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MAY • JUNE 1990



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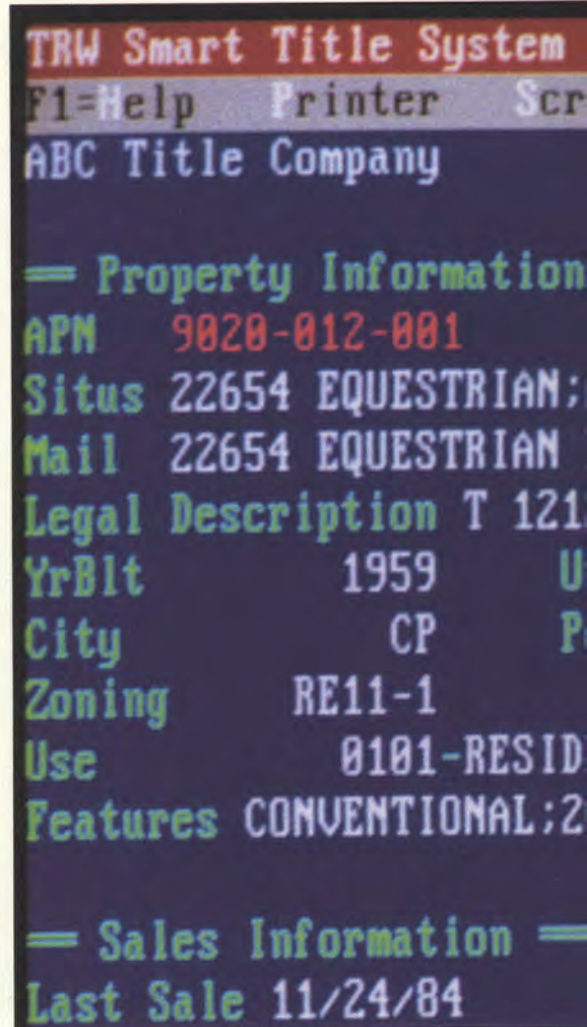
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TITLE *News*

MAY • JUNE 1990

Volume 69, Number 2

Editor: Adina Conn

On the Cover: *The many faces of the ALTA New Orleans 1990 Mid-Year Convention. See convention spread on page 16.*

Cover Photography by Art Stein.

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MESSAGE FROM THE UNDERWRITER CHAIRMAN



In the May-June, 1989, issue of *Title News*, I attempted to provoke and stimulate the membership of our Association by reflecting on various issues confronting our industry.

One year has gone by and I see little, if any positive change in the way we collectively conduct our business. We continue to witness insane practices in the name of "competition," with gross revenues and market share our focus rather than the return to sanity called for by many leaders within this Association. The cries for change are impassioned, but the actions of field personnel override these lofty corporate statements.

On another front, regulators in several states are becoming increasingly exasperated at the inability of agents and underwriters to present a united front at regulatory hearings. Some regulators are giving thought to regulating agents and underwriters separately or regulating only the risk premium that underwriters receive. I expect we will see exploration of this concept continue in the 90s.

If we conclude that little positive action will be taken to reverse the negative trends in our business, and if, in fact, we can expect further deterioration in the underpinnings of this industry, what is our salvation? We cannot expect a return to the ethics and practices of yesteryear.

Perhaps we must accept the trends as permanent—like them or not—and reexamine the way we do business. I believe the decade of the 90s will bring dramatic changes to the manner in which we conduct our business. Where are these opportunities for change? To begin, let's examine the real estate transfer process, a process in which we are an integral part. That process—the buying, borrowing, conveying, closing and title insuring—is inefficient, labor intensive, archaic, lacking in uniformity, unresponsive to the full benefits of available technology and in need of a radical overhaul. The process bogs down because all of the players, including the title industry, are trapped in their own little comfort zones, committed to doing the same things in the same old way.

While technology has improved some aspects of our title and escrow processing, and while real estate sales firms and mortgage lenders freely use automation in their businesses, we have not seen dramatic improvements in productivity or expense-to-revenue ratios. There is little, if any, integration between the various systems. Thus, the cycle, from start to finish, has not been significantly shortened and the profit squeeze continues to worsen. If this assessment is accurate, then it is quite obvious that change must occur. Change, however, will not come easily. This is best illustrated by the heated battle now going on between the real estate sales industry and mortgage bankers over the payment of referral fees. Each side has its own viewpoint and self-interest and turf protection precludes any easy settlement of the issue.

There have been efforts to simplify the process by calling together representatives of the various industries involved in the real estate transfer process. The ALTA has participated in a task force established by the Mortgage Bankers Association on Streamlining the Mortgage Loan Origination Process. That task force looked at regulatory reform, standardization of the basic mortgage application and other origination forms, various advantages for the process which might be expected from technology, and other issues. Its report, however, has not made an appreciable difference in the way real estate is sold, financed or transferred. A sub-committee of the ALTA Land Title Systems Committee has participated in another MBA task force, this one on a standard for electronic interchange between all the participants in the real estate transfer process, focusing, initially, on the basic loan application. Our sub-committee is presently examining the feasibility of standardizing the title order form for electronic transfer. Perhaps these and other efforts are the first step in an essential revision of the way real estate is transferred—from a purchaser's first look at potential homes to buy, through the purchase agreement, loan application, credit reporting, title work, loan closing, disbursement of funds and final title policy. This may be the beginning of necessary integration of these disparate functions into a linked—if not consolidated—process.

I believe that the industry that takes the lead in developing a more efficient, more centralized method of tying the various pieces together will be in a position to survive and prosper. Our industry should be the catalyst for change rather than the victim upon whom change is forced.

We need to take a more aggressive position as we work with other trade associations and federal agencies that are an integral part of the real estate transfer process. We cannot afford to wait to react to someone else's ideas on how our industry will fit into the picture in future years. We, as responsible members of the American Title Association, must be leaders in shaping our own destiny.

—Dick Cecchetti

What's New in Forms

by Oscar H. Beasley

The real estate industry has evolved and changed over the years, and the title industry has adjusted to the changes and remained current by providing services and products that assist its customers in moving forward into the future. Many new forms and added services have been introduced through the ALTA or by individual member title insurers as a result of changed lending practices, new state or federal legislation, or developments in caselaw. One of the more startling examples of federal legislation which has changed the real estate industry's attitude toward both the doing and handling of real estate transactions is commonly known as "CERCLA."

Seldom has any legislative act caused as much confusion or created as many questions and actual problems for owners, lenders, and buyers of real property as has CERCLA, the federal environmental cleanup statute. The problems involved in environmental cleanup liability are not limited to just the considerable risk of huge monetary costs for the actual cleanup of the subject property but also extend to a full range of issues. These problems include liability for cleanup of surrounding lands because toxic chemicals that seep into the ground do not respect lot lines. Moreover, not only are cleanup costs substantial, but the contamination and cleanup can block the use of a property for many years. In addition, the risk of potential liability is increased by the fact that the U.S. Environmental Protection Agency's list of toxic substances continues to expand with new substances seemingly being added almost daily.

CERCLA has changed the climate of real estate financing and investing drastically. As will be described below, CERCLA has created a need for lenders and purchasers of real property to obtain chain of title searches unrelated to the status of title. In response, ALTA is currently developing two forms for our customers to meet this need. The following discussion provides the backdrop for the ALTA drafting project.

Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), and its amendment, Superfund Amendments and Reauthorization Act of 1986 ("SARA"), 42 U.S.C. §9601 et seq., lenders and purchasers of real property must exercise "due diligence" before their financing or purchase to determine whether there is environmental contamination of the land. CERCLA, as amended by SARA, and similar state toxic contamination cleanup statutes generally assign cleanup liability to the owner of contaminated property at the time that the hazardous substances are found *unless* the owner can meet the criteria of an "innocent owner." Under CERCLA, the term "owner" extends to a lender on a defaulted mortgage, or other security interest in real property, who acquires title to the property

by foreclosure or otherwise. The statute may also apply to anyone who acquires the property by other means, including by operation of law, gift, devise, inheritance, or purchase.

An "innocent owner" under CERCLA is one who, among other criteria, has undertaken "all appropriate inquiry into the previous ownerships or uses of the property consistent with good commercial or customary practice in an effort to minimize liability." 42 U.S.C. §9601(35)(A). Such inquiry is commonly referred to as "due diligence." If contamination is discovered after a lender or purchaser takes title to a property, cleanup liability will attach unless the lender or purchaser can establish compliance with the "all appropriate inquiry standard." The questions, however, of (a) what is "all appropriate inquiry" and (b) what constitutes "good commercial or customary practice" have not yet been answered clearly by the courts or by Congress.

Although there is federal legislation pending, H.R. 2787, 101st Cong., 1st Sess. (1989), which provides some definition of, and includes certain requirements for establishing "all appropriate inquiry, there seems to be little possibility of its passage in the near future. The requirements of H.R. 2787 include the obtaining of a title search disclosing past ownerships for a fixed period, and a land examination which can involve soil testing for toxic contamination. Until clarification is provided by Congress's enacting legislation or by EPA's adopting regulations or by the judiciary's imposing criteria in caselaw, there can be no certainty as to the breadth of inquiry necessary to qualify as an "innocent owner," (*Editor's Note:* ALTA is monitoring the activities of a group of lenders, developers, trade groups, and mortgage market regulators who are discussing the feasibility of developing a voluntary due diligence standard for commercial real estate transactions through an established standard-setting agency. Also, Rep. John J. LaFalce, D-NY, and Sen. Jake Garn, R-Utah, have very recently introduced similar bills into Congress that would exclude lenders from liability where they acquire ownership or control of a property through foreclosure of a security interest or in connection with a lease).

The need to qualify for the innocent owner defense is especially critical in light of the limited indemnity available to property owners through insurance. The general insurance industry, including the title insurance industry, has been very reluctant to provide any form of toxic contamination coverage to owners or lenders. Many of the general insurance companies that have provided some

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CONVENTION ACTS ON FORMS

On April 6, 1990, ALTA Active Members sitting in Executive Session at the ALTA Mid-Year Convention in New Orleans approved the following form changes.

CREDITORS' RIGHTS

1. **The ALTA Loan Policy, the ALTA Leasehold Loan Policy and the ALTA Construction Loan Policy (10-21-87)** were amended to include the following language as a new Exclusion to be added as the next numbered exclusion in each policy:

Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws.

2. **The ALTA Owner's Policy and the ALTA Leasehold Owner's Policy (10-21-87)** were amended to include the following language as a new Exclusion to be added as the next numbered exclusion in each policy:

Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws.

The captions of the above policies are also amended to read "ALTA ____ Policy (4-6-90)."

In addition, the ALTA Loan and Owner's Policies (as amended 10-17-70) and the versions of those policies amended on 10-17-84 are also amended by the language in A and B above, respectively. The captions of those policies are amended to read "ALTA ____ Policy (as amended 10-17-70 and 4-6-90)," and "ALTA ____ Policy (as amended 10-17-84 and 4-6-90)," respectively.

