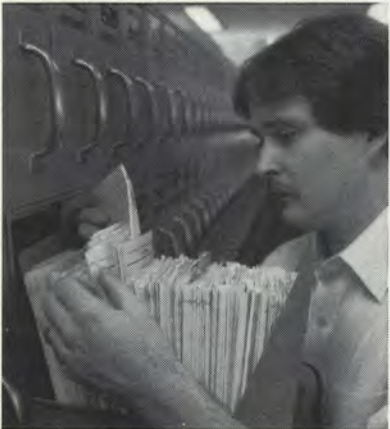
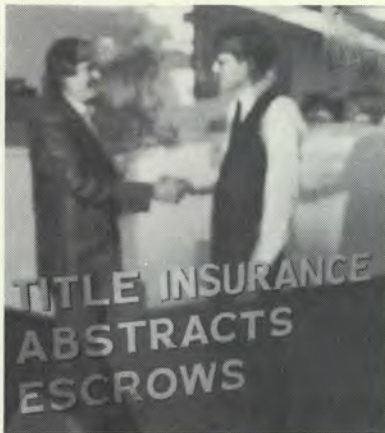
MasterCard/Visa Call 914-496-9184

Name: _____
 Firm: _____
 Address: _____
 City _____ St. _____ Zip _____
 Phone: (____) _____
 MC/VISA # _____ - _____ - _____ - _____
 Expiration Date _____

COD-\$10 surcharge UPS Blue \$15 Next Day \$25 Foreign \$25

S/G/P Systems Corporation

P.O. Box 189, Salisbury Mills, N.Y. 12577 914-496-9184



THANKS ALTA MEMBERS!

For over 40 years we have worked with hundreds of you throughout the country preparing Verbatim Abstracts and other special forms of title evidence.

We offer a comprehensive system of evidencing that is a page-by-page photographic reproduction of the courthouse documents. For any type of title, surface or mineral, we're ready to meet the most demanding delivery schedules. So when these special jobs cross your desk, don't pass them by. Call Deister, Ward & Witcher. If you would like more information about our service, please call one of our offices.

A reliable associate for special title needs.

Serving the West:

309 Petroleum Building
P.O. Box 2037
Billings, Montana 59103
406-248-6481

933 West Fourteenth Street, Suite 6
P.O. Box 337
Casper, Wyoming 82602
307-234-5704

103½ South Third Street
P.O. Box 1276
Bismarck, North Dakota 58502
701-223-9113

6950 South Tucson Way, Unit A
P.O. Box 3078
Englewood, Colorado 80155
303-790-1303

Serving the Midcontinent:

412 North Sixth Street, Suite D
Fort Smith, Arkansas 72901
501-782-7448

First Bank & Trust Company, Suite 501
P.O. Box 1626
Mount Vernon, Illinois 62864
618-242-5080



Deister, Ward & Witcher, Inc.

NATIONWIDE TITLE ABSTRACTING SERVICE

Member ALTA and many local associations.

and a weeping and gnashing of teeth. The broker who put the transaction together took his commission and left town on a fast horse on a dark night. The seller is in bankruptcy. The only logical defendant in the inevitable law suit is our hero who closed the sale.

The short list of mandates to the escrow agent we have set forth is certainly not complete, but should be adequate to illustrate our fiduciary responsibilities to the principals in a transaction.

Other Responsibilities

In addition to our responsibilities to the principals in a transaction, we also have some responsibilities to ourselves and to our employers. There are a few matters that we should consider in order to avoid the rocks and rough spots in the road leading to financial solvency and mental composure of escrow agents.

I recall that, in the recent past, we incurred litigation costs in excess of \$3,000 to get rid of a \$500 earnest money deposit. Earlier, we discussed our need to be impartial. If we have controversy in a transaction that results in conflicting demands made upon us, we usually are forced to interplead funds and perhaps documents into court and ask the judge to take the monkey off our back. This is occasionally unavoidable but, in many instances, a careful reading of the escrow instructions and review of the facts prior to the acceptance of the escrow would have prevented the loss.

There is a high degree of certainty of getting caught in a cross-fire when we, as an escrow agent, agree to hold funds to guarantee performance of some obligation that outlives the closing. A typical example might be the holding of funds to insure that the seller will repair the roof, tile the bathroom and install a new garage door. The escrow agent is instructed to pay for these improvements after completion. The buyer is invariably dissatisfied with some or all of the work and says, "Don't pay that bum a dime until he comes back and does the job right." Meanwhile, the contractor who installed the garage door hires himself a lawyer, who sweetly but firmly informs us that a lien will be filed if payment is not made to his client (together with some legal fees) within five days. Sound familiar?

The only way to avoid this vexation is to make every possible attempt to restructure the escrow instructions prior to your acceptance in some manner that will place the indemnity funds in some hands other than yours—the buyer being the most logical.

If an open escrow contains large amounts of money, it is very common for the escrow agent to be instructed to place the funds in an interest bearing account (be sure the instructions tell you who gets the interest). If we do this without being instructed as to where the money is to be deposited, we are vulnerable to

attack for not getting the highest rate of return. The need for direction as to the depository becomes even more compelling when we watch the 10:00 news and read the *Wall Street Journal* and see how many banks and savings & loan associations are going down the tube. If we, without specific instructions, place fiduciary funds in an institution that closes its doors, we are liable for those funds and, one way or another, must produce them at closing time.

We all know that F.D.I.C. and F.S.L.I.C. insure accounts up to \$100,000. If an escrow agent has \$200,000 in a single escrow and places it in one depository that then shuts down, there is obviously going to be a shortage of \$100,000 on closing day. If the escrow agent, without specific direction from the principals to the escrow, chose the depository, that agent will be looked to to make up the shortage. What if we have, say, five escrow deposits of \$100,000 each in a single institution that the examiners close? If the escrow agent did not maintain those individual escrow ledgers we talked about earlier, he may recover only \$100,000 from the deposit insurance and be looking at a \$400,000 shortage. It is mandatory that a fiduciary be able to demonstrate clearly with acceptable accounting procedures that each deposit relates to a single escrow and is in fact separate and apart from each and every other deposit.

Letters of Credit

While we are on the subject of deposit institutions, permit me to lift the needle, place it on another place on the record and play for you the tune called, "LETTERS OF CREDIT." These clever devices are commonly used to delay the putting up of cash. We see them used many times in purchase agreements wherein the buyer is given a contingency period during which soil tests are made, buildings inspected, zoning changed, or some such matter. The letter of credit is to be called at the end of the contingency period and converted to cash for the earnest money deposit. Another fairly common example is when a permanent loan, say in the amount of \$4,000,000 is placed on a commercial project under construction. The loan agreement provides that a letter of credit in the amount of \$500,000 be placed with the lender. If the project is not completed and 85 per cent leased at the end of two years, the letter of credit is called and the \$500,000 is applied to the loan, thereby reducing the principal to \$3,500,000. There are many other examples but these should be sufficient to illustrate our point.

There are several things that an escrow agent needs to consider about letters of credit:

- First, a letter of credit is like any other letter in that it says what the author

wants it to say. There are no standard forms for letters of credit, and the terms and conditions vary a great deal, as they are structured to meet the requirements in each individual transaction.

- Next, there are at least two parties involved, one of whom wants the letter of credit called and one who does not.
- Then, the bank or S & L that issued the letter of credit may be insolvent when the trigger date arrives.
- Also, the letter of credit may not be unconditional. It may be some sort of "stand by" letter with conditions to be met before it will be funded. Who decides if the conditions have been met satisfactorily?

An escrow agent holding a letter of credit, in order to be safe, should NEVER make the determination that it is adequate to fulfill the requirements set forth in the contract it is to implement. The prudent agent will require that the principals to the transaction state in writing that the letter of credit is acceptable to them as to form and content and that it is issued by an institution of their choosing.

WHO HAS THE RESPONSIBILITY OF CALLING THE LETTER OF CREDIT AND CONVERTING IT TO READY FUNDS?

We have seen a few letters of credit issued to THE ESCROW AGENT! The possible impending disaster should be clear if we think about it awhile, but just to be emphatic about the subject, let us presume a state of facts wherein an escrow agent accepts the responsibility for calling a letter of credit at the prescribed time and converting it to cash. Let us further presume that, when the call date arrives, the agent receives conflicting demands from the principals to the transaction. The seller says, "If you do not call the letter, I will sue you." The buyer says, "If you do call the letter, I will sue you." Let us further presume that the funds to come from the letter were to be used to pay a mortgage that becomes delinquent the day after the call date. Normally, the immediate reaction would be to interplead the funds into court but, due to the short time fuse on the mortgage, this hapless agent does not have that alternative. The escrow agent who permits himself to get sucked into a situation such as this will most likely be forced to advance the funds necessary to keep the mortgage in good standing and go to court (at his expense) and try to recover his money some time in the dim, distant future.