REINSURANCE—Direct Access

Section 3 of the **ALTA Facultative Reinsurance Agreement (10-21-87)**, the **ALTA Tertiary Facultative Reinsurance Agreement (Type 1)**, and the **ALTA Tertiary Facultative Agreement (Type 2) (3-12-88)** were amended to include the following as the second sentence of the section:

Failure to so notify as provided in this paragraph shall not defeat the rights of the insured hereunder unless Reinsurer shall be actually prejudiced by the failure, and then only to the extent of the prejudice.

The caption of the Facultative Reinsurance Agreement is amended to read "ALTA Facultative Reinsurance Agreement (4-6-90)." The captions of the other reinsurance agreements are amended to read "ALTA Facultative Reinsurance Agreement (Type __) (4-6-90)."

Preserving America's Heritage

by Lyn Darrington

The Bureau of Land Management's Eastern States office has initiated a unique project to automate historic land records.

History of Public Land Records

Land ownership, protected by a legal title, is a hallmark of Western civilization. Most private property was, at one time, public land owned and managed by the government. The history of both land ownership and the public lands in the United States can be traced through land records to patents dating back to 1790 and the beginning of westward expansion. Since then, federal land records have been accumulating, up to almost nine million original documents; including field notes, survey plats, patent records, tract books and case files—and most of which are still utilized today. These records are literally falling apart as they remain heavily used by government agencies, title insurance and abstract companies, industry, researchers and others.

The BLM, ESO and GLO

The Bureau of Land Management (BLM), directed by the Department of the Interior, is responsible for all public lands and the records of title transfer to individual owners. The Eastern States Office (ESO) is one of 12 separate regional offices under the jurisdiction of the BLM. It has authority over 11 southern states, 20 midwestern states and contains copies of all land records from the western states. Located in northern Virginia, the ESO houses and maintains these conveyance documents.

The ESO is one of the largest land title offices in the world. It houses 10,000 large books of land conveyance documents, some of which precede the ratification of the Constitution. Each tract book contains original land patents that include land descriptions, parties to whom the land was patented, the type of patent, and often, the legal authority under which the land was patented. Also contained in the records are

the original patents and supporting documents for lands that were part of the original "Public Domain" in 1789. These lands include those won from the British in the American Revolution (Ohio, Michigan, Indiana, Illinois and Wisconsin), the Louisiana Purchase acquired from the French in 1803 (which also includes Arkansas, Missouri, Iowa and Minnesota), and lands that were Spanish possessions (Alabama, Mississippi and Florida). These 13 states, referred to as the General Land Office (GLO) states by the ESO, are the only eastern states to which the government issued patents.

These patents and tract books represent the only record system now used by the United States to show the original grants on these lands, and subsequent actions of the original General Land Office (GLO) regarding those certain land tracts. Thus, the records are of great legal and historical significance, and are often the only surviving evidence of title transfer of ownership from the United States to private parties.

The ESO also has leasing authority for all lands acquired by government agencies. This authority is covered under the provisions of the Mineral Leasing Act for Acquired Lands of 1947. Because the ESO is required to confirm title to the mineral interests held by the United States, federal agencies are required to provide title information of mineral ownership to the BLM, usually in the form of a copy of the title deed itself, or a completed title report. As with the patents, no attempt has been made to provide an index for these documents.

To date, no successful method has been found to modernize the 200 year old patent and tract book system used by the U.S. to show original grants on the GLO lands, and titles of mineral ownership. The GLO tract book system was originally adopted in 1810 when the General Land Office was established. Without a Master Title Plat or indexing system such as that used in the western states, the tract book system is currently the only available method of accessing the patents. A majority of these original records are at least 100 years old, and in many cases they date back 200 years. They are in relatively good shape considering their age and use, but their condition is rapidly deteriorating.

The Importance of Automating Land Records

In order to preserve the original records that reflect the expansion of the nation the ESO has undertaken the project of creating an automation system. This venture, aptly

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titled "Preserving America's Heritage," will assure the future use of these irreplaceable records.

The implementation of an automation system will allow the preservation of original documents with no further deterioration. This is of great importance to the title industry both at present and in the future. This type of system is unique in that it does not currently exist in either the public or private sectors.

The ESO receives over 1,000 requests for title information each month from title and abstract companies, genealogists, law firms, federal agencies, mineral interests, researchers and historians. With the adoption of the automated system, the number of requests is expected to triple. Easier access will allow more efficient title searches. Access from remote locations via dial-in modems will allow facsimile transfers of documents. The ESO calculates the new automation method will have 99% accuracy in scanned document files and 99.5% accuracy in indexed elements after quality control and quality assurance steps are taken.

The two primary concerns of the ESO regarding its in-house records maintenance and control are to protect the original archival record from normal wear and tear, and, at the same time, secure access to the patent and tract book volumes kept in the ESO. In the many previous attempts to retire the original records from further deterioration, two mutually supporting themes consistently recur: the need for the patent image to be clear enough to use in lieu of the original document, and, a functional index system that will direct the researcher to the specific image desired—either from the land description, or the patentee's name.

Under the present system, each federal agency maintains its own title records. A unified database to cover all federally acquired land does not exist at present time. As a result, the ESO obtains title information on a case-by-case basis *only*. With a new automation system, all federal land records will be kept together, thus eliminating paper record transfers and, at the same time, speeding up the processing time of requests for land title information that is needed for litigation and other matters. An automated system is important, especially for those cases involving complicated land title issues that can take several years to resolve.

The Automation Process

When preparing to start the automation project, the ESO staff needed an accurate count of the records, forcing them to take

inventory, something that had never been done before. By literally starting at one end of the record room and working toward the other, the first inventory was taken. During this process, documents of the original offerings of the Oklahoma Land Rush were found. These documents record the first transfer of land in Oklahoma from the federal government to homesteaders. The GLO and ESO were not even aware that these important historical documents existed.

After inventory was taken, work on the prototype began. The state of Arkansas and its 323 volumes of original land records was used as the prototype. Completely scanned in January 1990, the records are becoming fully operational this spring—following the verification for quality control. The process of converting the records to an automated system is unique in that it entails dismantling the books with the same tools that bound them in the late 18th and 19th centuries, yet using today's optical scanners and computers to convert them to an electronic medium.

The first step in the conversion process is to remove the original documents from the books in which they are currently bound. Each book is taken apart on-site at the ESO by experienced Government Printing Office book binding personnel. Due to the size, weight, and age of the books, the same instruments used to bind the book a century ago are used today to remove the pages from their binding before the documents are scanned and indexed. After inspecting each page for frayed edges, paper clips, staples and tape, the book binder mends certain pages, and ensures that the pages are sequenced properly. The documents are then placed in acid-free holding trays for temporary storage prior to processing.

During the scanning process, the original documents of the GLO patents and other actions affecting land titles are converted to electronic images, and are read and stored by computers. Images are displayed on a high resolution monitor and are quality assured prior to computer disk storage. Although every effort is made to produce the highest quality image possible without any enhancement, the GLO Records System will not produce an image of higher quality than the original input document. The scanned documents are then indexed. The indexer reviews the document for clarity and readability prior to indexing. Information indexed from the document will include legal land description, patentee name, land office and certificate number, act or treaty, patent authority, acreage, and

other pertinent information. Once automated, the patents will be retrievable through all of these query choices.

Several procedures are used to ensure that the image database and index database are of the highest possible quality. A sample of key features of each batch run are checked for clarity, detail, and accurate and consistent data. These samples are employed to ensure that each component of the database satisfies the established standard of 99.5% accuracy. Only when accuracy standards are met, are the documents transferred onto a permanent database. If the documents fail to meet the standards, the entire batch is returned to the scanner and corrective measures are taken.

After the images have been scanned, indexed and quality assured, the images are written onto double density optical disks. The record-sized disks are a non-erasable mode that is ideal for permanent archiving. Each disk can store over 40,000 documents. The disks are loaded into an autochanger (jukebox) to support on-line retrieval. Each jukebox holds fifty disks and can store two million patent images. After the assurance that the original documents will no longer be needed, the records are then preserved in the acid-free boxes for permanent storage.

Once completed, the GLO Records System will be capable of scanning, indexing, storing, updating, and retrieving images and data on optical disks for existing and future documents.

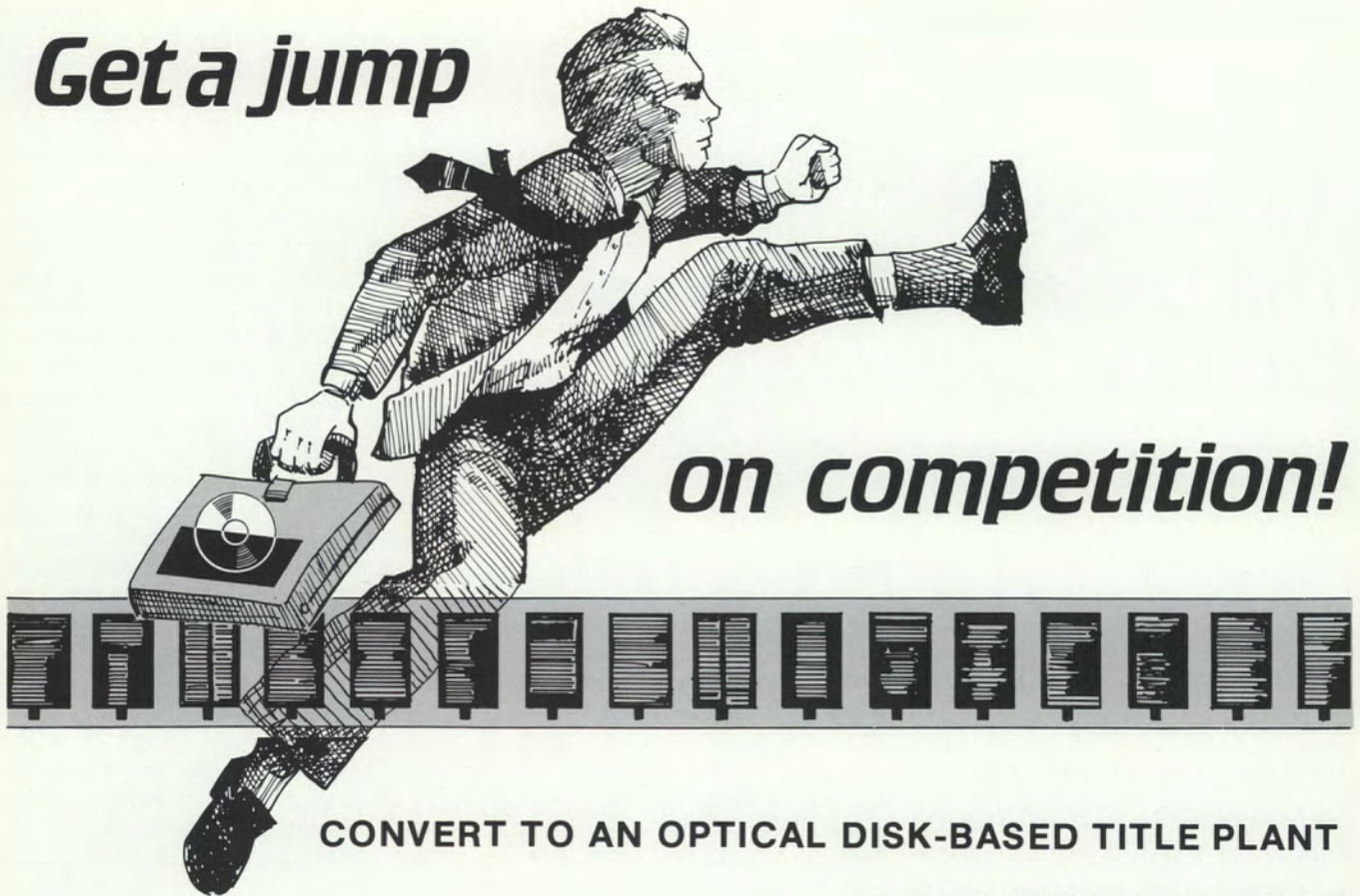
The records to be included in the GLO Records System will contain data from the following sources: original patent volumes maintained by the GLO; railroad lists, swamp lists, and other similar records showing conveyances to states from the GLO; entries from the GLO tract books, including withdrawals and other land classification actions; and cadastral plats and field notes held by the ESO (cadastral plats are the legal land descriptions that use only standard cadastral units—meridian, township, range, section and quarters).

The estimated cost for the entire automa-

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The author is the assistant to the Executive Vice President and the General Counsel at the American Land Title Association. Prior to joining ALTA she worked for U.S. Senator Steve Symms. A graduate of Utah State University in 1988, the author earned bachelor of science degrees in both speech and political science. She is originally from Declo, Idaho.

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An Allegory: The Louisiana Story and the Title Industry

An allegory, mixed with factual information, equals the history of chain of title in Louisiana. Read how these events relate to the industry.

by Theo V. Brumfield

For many years now there has been a humorous story told and retold among title people about the Louisiana abstractor who furnished an abstract on a tract of land in his parish to an eastern attorney. The attorney objected because the title search only went back to the year 1803. He questioned what transpired prior to that time. The abstractor's response was as follows:

"Our records are a bit hazy, but for your information we advise that the United States acquired this land through what is known as the 'Louisiana Purchase' from the Republic of France. France got it from Spain by conquest. Spain acquired it by discovery through the efforts of a gentleman named Christopher Columbus who had been commissioned by Queen Isabella. The queen, before giving Columbus that commission, received the blessing of his Holiness the Pope. The pope is the Vicar of Jesus Christ. Jesus Christ is the Son of God. God created heaven and earth, and that's as far back as we can go."

Like most everyone who has heard or read this story, I was amused by it, but had the feeling that there was more to the story than that, so playing the role of a consummate title man, I decided to look beyond what was a funny tale, and review my history books concerning the biggest land deal in United States history.

The whole central territory of the American continent, between the Rockies and the Alleghenies, then known as the Country of Louisiana, was indeed purchased by the United States from France in 1803. Due to Spanish claims, differences of opinion have prevailed as to the exact extent of the pur-

chase. Perhaps, however, it would be better to start with Mr. Columbus.

Christopher Columbus, whose 1492 expedition was authorized by Ferdinand and Isabella of Spain and financially assisted by merchants, has been credited with discovering America. When he arrived at the Island of San Salvador on October 12th of that year, he thought he had sailed around the world to the Orient, specifically, India, and called the area the West Indies. After he returned to Europe in 1493, Spain petitioned Pope Alexander VI to sanction the discovery and its possession. The pope issued a series of papal bulls drawing a line of demarcation, dividing Spanish and Portuguese rights and discoveries. Spain was granted everything west of a line 370 leagues west of the Cape Verde Islands off the northeast coast of Africa, and Portugal everything east of it. Columbus made three more round trips to the new land, but didn't get beyond the West Indies, and died still thinking he had discovered a new route to India, rather than a vast new continent.

The Mississippi River, as will be noted later, played an important part in the story of the establishment of ownership of what was to be known as the Louisiana Territory. The Spanish apparently were aware of a great river which emptied into the Gulf of Mexico, but it was not until 1541 that a company of Spaniards headed by Hernando de Soto, approaching from the southeast, discovered it miles up from the gulf while on their quest for gold. Their main concern at the time was to cross it and continue in their search, without establishing any settlement. Instead, Spain didn't pay a lot of attention to the central part of this new land, but rather confined most of her efforts to exploiting the natural treasures of Mexico and Peru.

The rest of Europe soon became cognizant of this new land staking out their claims—particularly England and France. They did not feel bound by the action of Pope Alexander VI favoring Spain's exclusive right to the Americas.

Our story now advances to the year 1682 when a Frenchman by the name of Robert Cavalier De LaSalle explored the Mississippi River from its point of origin to its mouth at the Gulf of Mexico. An earlier exploration by Louis Joliet and Father James Marquette in 1673 traced it from the north to the mouth of the Arkansas River, which gave rise to the opinion that the Mississippi discharged into the gulf. At the time, the nations of Europe had agreed in

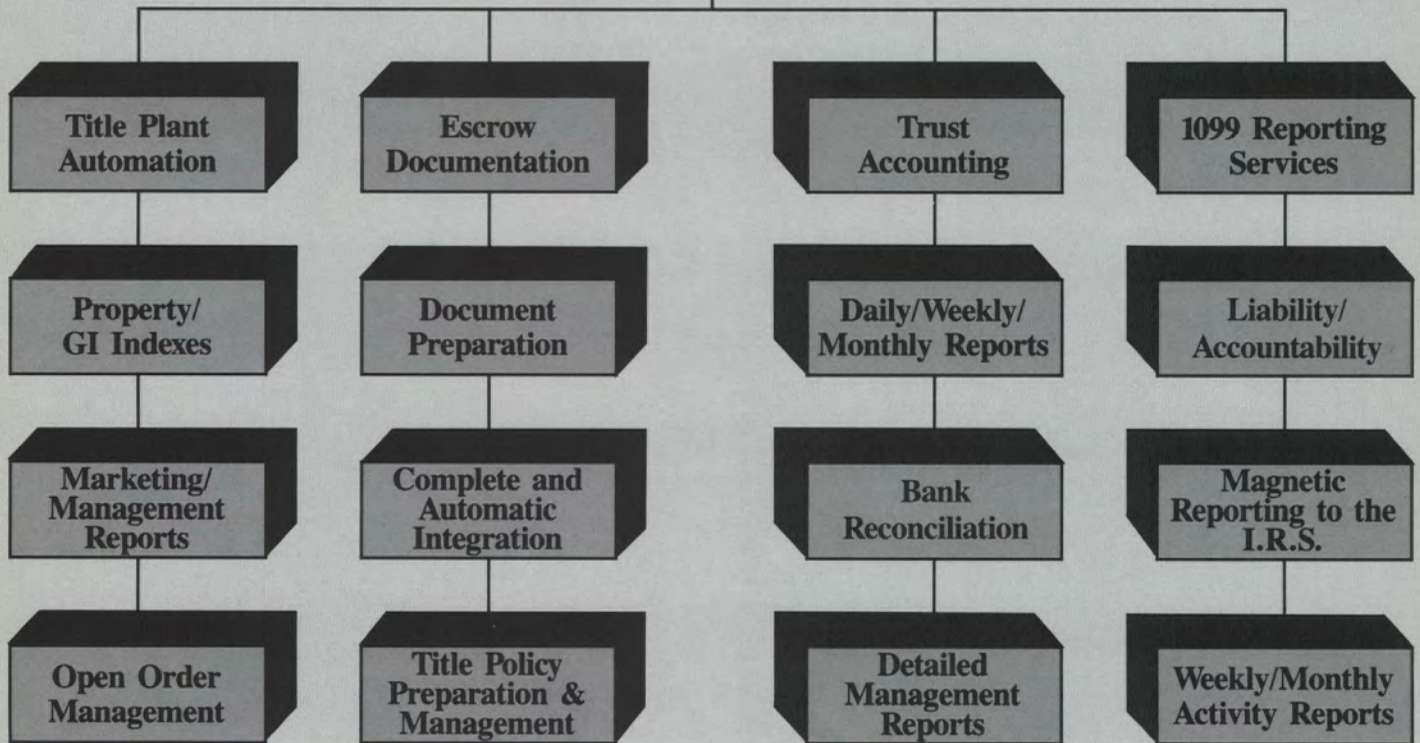
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TIAC has been endorsed by the ALTA Board of Governors—as an E&O resource dedicated to stabilizing the market for members of the Association. Now is an excellent time to take an extended look at your E&O future. Then call TIAC.

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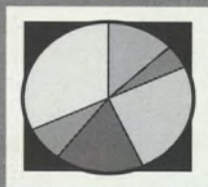
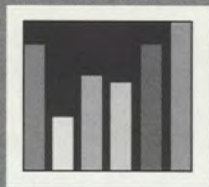
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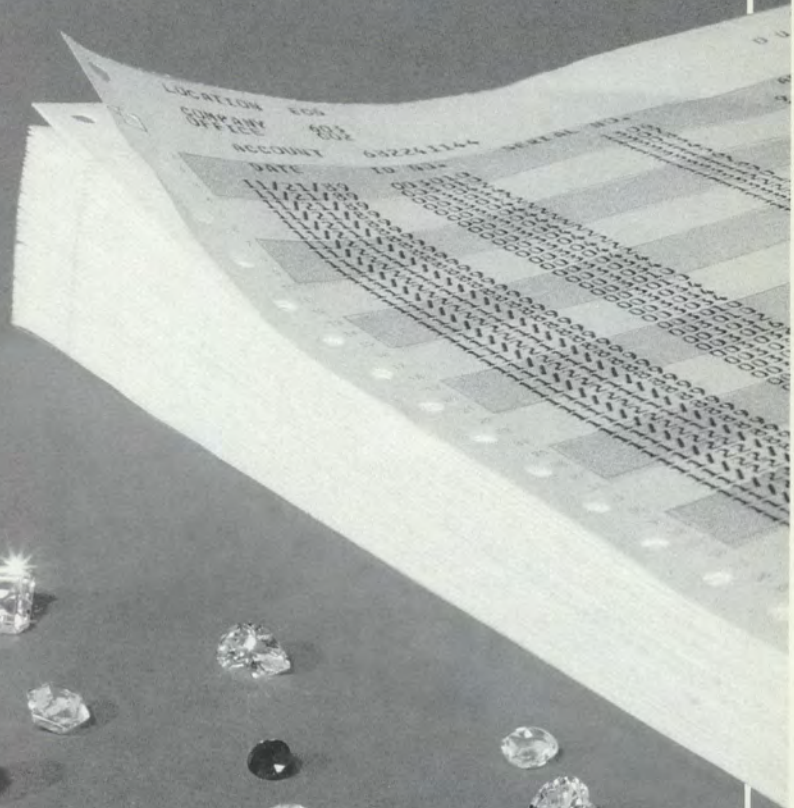
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LOUISIANA STORY

continued from page 10

principle that any nation which explored a mighty river from its source to its mouth, and established a permanent settlement at or near its mouth, would gain title to all the land which was drained by that river and its tributaries. LaSalle claimed all the land drained by the Mississippi and its tributaries, and the territory between the Mississippi and the River Palms in Florida, in the name of his monarch, Louis XIV, calling it the Country of Louisiana. Following the discovery, the settlements of Natchez and New Orleans were founded.

France continued its claim to the territory until November 1762 when it was ceded to Spain by the Treaty of Fontainebleau, describing it as being "the whole country known under the name of Louisiana, together with New Orleans and the island on which that city stands."