Absent the conflicting instructions mentioned above, an escrow agent under such an arrangement has an equally acute problem if the bank that issued the letter of credit is defunct.

Letters of credit are going to be a way of life in the closing of commercial transactions

FOR SALE OR LEASE

*Title Plant for
San Antonio,
Bexar County,
Texas. Plant
dates back to
sovereignty.*

For information, call
Mr. T. W. Clowdus at
214-437-2311.

Continued on page 25

Calendar of Meetings

1986

April 20-22

Eastern Regional Title
Insurance Executives
Williamsburg Inn
Williamsburg, Virginia

May 1-4

Oklahoma Land Title Association
Sheraton Kensington
Tulsa, Oklahoma

May 4-6

Iowa Land Title Association
Gateway Center
Ames, Iowa

May 8-10

California Land Title Association
Hotel Del Coronado
San Diego, California

May 8-10

Virginia Land Title Association
Kingsmill on the James
Williamsburg, Virginia

May 8-10

New Mexico Land Title Association
Inn of the Mountain Gods
Mescalero, New Mexico

May 15-18

Texas Land Title Association
Hyatt Regency
Austin, Texas

May 16-18

Palmetto Land Title Association
Hyatt Regency
Greenville, South Carolina

May 22-24

Arkansas Land Title Association
Hilton Hotel
Fayetteville, Arkansas

June 1-3

Pennsylvania Land Title Association
Pocono Hershey
White Haven, Pennsylvania

June 5-6

Western Regional Title
Insurance Executives
The Broadmoor
Colorado Springs, Colorado

June 5-7

Tennessee Land Title Association
Holiday Inn Crown Plaza
Memphis, Tennessee

June 8-10

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

June 12-13

South Dakota Land Title Association
Holiday Inn
Brookings, South Dakota

June 19-21

Land Title Association of Colorado
Keystone Resort
Keystone, Colorado

June 19-22

Illinois Land Title Association
Sheraton-West Port
St. Louis, Missouri

June 22-24

Oregon Land Title Association
Best Western Riverside Motel
Grants Pass, Oregon

June 26-30

New England Land Title Association
Samoset Resort Inn
Rockport, Maine

July 10-12

Utah Land Title Association
Sun Valley, Idaho

July 13-15

Michigan Land Title Association
Schuss Mountain Lodge
Moncelona, Michigan

July 24-26

Wyoming Land Title Association
King's Inn
Torrington, Wyoming

July 31-August 2

North Carolina Land Title Association
Greenpark Inn
Blowing Rock, North Carolina

August 7-9

Montana Land Title Association
Colonial Inn
Helena, Montana

August 14-16

Minnesota Land Title Association
Holiday Inn
Burnsville, Minnesota

August 14-17

Idaho Land Title Association
North Shore Resort
Coeur d'Alene, Idaho

August 27-30

Washington Land Title Association
Holiday Inn
Bellingham, Washington

September 4-7

Missouri Land Title Association
Omni International
St. Louis, Missouri

September 5-7

Kansas Land Title Association
Hilton Inn East
Wichita, Kansas

September 6-9

Indiana Land Title Association
Embassy Suites
Indianapolis, Indiana

September 7-9

Ohio Land Title Association
Deer Creek Lodge
Mt. Sterling, Ohio

September 10-12

Dixie Land Title Association
Sandestin Hilton
Sandestin Beach, Florida

September 10-12

Nebraska Land Title Association
Holiday Inn
Columbus, Nebraska

September 11-13

North Dakota Land Title Association
Holiday Inn
Minot, North Dakota

September 14-17

New York State Land Title Association
The Sagamore
Bolton Landing, New York

September 24-27

ALTA Annual Convention
Century Plaza
Los Angeles, California

October 16-17

Wisconsin Land Title Association
Inn on the Park
Madison, Wisconsin

November 13-15

Land Title Association of Arizona
Doubletree Inn
Tucson, Arizona

November 19-22

Florida Land Title Association
Sandpiper Bay Resort
Port St. Lucie, Florida

December 2

Nevada Land Title Association
Alexis Park Hotel
Las Vegas, Nevada

December 3

Louisiana Land Title Association
Iberville Hotel
New Orleans, Louisiana

1987

March 25-27

ALTA Mid-Year Convention
Albuquerque Hilton Inn
Albuquerque, New Mexico

October 18-21

ALTA Annual Convention
Westin Hotel
Seattle, Washington

1988

March 11-13

ALTA Mid-Year Convention
Marriott's Desert Springs Resort
Palm Springs, California