Some months later by the Treaty of Paris in February 1763, France ceded that portion of the Country of Louisiana lying east of the Mississippi River and north of latitude 31 degrees to Great Britain, notwithstanding its earlier transfer in 1762 of "the whole country known under the name of Louisiana, etc." to Spain. Since Spain was a party to the Treaty of Paris, it waived its prior rights to the area. In this same treaty, Spain ceded to Great Britain that part of the country east of the Mississippi River and south of latitude 31 degrees. Great Britain divided the latter part into two provinces, East and West Florida. Thus, Great Britain assumed ownership of all that area of the Country of Louisiana East of the Mississippi River, excluding New Orleans.

That portion of the Country of Louisiana owned by Great Britain was again the subject of transfer in 1783. That part lying north of latitude 31 degrees was relinquished to the United States as a result of the Revolutionary War. At the same time, due to claims of Spain, Great Britain ceded to that country that part lying south of latitude 31 degrees, East and West Florida. Hence, once more Spain had the whole of Louisiana save that portion owned by the United States.

Spain continued in its ownership until 1800 when as a result of the persuasive powers of Napoleon Bonaparte, it retroceded the territory to France by the secret Treaty of San Ildefonso. Napoleon did not want it known to England of the transfer because he feared England would challenge France's occupation of the land. However, word did finally leak out causing great consternation to the United States.

The Americans previously had some difficulty with Spain concerning the deposit of goods at New Orleans pending shipment to the rest of the world. The matter had been settled amicably, but with France and Napoleon, the Americans feared the worst. That is, the closing of the port to them at New Orleans.

In 1803 President Thomas Jefferson decided to negotiate with France for the purchase of New Orleans and the Floridas. He sent James Monroe, then the secretary of state, to Paris to assist Robert R. Livingston, our envoy to France, in the negotiations.

Prior to Monroe's arrival, Livingston asked Napoleon's representative, Talleyrand, if France wanted to include that portion of Louisiana lying north of the Arkansas River in the purchase. This would have acted as a buffer between France's remaining part of Louisiana and Canada. Talleyrand reported this proposition to Napoleon. Napoleon's reaction was totally unexpected. Taking into consideration the great losses he had suffered in putting down the rebellion in San Domingo headed by Toussaint L'Ouverture, he reasoned that he would not be able to realize his dream of establishing a new nation in North America. Hence, he instructed Talleyrand to sell the whole of Louisiana.

When Talleyrand informed Monroe and Livingston of the latest development, they were astounded. They of course were not authorized to make such a purchase, they realized the significance of gaining possession of an area which now comprises the very heartland of our country and proceeded with the deal. The purchase price agreed upon, including assumption of claims and interest, totaled somewhat over \$27,000,000, or four cents an acre, doubling the size of the United States. Jefferson backed up Monroe and Livingston, and the deal was ultimately ratified by the United States Senate.

Following the purchase, Congress divided the land acquired into two sections. That portion lying north of the 33rd parallel of latitude, which coincided with the present southern boundary line of the state of Arkansas, was designated the District of Louisiana, and the portion south of that line the Territory of Orleans.

The United States had claimed the area known as West Florida by reason of the purchase of 1803, and in fact collected duties therein, but did not take actual possession of it immediately. That action was finally taken in 1810 as the result of a rebellion led by an American, Philemon Thomas, which was put down by William C. Claiborne, governor of the Territory of

Orleans. Claiborne then took official possession and annexed it to the Territory of Orleans. As a consequence, those parishes of the present state of Louisiana lying between the Mississippi and Pearl Rivers, and north of Lake Pontchartrain to the state line of Mississippi, are known as the Florida parishes. The remaining part of West Florida was subsequently added to the states of Mississippi and Alabama.

Congress authorized the Territory of Orleans to organize itself as a state on January 14, 1811, and it formally entered the Union as the State of Louisiana on April 30, 1812.

Louisiana still was not composed of its present boundaries until 1819. At that time its western boundary, separating it from Spanish Texas, was finally fixed as the Sabine River. Until that was agreed upon, there was a "no man's land," a haven for outlaws, 30 to 40 miles wide, disputed by Spain and the United States.

As alluded from the beginning, there was more to the humorous story than was apparent. The chain of title on the land didn't exactly square with the historical facts. It is not, however, my intention by this essay to be a spoiler of a folksy tale, or flaunt my expertise as a historian, which I am not; rather, to create an allegory. That is, we should not always accept the spoken or written word as the absolute truth.

We title people, often times to help make a deal for a customer, will accept an affidavit or indemnity to obviate a defect in title. Before so doing, however, we should be reasonably certain that what is being presented to us can be relied on, and not accepted with a cavalier attitude. Things are not always what they seem to be. We should have inquiring minds.

After 43 years in the land title business, the author retired from the industry on July 31, 1989. He attended St. Louis University School of Business and Finance, and held management positions with various underwriters involving direct operations and national agencies in the midwest and east coast. The author has written extensively about land titles and has been published in various state and national land title association publications. He has also written articles of historical interest which have appeared in The Bulletin of Missouri Historical Society. Presently, the author is engaged in writing a book which will be a potpourri of his experiences in the land title industry.

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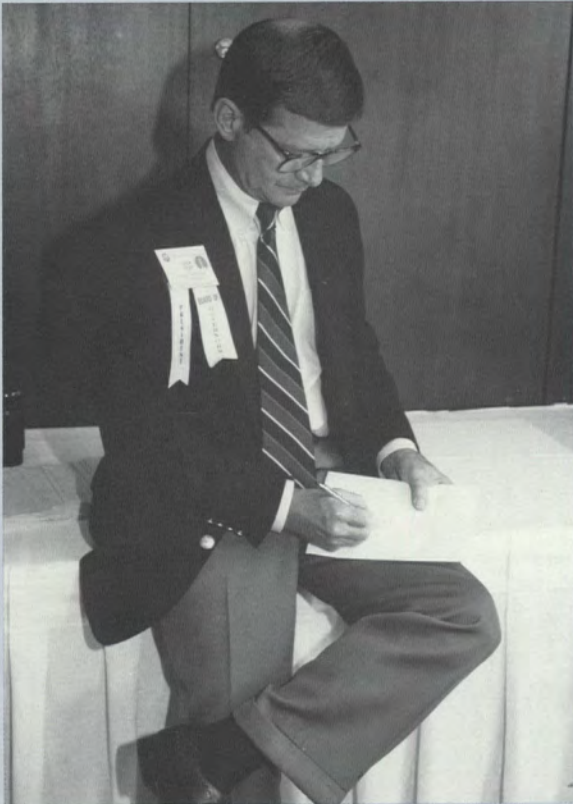
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New Orleans Recaptured

Photographs by K. Abbinante
and A. Conn



1

Fun, frolic, fabulous feasts and fine educational fare were had by all who attended the ALTA's 1990 Mid-Year Convention (April 2-6), in the "City that care forgot."

Located in the heart of jazz and Dixieland, the Crescent City of New Orleans, Louisiana, members enjoyed a convention filled with a surplus of information, learning and relaxation.

Gastronomes and gourmands delighted, collectors of antiques were ecstatic, admirers of old Southern homes were thrilled, and jazz lovers reveled at the many offerings of the Big Easy. All who came to refine their knowledge of the industry came away feeling comfortably sated from the plethora of seminar information offered.

During the various tours, members were introduced to the historic French Quarter (Vieux Carre) and the romantic courtyards and gothic cathedrals of the city. Others explored the majestic plantations, or strolled through the beautiful gardens of the Long Vue House. The most adventurous, however, opted for a boat ride—Cajun style, down Louisiana's famous swamps. As members ventured through the flora and fauna of the bayous, some came face-to-face with the infamous American alligator.

It is the best of these times that are captured on the following 12 pages. So... sit back, relax, and enjoy—Bon Voyage through the world of the ALTA's Crescent City Convention!



2



1. Dick Toft, 1989-90 ALTA president, found giving final touches to his address before the General Session.

2. ALTA First Lady 1989-90 Marietta Toft, welcoming Convention Speaker, ABC Commentator George Will.

3. "ALTA Swami" Nelson Lipshitz, moderator of "The Title Industry in the 21st Century," peers into his crystal ball for future predictions for the industry.

4. ALTA Governor Mike Currier (left) found in stimulating conversation with ALTA Past President John Cathey.

5. John Bell and ALTA Governor Barbra Gould engrossed in industry conversation.

3



4



5

Educational Fare Abundant



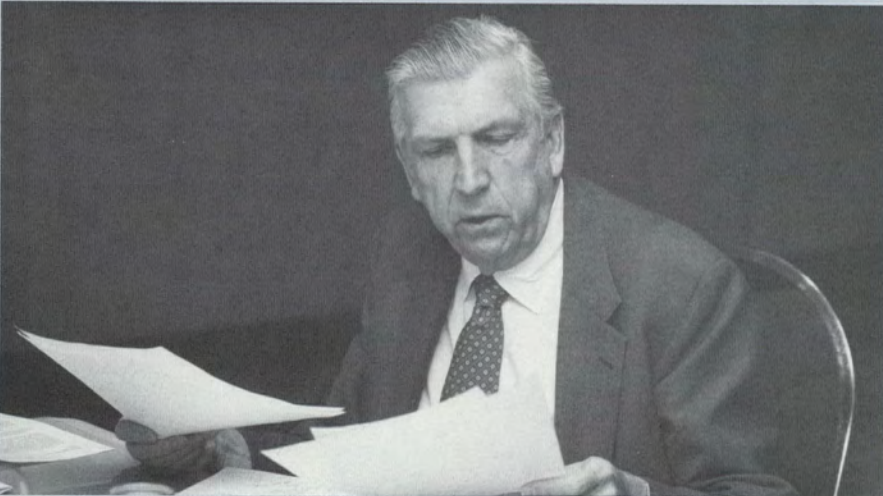


1. Susan Jones intrigued by the speaker at the one of the many mid-year meetings.

2. Government Affairs Chairman Jerry Lawhun deep in thought, with Mardy McCollough looking on, at the Government Affairs meeting.

3. Tony Winczewski listens attentively to the speakers at the Affiliated Officer Executive Seminar.

4. Cathy Lancaster simply enraptured at the Affiliated Officer Executive Seminar.



5. Bill Price enjoying himself at the Membership and Organization Committee meeting.

6. Cathy Cable-Wagner and Gabe Hermes tickled by the speakers at the Affiliated Officer Executive Seminar.

7. Bernie Rifkin (left) and Joe Parker at the Forms Committee meeting.

8. Oscar Beasley in "top form," chairing a Forms Committee meeting.

9. Dick Pollay peruses the **Manual of Organization** at the Government Affairs Committee meeting.



9

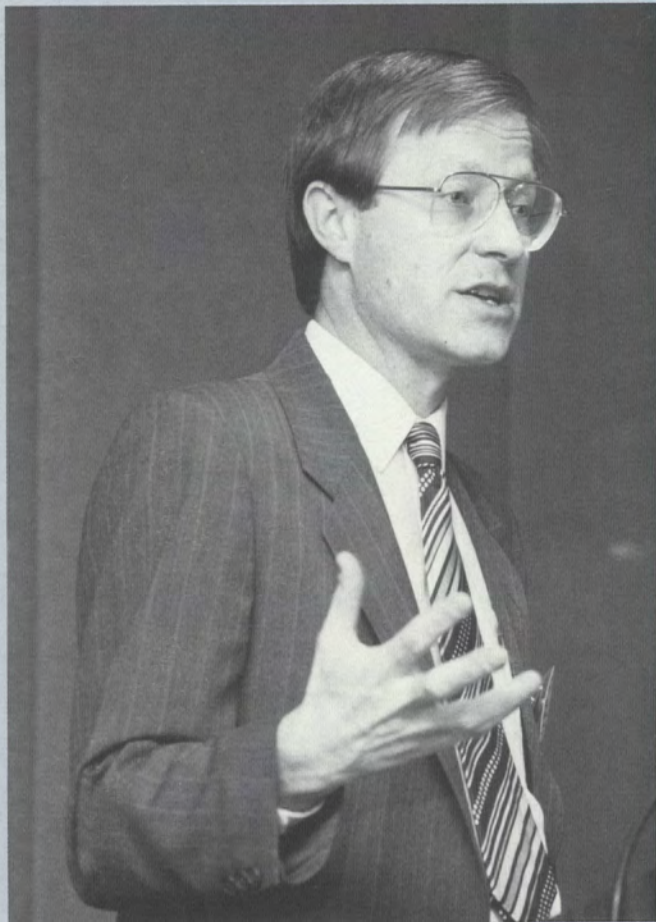
Meetings . . . meetings . . .



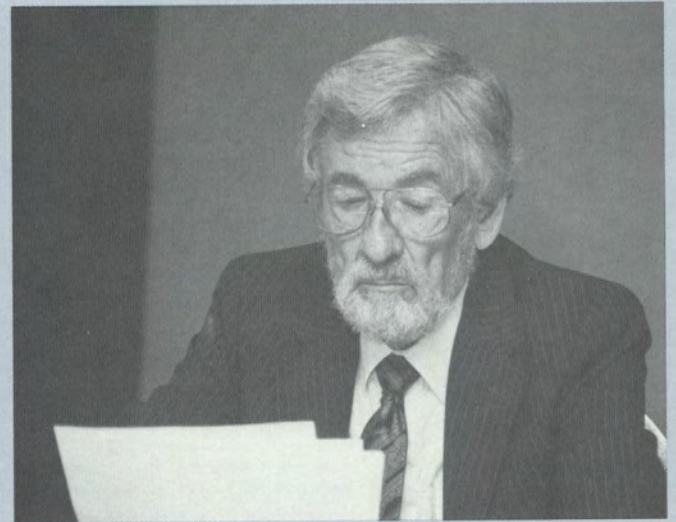
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... and more meetings



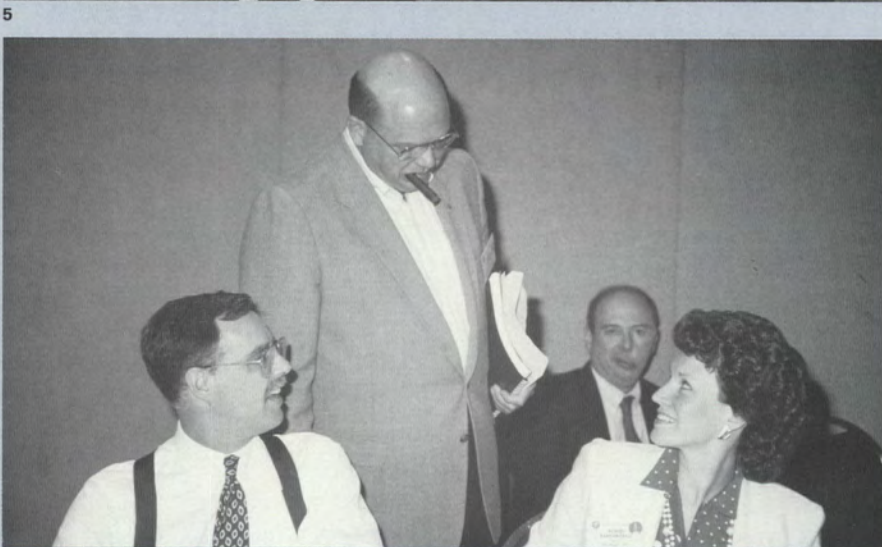
1. Larry Kirwin leads a seminar on selling a local abstract-agency business.

2. Fred Hemphill explains the future of land title automation from a Systems Committee perspective to members.

3. Dave Lanier makes a crucial point at one of the many committee meetings.

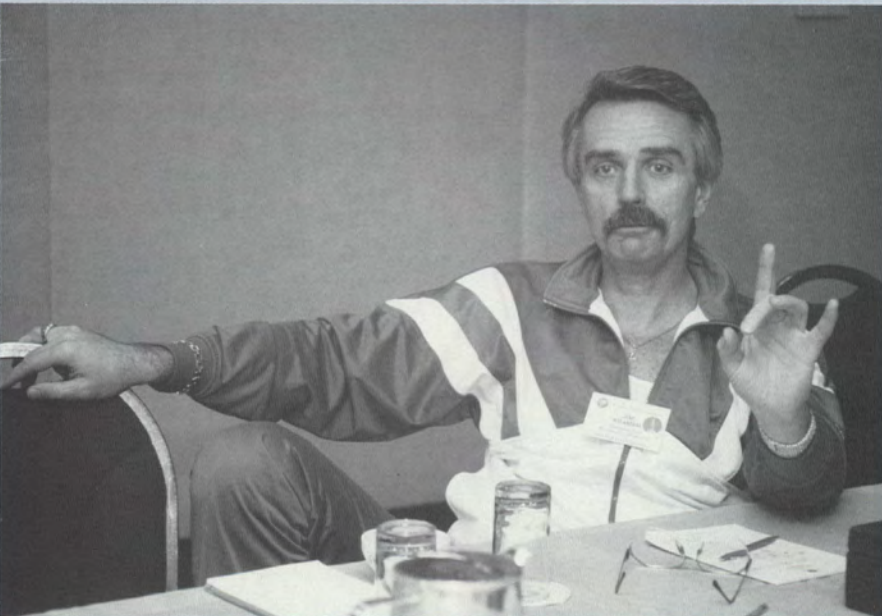
4. P.C. Templeton studying his notes at an Education Committee meeting.

5. Stanley Friedlander (left) and Don Dozer, take time to pose for the camera.



6. From left: ALTA Governor Parker Kennedy, TIPAC Chairman Bert Massey, and ALTA staffer Robin Santangelo exchange glances at the Board of Governors meeting.

7. Jim Kramer makes a point at the Systems Committee meeting.



7

Sights and sounds of the swamp and the city



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6

1. Paul Ransford looks with great skepticism at the prospect of ending up as someone's alligator shoes or purse, on the infamous trek in the swamps.

2. ALTA "Honorary members" rush to greet members of the Swamp Tour.

3. ALTA members taking a ride down one of Louisiana's many bayous and swamps, with "Roland the Cajun" (far right) at the helm.

4. A tour through the beautiful Longvue Estate.

5. Members receive a history lesson touring the French Quarter.



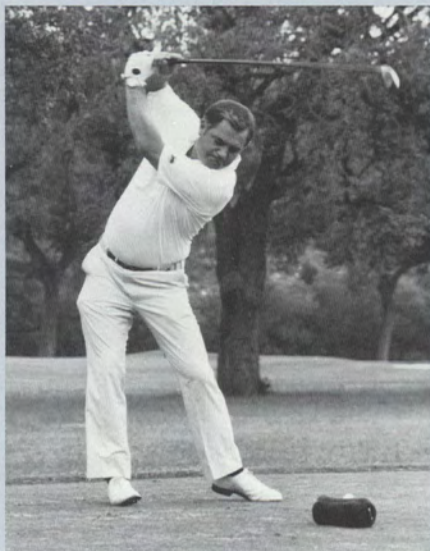
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6. Jack Rattikin III (top right), and Peter Norden (far right), man the Land Title Institute video booth, as they entice ALTA members to their exhibit table.

7. Automation at work at the exhibit hall.

8. ALTA Immediate Past President Charlie Hon shows off his swing on the golf course.

Carrier	Hon
Thurman 6	Kennedy 0



8



9

9. ALTA staffer Sherri-Lynn Minor admires the view from one of New Orleans' many elegant dining rooms.

The ladies who lunch



The joys of the General Session



1. A tour through one of the many beautiful homes in New Orleans' famous Garden District.

2. Members enjoy the decor of the beautiful country kitchen at the Decorators Showcase house.

3. From left, Marietta Toft looks on, while Sherry Kennedy and Ann Hon browse through the home section of the local New Orleans newspaper.

4. Kitty Oliver caught in conversation with Kathy Maher in the background, at the Spouse Guest Brunch.

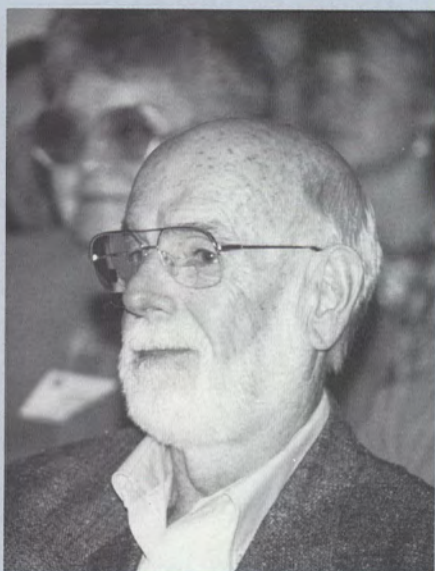
5. Bernice Hicks and Ann Mennenoh clearly enjoying themselves at Commander's Palace.

6. General Session Early Bird Prize Winners Russ and Andy Jordan receive their prize from Dick Toft (far right).

7. Bob and Ann Wilson find themselves amused by the remarks delivered by ALTA speaker and syndicated columnist George Will.

8. Marietta and Dick Toft pause to synchronize their schedules at the General Session.

9. Dave Beard attentively listens to the speakers at the General Session.



6

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2



4

1. One of the youngest members at the Mid-Year Convention—Burt Massey, III.

2. Taking time from his convention responsibilities, photographer Ken Addanante is captured both on film and paper!

3. ~~Terry Detring~~... ~~Tim McFarlane~~... Terry Tim Detring McFarlane (?) (from right), gets help from Cara Detring with membership to "The Clean Plate Club," while Mike Reisetter, already a member, looks on with amusement.