October 16-19

ALTA Annual Convention
Toronto Hilton Harbor Castle
Toronto, Canada

ESCROW—continued from page 23

and we must deal with them but, as we ponder the possibilities that can arise in these escrows, it becomes clear that the escrow agent must make a careful analysis of the terms and conditions for which he is responsible. This is true, of course, on all escrows, but there is one admonition that stands head and shoulders above all else in the holding of letters of credit:

THE ESCROW AGENT SHOULD NEVER PERMIT HIMSELF TO BE PLACED IN THE POSITION OF INHERITING THE RESPONSIBILITY FOR CONVERTING THE LETTER TO CASH. This responsibility is properly the duty of the principals in a transaction and should not be within the scope of the fiduciary duties of the escrow agent. It is a well known fact in our business that large, complicated transactions that employ letters of credit suffer a higher probability of internal hemorrhages than similar transactions with cash. When these occur, the only cure is money and the escrow agent might be the doctor who must administer the cure.

Securities Transactions

Many of the transactions in which we are serving an escrow function appear at first glance to be real estate transactions, but further analysis shows them to be securities or to have security implications. As these transactions progress, the escrow agent finds himself woven into the warp and woof of the scheme fabric. We will not embark on a lengthy dissertation on securities, but let us take a little space to point out the two most common occurrences of securities implications in transactions involving real estate: condominiums and limited partnerships.

- Condominium projects in recreational areas are often promoted as investment opportunities. The declarant sells units to investors who rarely, if ever, occupy the units. As part of the purchase contract, the declarant agrees to manage the project, rent and maintain the units for a fee and pass the rental income on to the unit owner. The sales program usually implies or perhaps guarantees a specified, anticipated rate of return on invested capital. In all likelihood, these are securities.

- Limited partnership syndications, almost without exception, are securities.

As escrow agents, we are requested many times to close transactions of this type. We are in possible jeopardy if we do. We are in certain jeopardy if we get more deeply involved and receive and disburse the rental income from the condominiums or hold limited partner contributions to limited partnership syndications. So doing makes us "indispensable parties" to the scheme if fraud rears its ugly head and/or the scheme is held to be a securities violation. The consequences of being so held are severe and very costly. If the escrow agent is also the title insurer of the insurer's agent, liability is twofold. Both a title and an escrow claim can arise. Quite often, the jeopardy of the escrow agent is greater than that of the title insurer.

Our discussion of escrow is just a brief overview of matters about which volumes could be written. It is our purpose here to briefly set forth a few simple guidelines and point out a few of the windows that should be looked through. In conclusion, let us look again at the definition of escrow set forth in *Black's Law Dictionary*. The last sentence reads, "A system of document transfer in which a deed, bond, or funds is delivered to a third person to hold until all conditions in a contract are fulfilled." The farther we stray from this definition by taking upon ourselves expressed or implied obligations to enforce performance of contracts or to guarantee funding when we hold something other than "ready funds," the farther we venture onto perilous ground.

As we review each escrow we are presented with, prior to accepting it, let us remind ourselves again that **WE CAN GO BROKE WINNING LAWSUITS.**

Pioneer Title Acquires Arizona Operation

Pioneer Title Company has acquired the Transamerica Title Insurance Company operation in Gila County, Arizona.

All existing personnel will remain in the main office in Payson, Arizona, according to Robert H. Newlon, president. Terra Lea Brownlee will continue as branch manager and Ed Riggs will remain chief title officer.

**Attention
ALTA Members**

Recruit a new ALTA member before September 1, 1986, and you will

- win membership in the 1986 ALTA President's Club
- be invited, with your spouse, to the President's New Member Breakfast at the 1986 ALTA Annual Convention
- become eligible to win a valuable prize in a drawing at the 1986 Annual Convention

ALTA will know you recruited a new member if your name and address appear on the member's application in response to the question: "Did an ALTA member recommend that you join the Association?"

Membership applications and other material may be obtained from Bill McAuliffe in the ALTA office

A new member will

- be invited, together with spouse, to the President's New Member Breakfast at the 1986 ALTA Annual Convention
- receive a \$50 credit on the Annual Convention registration fee for both himself/herself and spouse
- be listed in *Title News*

**American Land
Title Association**

1828 L Street, N. W.
Washington, DC 20036
Telephone 202-296-3671

TLTA Education Committee Chairman Becky J. Henderson, Commonwealth Land Title Insurance Company, Dallas, adds that participants from all seminar sections gather for a luncheon session, which features an address on a topic of general interest.

At this writing, Land Title School of Texas Committee Chairman Lorrie Cornett-Cotten, Chicago Title Insurance Company, Dallas, reports all is ready for the initial 1986 school event in Austin. Both basic and advanced sections are offered. Basic section subjects include abstracting and examination, real estate law and conveyancing, probate, closing, and rate rules. Among advanced section on abstract/examination subjects are claims, liens, probate, bankruptcy, easements and homestead.

The TLTA school has been dramatically successful since its inception in 1977. Enrollment is limited and there generally is a waiting list of those who wish to attend the basic section course. In response, TLTA

scheduled a summer session for the basic section only last year and plans are to offer another basic section this July.

In other developments, a TLTA special committee on state legislation has been appointed to review Texas laws regarding title insurance and recommend appropriate changes. Chairing this committee is James H. Garst, Alamo Title Insurance of Texas.

Chairman Janet Sheffield, Commonwealth Land Title Company of Houston, reports the Young Title People of Texas Committee is busy with the TLTA program that confers an "Outstanding Young Title Person Award" in each region of the association in recognition of superlative work by industry members under the age of 40.

Committee on Data Processing Chairman Ron Gamill, Rattikin Title Company, Fort Worth, reports work is under way on two surveys, one to study current and prospective computer use in the title industry, and one to identify hardware and software available for land title applications. Plans are to compile survey responses into source files for use by title people. Chairman Gamill advises that the committee also

is working to set up computer user groups within the title industry.

Plans are near completion for the 1986 TLTA Convention, which will be held May 15-18 in Austin under the theme, "Salute Our Texas Heritage." A post convention seminar will be held May 18-24 in Maui, Hawaii. Chairmen of the TLTA Convention Committee are Ronald F. and Glenna W. Yates, Central Texas Land Titles, Inc., Kingsland and Marble Falls. Anyone interested in attending the TLTA Convention is invited to call the association office in Austin, 512-472-6593.

Involvement Stressed By ILTA Publication

The Illinois Title Record, quarterly publication of the Illinois Land Title Association, has been geared toward stimulating greater member involvement in activity of the association, according to ILTA Secretary Ann B. Mennenoh. ILTA member reporters have been designated for each of the association's eight districts across the state; each has been charged with covering news developments for the publication.

*For Upgrading Your Automation,
The ALTA Land Title Systems Committee Offers*

The Vendor Automation Software Library

These categories are available

- Title Plant Maintenance
- Preparing Title Policies
- General Accounting
- Closing Document Preparation

*Mr. Megabyte says: Help your
automation get a
running start—use the library*



Send \$5 for each category desired and make check payable to American Land Title Association; if your category is not listed above, please specify others and you will be sent any information available or your money will be refunded. Address orders to Vendor Automation Library, American Land Title Association, Suite 705, 1828 L Street, N.W., Washington, D.C. 20036.

Secretary Mennenoh is interested in learning how other title associations plan for and handle exhibitors at their respective conventions, and would like to know if other affiliates have sources for securing names of prospective exhibitors in the areas of software, copy equipment and other types of business machines. Her address is H.B. Wilkinson Company, 500 North Cherry Street, Morrison, IL 61270.

Zone Meeting Format Revamped in Missouri

Recruiting and upgraded member involvement are twin objectives incorporated in revamped Missouri Land Title Association zone meeting formats this year, according to Association President Frances Morris, Audrain County Abstract Company, Mexico, Missouri.