4. A member feasting on the catch of the day at the Ice Breaker.

5. Enter—ALTA members, to the festive Ice Breaker Reception.



5

The smiling faces found in New Orleans



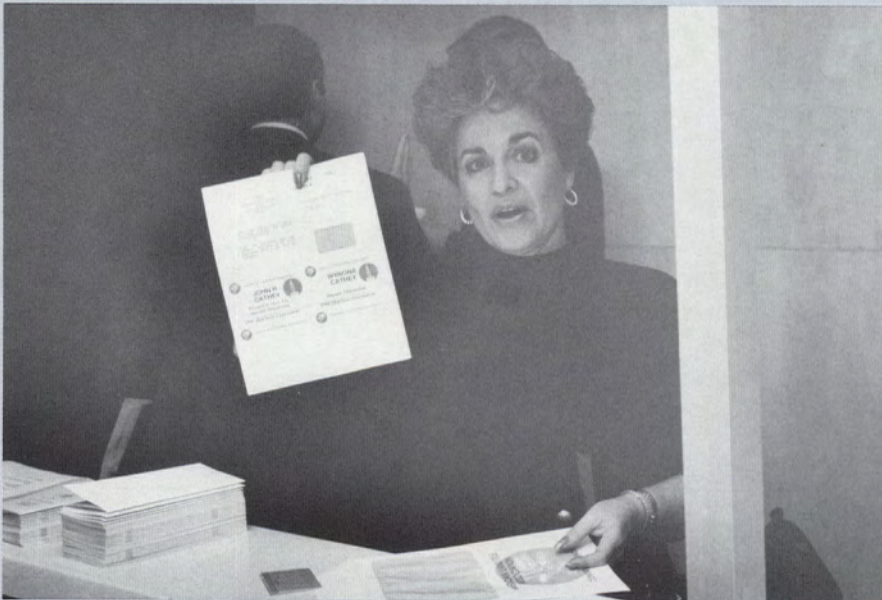
1. Charlie and Ann Hon escaping the noontime sun at New Orleans' famous Brennan's Restaurant.

2. From left: Mac McConville, Ann and Marvin Bowling soaking up the tastes of New Orleans at the Past President luncheon.

3. Wyona Cathey proudly displays her registration package for all to see.



2



3

NAMES IN THE NEWS



Toft

ALTA President Richard P. Toft has been elected senior vice president of the **Alleghany Corporation**. The announcement was made by **F.M. Kirby**, chairman of the board. **Mr. Toft** will continue to serve as president and chief executive officer of **Alleghany's** subsidiary, **Chicago Title and Trust Company (CT&T)**. In addition, the chief executive officer of **Alleghany's** subsidiary, **The Shelby Insurance Company**, will report to Mr. Toft.



Addis

Chicago Title Insurance Company announces the following promotions: **Stephany Addis**, appointed associate regional counsel, Chicago, IL; **Sheryl Adkins**, appointed escrow officer and remains manager, Closing Dept., Orlando, FL; **Roger Ahl**, appointed assistant vice president and remains regional agency audit manager, Tampa; **Alan Atlas**, appointed assistant regional counsel, Miami; **Deborah Brittain**, appointed assistant vice president, sales, and remains North Carolina sales manager, Winston-Salem; **Linda Bryant-Rutherford**, appointed assistant vice president and Collin County Branch manager, Plano, TX; **Ben Dubois**, appointed associate regional counsel and remains NBU counsel, Orlando; **Barbara Dupignac**, appointed assistant vice president and remains office manager, Sarasota; **Carla Elbrecht**, appointed escrow officer and remains escrow manager, Stuart; **Thomas Haynes**, appointed as-

sistant vice president and remains office manager, Tampa; **Alan R. Kalas**, appointed assistant escrow officer and remains commercial closer, Wheaton, IL; **David Kimball**, appointed assistant vice president and Wisconsin direct operations manager, Waukesha; **Karen Landis**, appointed escrow officer and remains office manager, Melbourne, FL; **Ronald Lawhun**, appointed assistant vice president and remains branch manager, Princeton, NJ; **Deborah L. Leonard**, appointed assistant vice president and remains regional human resources manager, Atlanta, GA; **Robert Maiorano**, appointed assistant vice president and remains manager-construction disbursements, Miami; **Alan A. Martin**, appointed assistant vice president and remains manager of title dept., Santa Barbara, CA; **Michael McCormick**, appointed assistant vice president, West Palm Beach, FL; **Sharon C. McCorvey**, appointed escrow officer and remains office manager, Deland; **Robert S. Newman**, appointed assistant vice president, Jacksonville; **Mindy K. Ogden**, appointed assistant regional counsel, and remains Florida counsel, Tampa; **Rebecca Prior**, appointed assistant vice president and manager of Osceola Title, Kissimmee; **Ernest J. Puglisi**, appointed systems officer and remains manager Florida systems, West Palm Beach; **Margaret A. Roberts**, appointed assistant vice president and remains office manager, Olathe, KS; **Kath-**



Sartin

ryn Lee Sartin, appointed resident vice president and remains Jackson County and metro marketing manager, Kansas City, MO; **Leslie C. Smith**, appointed assistant regional counsel and remains Florida counsel, Miami, and **Barbara K. Weicht**, appointed title operations officer and remains title production manager, Stuart.



Turano

After 34 years with **Chicago Title and Trust Company**, 60-year-old "**Jake**" **Turano** is retiring. **Turano** joined **CT&T** in 1956 as a title examiner. In the role he is leaving, vice president and legislative counsel, **Turano** has been very close to major developments within the title insurance industry. He has been a key figure throughout the industry. "No one has worked as hard or devoted as much to the industry as Jake," said **CT&T** President **Richard Toft**. **Turano** provided pivotal expertise in formulation of the new Illinois Title Insurance Act. That work, he says, is one of the highlights of his career.



Hester

Stephen A. Hester, Jr. has been named vice president/Texas state manager for **Title Insurance Company of Minnesota (Minnesota Title)** by President and CEO **Richard A. Cecchetti**, Houston.



Walton

Lawyers Title Insurance Company announces the following appointments:

Janice D. Walton has been elected vice-president—reinsurance. She is assigned to the company's national headquarters in Richmond, VA.



Baum



Conmy



Frye



Goldberg



Holliman



Jontz

Herbert A. Horgan has joined **Lawyers Title** as multi-states sales manager in its New England states office, in Boston, MA. Previously **Horgan** was the managing director of the **Quebec Title Insurance Agency**, a **Lawyers Title** agency in Montreal, Canada.

David A. Baum has been appointed assistant vice-president—operations support manager, assigned to the company's national headquarters in Richmond; **James F.**

Conmy, appointed commercial transactions counsel, assigned to the company's Pennsylvania state office, Philadelphia; **Kenneth M. Ford**, appointed manager of the company's office, Brewster, NY; **Laetitia B. Frye** appointed senior title attorney at the company's national headquarters in Richmond; **Bernard F.**

Goldberg, Jr., appointed vice-president—Maryland state agency manager, assigned to the company's Maryland state office, Rockville. **Gary Holliman**, appointed assistant claims counsel in the company's Southwestern states office in Dallas, TX; **Sheila M. Hurley**, appointed commercial transactions counsel in the company's Boston, MA branch; **Herschel H. Johnson**,

appointed manager of the company's branch in Albuquerque, NM; transferred from the company's Southwestern states office, Dallas; **Craig M. Jontz**, appointed assistant Florida state counsel, assigned to the company's Florida state office in Lakeland; **Paul J. Lucas**,



Martin



Nelson



Owen

appointed assistant vice president—Maryland state sales manager, assigned to the company's Maryland state office, Rockville; **John M. Martin**, appointed assistant New York state counsel, assigned to the company's New York state office, White Plains; **Toni Mitchell**, appointed branch counsel, Boston; **David P. Nelson**, appointed branch counsel, Norfolk; **Ronald W. Owen**, appointed Pennsylvania state manager (as of June); **William C. Perrine**, appointed Virginia state counsel, assigned to the company's Virginia state office, Richmond; **Linda J. Rehak**, appointed



Rowe



Tully



Ward

branch counsel, Dayton, OH; **Thomas L. Rowe**, appointed associate counsel—claims, is assigned to the company's Region I claims office, at the company's national headquarters, Richmond; **Lisa K. Tully** has been named branch counsel, Richmond; **Dana R. Ward**, appointed manager, Richmond branch; **Timothy R. Warner**, appointed branch counsel, Indianapolis, IN.

Continental Lawyers Title Company, a subsidiary of **Lawyers Title Insurance Corporation** headquartered in Universal City, announces that **John O. Adams** has been named senior vice-presi-

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Adams



Phair



Parker



Hedgepeth



Scott

dent—Pima County manager of its subsidiary, **Lawyers Title of Arizona**. **Adams** is assigned to **Lawyers Title** of Arizona's office in Tucson; **Sid Phair** has been named manager of the company's branch in Riverside, CA; **Tina Shaw** has been named vice-president—manager of the company's Orange County office, Santa Ana, CA.

Joseph M. Parker, Jr., president and general counsel of **Lawyers Title of North Carolina**, will transfer from Winston-Salem to the Raleigh office of the company and serve as Triangle Regional counsel for **Lawyers Title of North Carolina**.

Jay C. Hedgepeth, II has joined the company as a vice president and counsel for the Winston-Salem office.

American Title Insurance Company announces the promotion of **John C. Mulvihill**, appointed Rocky Mountain division manager.

American Title announced the appointment of **Kathleen D. Murphy, esq.**, of Fort Lauderdale, to assistant vice president, corporate counsel and assistant secretary, Miami.

"Drew" Scott Jr. has been appointed division president of **First American Title Insurance Company** of Texas in Austin.

American Realty Title Assurance Company (ARTA) is pleased to announce the promotion of **Larry V. Dellosa** to assistant vice president/corporate sales management, Columbus, OH.

Richard M. Brown, Ph.D., has joined **Continental Title Insur-**

ance Company (CTI) as vice president and manager of the firm's main office in Haddonfield, NJ.

Continental Title Insurance Company (CTI), a member of The IVT Group, announces that **Edward L. Vogel** has joined the company as branch manager of its Vineland, NJ office; **Marie D. Gilleo** has been appointed to the position of branch manager of their Hamilton Square, NJ office.

Robert G. Trevorrow, vice president, has been named assistant manager for **Ticor Title Insurance**; **Gary D. Walswick** has been named district manager for **Ticor Title Insurance Company**.

Joseph W. Myrtetus has been named senior vice president and manager of the **Mortgage Banking Division of National Title Insurance Company**, Miami, FL.

Attorneys' Title Insurance Fund, Inc., has named **Janet E. Epperson** sales representative. **Epperson** will provide sales and educational services to **Attorneys' Title Insurance Fund's** underwriting agents, in the northern Florida region from Gainesville north through the Panhandle.

Georgia Duke, president of **Texas Professional Title, Inc.**, in Austin, TX, announces recent staff additions.

Ann Crouch, escrow officer; **Connie Carroll** has joined **TPT** as an assistant to **Jeanine M. West**. **Barbara Shepley** has joined **TPT** in the position of marketing representative. **Bob Willis**, plant manager for **TPT**, an-



Harris



Seaman



Vasquez



Joseph



Kosogof



Miles

ounces the association of **Jerry L. Coley**, title examiner.

Richard B. Kelley has been named president and chief executive officer of the newly formed **Pacific Title Guaranty Co.**

H. Collyer Church, named executive vice president and chief underwriting counsel; **Harolyn Crandall**, appointed executive vice president—sales and marketing; and **Jonathan F. Legg**, appointed executive vice president and manager—title operations.

Jack C. Harris has been appointed senior vice president, director of the Southern California commercial and industrial division for **Fidelity National Title Insurance Company**, Irvine, CA; **Kirk Seaman**, appointed vice president, regional sales manager for **Fidelity National**, commercial and industrial division, Irvine; and **Tony Vasquez**, promoted from supervisor, banking management, to assistant vice president, banking administration, Irvine.