In an effort to make the seven MLTA zone meetings educational, topical and entertaining, the following format has been scheduled for 1986:

- Introduction and association overview

Directory Rules Committee Proposes Changes



The ALTA Directory Rules Committee met recently in New Orleans to develop proposed changes in the listing regulations for the Association Directory. Seated from left are Merrill A. Check, Johnson County Land Title, Franklin, Indiana; John D. Mennenoh, H. B. Wilkinson Company, Morrison, Illinois; Chairman James W. Mills, Jr., Lawyers Title of Louisiana, New Orleans; Peter C. Norden, First American Title Insurance Company, Boston; and Thomas J. Brennan, Sedgwick-Brennan Abstract Company, Sioux City, Iowa. Not in photograph: A. T. Underwood, Jr., security & Guaranty Abstract Co., Lufkin, Texas. For more information on the proposed changes, see the February 26, 1986, issue of the ALTA Update bulletin sent to all members. During their meeting at the 1986 ALTA Mid-Year Convention, ALTA governors agreed to defer any action on the proposal until Association members have more of an opportunity to become informed on what has been developed.

- Discussion of topic of local interest selected by zone chairman
- Through assistance from the MLTA Education Committee, presentation of separate mini-sessions for owner-

- manager, and for employee groups
- Lunch, incorporating entertainment whenever possible

Continued on page 30

APPRAISALS AND BUSINESS VALUATIONS

- Minimizing estate taxes or gift taxes
- Recapitalizations
- Liquidation of estate stock
- Transactions with employees
- Corporate or partnership dissolutions
- Divorce actions
- Mergers
- Selling out
- Selling portions of the company
- Making acquisitions
- Obtaining financing
- Reorganization

Confidential, prompt and objective service to the title industry

CORPORATE DEVELOPMENT SERVICES, INC.

151 S. Warner Rd., Suite 202
Wayne, PA 19087
(215) 688-1540

Members: American Land Title Assn., Pennsylvania Land Title Assn.

Names in the News



Maddie



Marino



Wike



Honig

John E. Maddie has been elected president of Security Title and Guaranty Company, New York City. **Maddie**, with that concern since 1965, previously was executive vice president and treasurer. Security Title, a 58-year-old company services 16 other states besides New York, plus the Bahamas, Virgin Islands and British West Indies.

Security Title also has announced the appointment of **Michael Kelly** as vice president and counsel in the company's national department.

Jack A. Marino, Jr. has joined Ticor Title Insurance Company as counsel to the northeast division president, New York City, and also has been elected senior vice president. **B. J. Wike** has joined the company as sales manager, Tuscon, Arizona, and oversees the marketing department; **Kenneth Honig** has been promoted to commercial account manager in that office.

First American Title Insurance Company has announced the promotion of **John N. Casbon**, New Orleans, to regional vice president. **Casbon** is responsible for operations in Louisiana, Alabama, Mississippi and Georgia. He has served as president of the Louisiana Land Title Association for three terms and is a member of the American Land Title Association's Membership and Organization Committee.

John D. Sullivan has been named assis-

tant secretary, First American Title Insurance Company of New York; he is based in the White Plains office.

Lawyers Title Insurance Corporation announces that **Kenneth Astheimer** has been named vice president-national division manager at the company's national headquarters in Richmond, Virginia. Also in the headquarters office, **Jeffrey D. Vaughan** has been named national division manager. **Joseph J. Beck** has been elected vice president-reinsurance and customer liaison, and **Donald E. Boyer** has been named vice president and actuary.

Also at Lawyers Title headquarters, **Kendall P. Parker** has been elected senior vice-president-administration; **Robert L. Martin** has been named vice-president-personnel director; and **Dorothy S. Vicory** has been appointed assistant vice-president-benefits.

Elsewhere, Lawyers Title has appointed **Peter F. Welch** Virginia state counsel in the mideastern states office in Richmond; **Joseph S. Petrillo** has been named New York state counsel in the company's New York state office in White Plains; and **Martin G. Woosley** is now Alabama state counsel in the Alabama state office, Birmingham. **G. Avery Beckmann** has been named branch manager of the Hackensack, New Jersey office; **R. Wesley Morris** is now assistant vice-president sales in the Georgia state office, Marietta; and **William C. Perrine** has been ap-



Casbon



Sullivan



Astheimer



Vaughan



Beck



Boyer



Parker



Martin

pointed senior title attorney in the corporation's Richmond, Virginia, branch office.

Lawyer's Title also has announced the following promotions in these respective offices: **Mark C. Tarrant**, senior claims attorney, southwestern states office, Dallas, Texas; **Laura E. Fox**, senior title attorney, Philadelphia branch office; and **Michael D. Shaw**, Colorado state counsel, Colorado state office, Colorado Springs.