The **Cafritz Company** has appointed **Bryant Halsey**, president, and **Raymond S. Olsen**, executive vice president, Washington, DC.

F. Larry Joseph has been named Virginia state manager at **Commonwealth Land Title Insurance Company**. Based in the company's Fairfax office, **Joseph** is responsible for company operations throughout Virginia; **John Kosogof** has joined **Commonwealth** as Metropolitan branch counsel for the company's Washington, D.C., office; **Lewis W.**



Crouch



Carroll



Shepley



Papazickos

Miles II, has joined the company as division claims counsel for the company's Chesapeake division; **Chris G.**

Papazickos has joined **Commonwealth**, Philadelphia, as claims counsel. **Papazickos** is responsible for claims administration in Pennsylvania, Delaware, and West Virginia; **Ronald J. Shelman**, appointed county manager at **Commonwealth**, and remains an assistant vice president in Washington County, Pa.;



Shelman

James W. Smith, promoted to vice president, based in the company's Florida state office in Orlando.



Phillips

Title Resources Guaranty Company is pleased to announce the following appointments: **J. Christopher Phillips**, vice president/

agency operations, has been named state manager of Arizona. **Phillips** will also continue his responsibilities working with the agents in Texas and New Mexico; **David M. Prall** has joined **Title Resources**



Prall

as vice president/agency operations, primarily responsible for the Texas agency network; **Gary D. Sandoval** has joined **TRGC** as vice president of agency operations, servicing **TRGC** agents in New Mexico and West Texas from his Albuquerque office; **Harvey E. "Buddy"**



Sandoval

Wuest is vice president and underwriting counsel for the company, responsible for underwriting activities throughout Texas and New Mexico, as well as claims handling and administration in those states.



Wuest

Title News Wins University Competition

Title News was recently awarded the honor of the 1989 Annual "This Is My Best" Competition, by the University of Florida, College of Journalism and Communication. Entries comprised of communications and public relations materials were received from alumni of the college nationwide. Adina Conn, **Title News** editor, MA Mass Communication, UF class of 1986, represented the magazine.

Other winners sharing the honor included individuals representing the Children's Miracle Network Telethon, St. Petersburg, FL; an engineering publication from the UF College of Engineering, Gainesville; The Institute of Internal Auditors, Orlando; and a representative from Hill and Knowlton, Dallas, TX. All materials were judged by a panel of professors in the College of Journalism and Communication.

The winning materials will be used throughout the coming year as teaching and instructional materials for use in communications/public relations classes throughout the college.

ALTA GOVERNOR DIES OF LEUKEMIA



ALTA Governor and TIPAC Board Trustee **Joseph D. Gottwald**, age 64, died at The Huntington Memorial Hospital, Pasadena, CA, of acute leukemia. Gottwald was treated for leukemia for almost

17 months prior to his death.

Founder and Chairman of The California Counties Title Company in 1974, Gottwald was an active member in the title industry. He was past president of the California Land Title Association, and had served as treasurer and as a member of the ad hoc committee for long range planning. He also served on the ALTA membership committee, as well as the Association's membership and retention committee.

Joe Gottwald's sense of commitment and his earnest dedication to numerous civic affiliations rivaled that of his Association work. He provided active service to the Metropolitan YMCA of Los Angeles, serving as Board member and chairman of the group's various branches. He was a recipient of the "Golden Book" entry, the highest recognition given by the Los Angeles YMCA.

Gottwald was also the honored recipient of The Martin Luther King, Jr., Human Dignity Award.

Active in church work, Gottwald served several terms as president of his congregation, as well as member of his church council.

He was also active as a major fundraiser for political and charitable causes in Southern California.

Gottwald is survived by his wife Lois, son James E. Gottwald, and daughter Joy J. Pavel. He is also survived by brothers Robert Lee and Henry M. Gottwald, and five grandchildren.

ALTA members will remember Joe's strength, his genuine warmth and kindness, as well as a man honorably committed to his profession.

Says Lois Gottwald, "We have always been very proud of Joe's ethics in business as well as his family life. I really believe that everyone who knew him or associated with him was better for having done so. We hope you feel that way too."

Donations may be made to The Huntington Memorial Hospital Cancer Research Fund. Please specify the amount to be included in the "Joseph Gottwald Memorial Fund," c/o The Huntington Memorial Hospital, 100 Congress Street, Pasadena, CA 91105.

FORMS

continued from page 4

environmental coverage were forced either by potential or actual losses to cease writing coverage; title insurance generally has been of no assistance because environmental matters have been excluded from coverage under the policies. In 1984, however, the title insurance industry through a revision of its 1970 ALTA basic policies decided to provide limited coverage to owners and lenders by assuring them that there were no toxic cleanup liens or notices of contamination recorded in certain specified public records. A full revision of the ALTA title policies was completed in 1987, and this theme was carried forth. The 1987 ALTA basic policies provide limited coverage through the addition of an exception to the exclusions from coverage, which reads:

... except to the extent that a notice of the enforcement [of an environmental protection statute or regulation] or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land recorded in the public records at Date of Policy.

Under the 1987 policies, the title company must search the defined public records and report the results of the search, setting forth in Schedule B any notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land, recorded in the public records at Date of Policy. Liability, however, for any failure to report any notice of a defect, lien or encumbrance is limited by policy provisions.

In addition, the ALTA 8.1 endorsement for residential mortgages, which can be used with ALTA 1970 policies, provides affirmative coverage against environmental protection liens that are of record at Date of Policy. This coverage is consistent with the 1987 policies. The 8.1 endorsement also provides disclosure of state statutes (not local or federal) in effect at Date of Policy which may impair the priority of the insured mortgage because of their superlien qualities.

The limited title insurance coverage described above does not assist the lender or purchaser with the necessary due diligence inquiries into previous ownerships and uses of property for purposes of preserving the innocent owner defense. Inquiry into previous ownerships or uses of property can provide valuable guidance as to whether a property might be contaminated and is often the starting point for an environmental audit or review. For example, if a property was previously the site of a gas station, a lender or potential purchaser should be placed on notice of possible leakage of underground storage tanks. Notice of the gas station use may not be found by deed name reference, but could be found in a recorded lease to XYZ Gas Station. The land records also may disclose expired or current mechanics' liens for environmental cleanup.

To help fill the gap between the limited coverage title insurance provides against outstanding environmental cleanup liens or notices of contamination or violation and the customer's need for information as to previous ownerships, ALTA has been under preparation new form entitled "Recorded Document Guarantee" and "Recorded Document Certificate." Although similar products are being used by many companies, ALTA is presently revising and standardizing the Certificate/Guarantee for national use. The Certificate/Guarantee form includes a detailed application which require the applicant to request a search for specifically described recorded documents in defined public records of the county where the land is located, deeds or leases, for example, for a

specific period of time, and then, when issued, the Certificate or Guarantee will have attached to it copies of all the documents requested. Upon receipt of the requested documents, it becomes incumbent upon the **applicant** to examine those documents for clues as to the type of occupancy and the possibility that the occupant could have contaminated the land. The Certificate/Guarantee forms with their accompanying documents have some of the earmarks of a return to abstracting, but title to the real property is not the basis of examination. The Certificate could be issued either by a title insurance company or by a title agent. A Guarantee, which would be issued by a title insurance company, is being developed for use in states which qualify the product as insurance. The ALTA Title Insurance Forms Committee will recommend the adoption of the forms at the 1990 ALTA Annual Convention in Chicago.

As drafted, the Recorded Document Certificate and Recorded Document Guarantee forms are designed to provide lenders and purchasers with specific documents that may be relevant to ownerships and uses, but obtaining the Certificate/Guarantee will not alone constitute assurance of due diligence. The Certificate/Guarantee will only assist attorneys, lenders, or buyers in their efforts to fulfill the statutory standard of "all appropriate inquiry." It would be helpful to the real estate industry if there were an authoritative definition of due diligence, including, for example, a specified period for the chain of title search. Until such time as one emerges, the title industry will continue to work with lenders and purchasers to help them through the "confusion" of "all appropriate inquiry" by providing reports like the Recorded Document Certificate and Recorded Document Guarantee.

The author is senior vice president and senior title counsel of First American Title Insurance Company, based in Santa Ana, Calif. He is nationally recognized as a leading lecturer for the title industry and legal organizations.

In 1988 he was the first recipient of the outstanding achievement award, given by the Real Estate Section of the Orange County Bar Association.

In 1987, the author participated in the first title insurance seminar that was broadcast on a satellite network to 41 locations across the country. He headed a group of seven title company counsel and real estate practitioners on the program focusing on the widespread in the new ALTA title policies.

The author was also invited by the Institute of Liberty and Democracy in Lima, Peru, in 1985, to visit their country and look into the feasibility of using possessory real property interest as collateral for obtaining loans in Peru.

In addition to his executive position with the title company, Beasley serves as chairman of the ALTA Forms Committee, and as a member of the executive board of Western State University, where he also is a faculty member. Beasley is licensed to practice law in the states of California, Hawaii, Iowa and New Mexico.

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ACROSS THE HOMEFRONT

Earle A. Thompson, Jr. was named president of the **Louisiana Land Title Association** at their annual convention, according to **Richard H. Himes, Jr.**, president and general counsel of **United General Title Insurance Company**. **Thompson**, who has nine years of title insurance experience, is vice president and Louisiana state manager for **United General Title**, Baton Rouge.

At its February meeting, the **North Carolina Land Title Association** Executive Committee regretfully received the resignation of **Peter E. Powell** as Vice President due to an employment change out of the title industry. Powell also resigned from the N.C. Residential Loan Closing Task Force. In his role as the Association's Vice President, Powell was responsible for planning the educational seminars at the Association's annual convention. To fill the vacancy left by Powell's resignation, the Executive Committee elected the following officers:

Vice President—**Larry D. Johnson**, **Commonwealth Land Title Company** of N.C.

Treasurer—**Joseph Ritter**, **Jefferson Pilot Title Insurance**

Secretary—**Alice Murdock**, **Lawyers Title of N.C.**

MILESTONES

World Title Company is celebrating its 10th anniversary as one of California's largest independently owned underwritten title companies.

The Burbank-based firm, founded April 1, 1980, has provided a large roster of clients with vital services in the new and resale markets for residential, office, commercial and industrial property.

"We are proud to have served Southern California homeowners and businesses with distinction for over a decade," said Michael C. Lowther, chairman, chief executive officer, president and founder of World Title. "Our team of experts has provided a superior, personalized service that we believe is unmatched in the industry."

AMERICA'S HERITAGE

continued from page 8

tion process is expected to be eight million dollars. This is favorable in comparison to the estimated \$20 million it would have taken to convert all the information to microfilm. The 13 Public Domain states are scheduled to be completed by June 1991, with the complete automation of all current documents at ESO taking four years. As new documents are received, they also will be entered into the GLO Records System.