Title Insurance Company of Minnesota has announced the opening of its Illinois state operations headquarters in Chicago. **L. Chadwick Nash**, assistant vice president and associate counsel, manages the office.

Minnesota Title also has announced the promotion of **William L. Robinson, Jr.**, to manager, Chicago national accounts, in the Chicago office.

Sharon Ann Ermel has been named Center City Philadelphia account executive for Industrial Valley Title Insurance Company.

Richard D. Holliday has joined American Realty Title Assurance Company as branch manager of the Sarasota, Florida office.

The following appointments have been announced by TITLE USA Insurance Corporation: **Joseph V. Dennison**, vice president, manager, Tampa, Florida; **James C. Rus-sick**, assistant vice president-Florida counsel,

Tampa, Florida; **Leonard L. Swirda**, vice president-agencies, Naples, Florida; **Peter B. Anderson**, assistant vice president-agencies, Miami, Florida; and **Eric Larstensen**, assistant vice president/assistant office manager, Clinton, Maryland.

Davida S. Tussman has been named senior claims counsel in the San Francisco office of Commonwealth Land Title Insurance Company.

William C. Geddes has joined the Commonwealth national title service group out of the Washington, D.C. office, and is in charge of commercial marketing and national title services.

Commonwealth also has announced the appointment of **Joseph Cenicola** as title officer in the company's Paterson, New Jersey, office.

Chicago Title Insurance has announced the following appointments: **Christopher Abbinate**, Cook County operations manager and remains resident vice president, Chicago; **William T. Halvorsen, Jr.**, Chicago metro area manager and remains vice president; **Randall Kadlec**, assistant regional counsel, Chicago; **Theodore J. Lewis**, manager of Chicago metro area marketing and sales and



Vicory



Welch



Petrillo



Woosley



Beckman



Morris



Perrine



Ermel

remains resident vice president; **Barbara Kostka**, manager, Hillside, Illinois, office; **Linda S. Andreozzi**, county manager, Miami, Florida; **Joseph E. Berlinski**, assistant vice president and remains audit manager, Chicago; **Carolyn Neuert**, title officer, Chicago; **L. David Smith**, manager of title and

escrow closing operations, builder/developer services division, and remains title operations officer, Chicago; **Robert Smith**, manager, lenders' services division and remains assistant vice president, Chicago; **James P. Solesky**, manager of special search department, Chicago; and **Renee Haglund Tier-**

Classic ALTA Films Now In VCR

A Place Under the Sun (21 minutes)

Animated, tells the story of land title evidencing \$80

1429 Maple Street (13½ minutes)

Story of a house, the families owning it, and the title problems they encounter \$70

The American Way (13½ minutes)

Emphasizes that this country has an effective land transfer system including title insurance \$70

Blueprint for Homebuying (14 minutes)

Animated, presents the essentials of selecting, financing, and closing in the purchase of real estate \$60

The Land We Love (13½ minutes)

Documentary style, shows the work of diversely located title professionals, emphasizes that excellence in title services is available from coast to coast \$55

All VCRs in color, orders plus postage. Specify whether Beta or VHS tape is desired and send check made payable to American Land Title Association to Jennifer Phillips, ALTA, Suite 705, 1828 L Street, N.W., Washington, D.C. 20036.

Morrow Hosts Dinner for Police Foundation



Winston V. Morrow, right, chairman of the board and chief executive officer, Ticor Title Insurance Company and board member of the Police Foundation, hosts a dinner reception in conjunction with the Police Foundation Board meeting in Los Angeles earlier this year. Others shown from left are Thomas G. Pownall, foundation board member and president and chief executive officer of Martin Marietta Corporation; Hubert Williams, former police director in Newark, New Jersey, and president of the foundation; James Q. Wilson, professor at Harvard and UCLA and chairman of the foundation; Ira Reiner, district attorney, County of Los Angeles; Los Angeles Mayor Tom Bradley; and Daryl F. Gates, chief of police, Los Angeles.

ney, assistant vice president, sales, Bloomington, Minnesota.

Fidelity National Title Insurance Company has announced the following appointments in the corporate headquarters in Scottsdale, Arizona; **Robert B. Presley**, formerly vice president and manager for the Ventura County operation in California, to vice president for branch operations (Presley now assists in overall supervision of Fidelity's California operations, which include 10 county branches); **John E. Hock**, vice president of administra-

tion; **Randy Underwood**, vice president and national advisory title officer; **Lance E. Perna**, assistant vice president and associate counsel; **Mark E. Verville**, controller.

The following appointments have been announced by Fidelity National Title Agency in Tuscon, Arizona: **Gerald M. Little**, escrow officer; **Candy L. Church**, senior title officer; **Clara G. Gastelum** and **Kathy M. Weatherford**, title officers.

Susan Louise Rankin has joined Fidelity National as commercial/subdivision representative in San Diego. **Karol Shakman** has

joined the company as Riverside County, California, unit title officer.

The following have joined Fidelity National as California sales representatives in their respective offices: **Opal Bobbit**, Highland; **Vicki Jo Carey**, Riverside; **Gary Ciampi**, Dale City; **Bill Flaherty**, Riverside; **Gordon B. Kane**, Highland; **Randall L. Montgomery**, Santa Ana; and **Edward L. Raucher**, Santa Ana.

Florida Acquisition For American Pioneer

American Pioneer Title Insurance Company, Orlando, Florida, has purchased the Florida operations of Chelsea Title & Guaranty Company of Northfield, New Jersey, exclusive of existing underwriting liabilities. The transaction includes 28 branch offices located in 16 counties, which includes a title plant in each county; the operations will continue under the name Chelsea Title Company.

Roy Lassiter, president of American Pioneer Title, announced the acquisition.

American Pioneer Title is a wholly-owned subsidiary of American Pioneer Savings Banks, Orlando, Florida, and was chartered in 1981.

EXCHANGE—continued from page 26

- Additional mini-sessions
- Wrap-up session moderated by zone chairman

According to President Morris, non-members in the vicinity of an upcoming zone meeting first are invited by mail, including a postpaid return response card. Non-members who do not respond to the invitation are contacted by MLTA members, who follow up with a personal invitation and offer to drive them to the meeting.

"In order to draw people to a meeting, you need to give them something they feel is worth while which they also can enjoy—and one in which they can participate if they so desire," President Morris said.

Easement Session Launched by MLTA

Michigan Land Title Association's first educational seminar on easements and rights of way, in which participants submit problems they have experienced in this subject area for group discussion, will be held April 23, at Mt. Pleasant in that state, according to Mary C. Feindt, ALTA past governor who is serving as MLTA Education Committee co-chairman; who is with Charlevoix Abstract & Engineering Co.



Geddes



Cenicola



Abbinate



Halvorsen



Kadlec



Lewis



Kostka

1986 ALTA Regional Seminars

*designed for land title
owners and managers*

- April 18-19, Stouffer Concourse Hotel,
Denver Airport
(\$69 singles, \$69 doubles, telephone
303-399-7500)
- October 17-18, Adams Mark Hotel,
Indianapolis Airport
(\$77 singles, \$89 doubles, telephone
317-248-2481)
- October 31-November 1, Red Lion Inn,
Jantzen Beach, Oregon (near Portland
Airport) (\$72 singles, \$82 doubles, tele-
phone 206-892-7684)

Registration \$70 for ALTA members, \$110 for non-members; checks made payable to the Association may be sent to Vice President-Public Affairs Gary L. Garrity in the ALTA office, Suite 705, 1828 L Street, N.W., Washington, DC 20036

ALTA Regional Seminars Topic of Mutual Interest



ALTA Regional Seminars were a topic of mutual interest when these three title industry leaders visited while attending the Affiliated Title Association Management Seminar held at the Association's Mid-Year Convention in Washington, D. C. From left are Land Title Association of Colorado President Gail F. Bode, Transamerica Title Insurance Company, Denver; Indiana Land Title Association First Vice President Merrill A. Check, Johnson County Land Title, Inc., Franklin; and Missouri Land Title Association Second Vice President Cara I. Detring, The St. Francois County Abstract Company, Farmington, who also chairs the ALTA Education Committee that works with local industry leaders in developing the regional education events. ALTA Regional Seminars now scheduled for this year include those at the Denver Airport Stouffer Concourse Hotel April 18-19, at the Indianapolis Airport Adams Mark Hotel October 17-18—and also at the Jantzen Beach, Oregon Red Lion Inn (near the Portland airport) October 31-November 1. More information on the upcoming seminars is found in this issue.

**American
Land Title
Association**
1828 I. Street, N.W.
Washington, D.C. 20036

BULK RATE
U.S. POSTAGE
PAID
Silver Spring, Md.
Permit No. 550