A Future Outlook

With the critical need to preserve America's land title records, protecting the original while making them readily available, the successful application of this state-of-the-art technology will benefit government

agencies, private industry, particularly title and abstract companies, and the nation's land owners. Because these records are so historically valuable, the automation project has been endorsed by the Commission on the Bicentennial of the United States Constitution. For the first time in the United State's history, our land records will be properly accessible while preserving the originals of these documents from constant wear and use. The original title records will now be available for use by title companies even from remote locations.

Private ownership of land, and the protection of that right is a fundamental element of democracy. Without the preservation of irreplaceable documents such as these, land owners would have little foundation on which to defend their interests. The importance of the task at hand is not only necessary for the protection of our heritage, but also to preserve the cornerstone of the land title industry.

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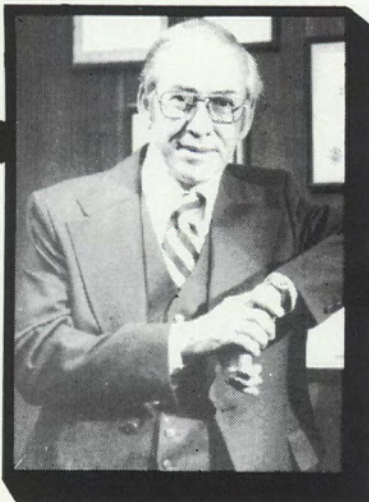
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— John Ruskin (1819-1900)

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CALENDAR OF MEETINGS

1990

June 6 ALTA Board of Governors, The Broadmoor, Colorado Springs, Colorado

June 7-8 ALTA Southwest Regional Title Insurance Executives, The Broadmoor, Colorado Springs, Colorado

September 30-October 3 ALTA Annual Convention, Hyatt Regency, Chicago, Illinois

1991

January 14 ALTA Board of Governors, Quail Lodge, Carmel, California

April 10-12 ALTA Mid-Year Convention, San Diego Marriott Hotel and Marina, San Diego, California

September 25-28 ALTA Annual Convention, The Westin Copley Place, Boston, Massachusetts

1992

March 25-27 ALTA Mid-Year Convention, The Mayflower Hotel, Washington, DC

October 14-17 ALTA Annual Convention, Hyatt Regency and Maui Marriott, Maui, Hawaii

1993

March 24-26 ALTA Mid-Year Convention, The Westin Peachtree Plaza, Atlanta, Georgia

NEW ADDITIONS

Barbara G. Blitz, Roger E. Dinnin, Douglas A. Nichols and Celeste H. White have formed **Commercial Title Group, Ltd.**, a firm providing title insurance and related services to the Washington, DC, metropolitan area. The group will issue the policies of the major national title underwriters.

According to the four principals, who have extensive backgrounds with major title insurance companies, the new firm will specialize in sophisticated commercial transactions. Presently headquartered in Alexandria, Va., the company plans to relocate this fall.

Blitz previously was vice president and regional counsel for **Chicago Title Insurance Co.** where she supervised all underwriting, claims and corporate legal matters in the company's mid-Atlantic region. She is a member of the Virginia State Bar, Virginia Bar Association, and Virginia Land Title Association.

Dinnin, who also was with **Chicago Title**, was the company's metro area manager for Virginia, Maryland and the District of Columbia. **Dinnin** serves as president of the Virginia Land Title Association and has held numerous other positions with the organization.

Nichols joins his new firm after having been with **Commonwealth Land Title Insurance Co.** since 1981 as vice president and branch manager. He is current secretary and a member of the board of the Virginia Land Title Association, and is also a member of the National Association of Industrial and Office Parks and the Mortgage Bankers Association.

White is former president of **First Alexandria Title & Escrow Company**. She has been nominated to the Virginia Chapter of Commercial Real Estate Women and is a member of the Northern Virginia Building Industry Association.

The offices of Commercial Title Group, Ltd. are presently located at 510 King St. in Alexandria, Va.

* * *

American Realty Title Assurance Company (ARTA) is pleased to announce that **John M. Schafer** and **Lillie Bebart** have formed **Landco Title, Inc.**, an **ARTA** Agency.

Schafer, a Columbus native, is an attorney with a background in real property, corporate and taxation law. **Bebart**, a Columbus resident, has an extensive background in commercial and residential real

estate. **Schafer** and **Bebart** are both licensed insurance agents and have a combined 18 years experience.

Landco Title, Inc. is located at 1349 East Broad Street, Columbus, Ohio, and offers both commercial and conventional title insurance at the customer's convenience.

* * *

American Title Insurance Company, Meridian Bancorp, Inc.'s subsidiary based in Florida, announced that its national accounts group has moved to an office at the Freedom Business Center in King of Prussia. The relocation from Miami to a 3,400-square-foot office at 630 Freedom Business Center Drive will bring the staff closer to the northeast financial markets and to a majority of their corporate customers, many of whom are located in the Boston to Washington corridor.

* * *

Continental Title Insurance Company (CTI), a member of **The IVT Group**, is pleased to announce that it has purchased the assets of **U.S. Title Agency, Inc. U.S. Title**, a Marlton, NJ based abstract and title services agency, had been a licensed agent for **CTI**. Their personnel and operations will be fully integrated into **CTI's** main office in Haddonfield, NJ.

"This purchase underscores **CTI's** commitment to retain a strong presence as a major regional title underwriter and supplier of title services; especially in Camden, Cumberland, Mercer and Burlington counties," said **David M. Boucher**, chairman and chief executive officer of **The IVT Group**. **Boucher** also stated, "We are looking forward to working with **U.S. Title's** customers on a personal level without interruption to the quality of service that they are accustomed to."



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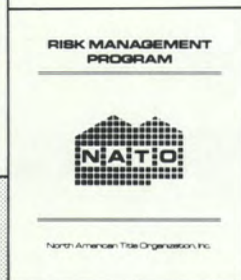


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1990 AFFILIATED ASSOCIATION CONVENTIONS

June

3-5 New Jersey, Marriott's Seaview Country Club Resort, Absecon, NJ

7-8 South Dakota, Golden Hills Resort & Convention Center, Lead, SD

7-9 Tennessee, Omni Hotel, Memphis, TN

10-12 Pennsylvania, Sheraton Lancaster Golf Resort, Lancaster, PA

14-17 New England, Samoset Resort, Rockport, ME

15 Alaska, (has not been chosen), Anchorage AK

21-23 Colorado, Village of Breckenridge, Breckenridge, CO

21-23 Oregon, The Riverhouse, Bend, OR

21-24 Illinois, Adams Mark Hotel, St. Louis, MO

July

12-14 Utah, Homestead, Midway, UT

18-20 Michigan, Grand Hotel, Mackinac Island, MI

19-21 Wyoming, (has not been chosen), Evanston, WY

August

2-4 Idaho, Templins Resort, Post Falls, ID

9-12 North Carolina, Great Smokies Hilton, Asheville, NC

16-18 Montana, Copper King Inn, Butte, MT

17-19 Kansas, Holidome, Salina, KS

23-25 Minnesota, Radisson Hotel, Duluth, MN

September

6-8 Dixie, Westin Canal Place, New Orleans, LA

6-9 Missouri, Adams Mark Hotel, St. Louis, MO

9-11 Ohio, New Market Hilton Hotel, Canton, OH

13-14 Wisconsin, Paper Valley Hotel, Appleton, WI

13-15 North Dakota, Comfort Inn & Elks Lodge, Wahpeton, ND

14-16 Maryland, Sheraton, Ocean City, MD

15-18 Indiana, Omni-Severin Hotel, Indianapolis, IN

16-19 New York, The Sagamore on Lake George, Bolton Landing, NY

23-26 Washington, The Inn at SEMI-AH-MOO, Blaine, WA

26-28 Nebraska, Ramada Inn, Kearney, NE

Mid-late September Nevada, (date and site has not been chosen), Mesquite, NV

November

1-3 Arizona, (has not been chosen), Scottsdale, AZ

14-17 Florida, Buena Vista Palace, Orlando, FL

December

7 Louisiana, Meridian Hotel, New Orleans, LA
District of Columbia—not yet scheduled



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(Cibola County, 1985)
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(Valencia County, 1986)
- Build a multi-county plant system in Pennsylvania?
(East Stroudsburg, 1988)
- Introduce an economical package for small companies?
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NEW ALTA MEMBERS

(The names listed in parentheses are recruiters who have now qualified for membership in the ALTA President's Club.)

ACTIVE

Colorado

Basin Title Agency, Inc., Cortez, CO, (John Payne, San Miguel Title Co., Telluride, CO)

Florida

American Realty Title Agency of Florida, Inc., Clearwater, FL

Illinois

Community Title Guaranty Company, Lombard, IL, (L. Chadwick Nash, Title Insurance Co. of Minnesota, Lombard, IL)
Residential Title Network, Inc., Arlington Heights, IL, (Herbert J. Schiller, Northern Land Title Corp., Woodstock, IL)

Kansas

Finney County Title Co., Garden City, KS

Louisiana

Abstracting and Legal Research, Inc., Alexandria, LA, (Bennie Bennett, Bennett Abstract Co., Marksville, LA)
Bennett Abstract Co., Marksville, LA
C.B. Talley & Associates, Lafayette, LA, (Claudius A. Mayo, Mayo Land Title Co., Inc., Lake Charles, LA)

New Mexico

Western Plains, Inc., Tucumcari, NM

New York

Newport Abstract Co. of New York, Ltd., Clifton Park, NY, (Richard Beaman, Minnesota Title, Albany, NY)
Two Rivers Abstract, Ltd., Poughkeepsie, NY, (Harold S. Schwartz, First American Title Ins. Co. of NY, Garden City, NY)

Tennessee

Allied Title Co., Knoxville, TN, (Robert R. Croley, Tennessee Valley Title Co., Knoxville, TN)
Title Insurance Co. of Chattanooga, Chattanooga, TN, (Pamela Zimmeman, Commonwealth Land Title Ins. Co., Nashville, TN and Robert R. Croley, Tennessee Valley Title Ins. Co., Knoxville, TN)

Texas

Lawyers American Title, Dallas, TX, (George M. Ramsey, Lawyers Title Ins. Corp., Dallas, TX)

Virginia

Olde South Title and Escrow Co., Charlottesville, VA, (Ken Fortney, Stewart Title of Greater Washington, Inc., Vienna, VA)
Stewart Title Company of Virginia, Richmond, VA, (H. David Lasseter, Stewart Title Guaranty Co., Belle Mead, NJ)

Wisconsin

Northern Title & Abstract Corp., Rhineland, WI

ASSOCIATE

California

Anthony Theophilos, Coudert Brother, San Francisco, CA, (Richard J. Geib, Pacific Mutual Life Ins. Co., Newport Beach, CA)

District of Columbia

Bruce S. Lane, Kelley Drye & Warren, Washington, DC, (Paul E. Roberts, Morgan, Lewis & Bockius, New York, NY)

Georgia

Charles J. King, King & Kamensky, Columbus, GA

Louisiana

James R. Conway, III, Lemle & Kelleher, New Orleans, LA

Oklahoma

Juley M. Roffers, esq., Huffman Arrington Kihle Gaberino & Dunn, P.C., Tulsa, OK, (Dale Astle, General Abstract Co., Tulsa, OK)

Texas

Little Data, Inc., Houston, TX, (James A. Johnson, Charter Title Co., Houston, TX)

Washington

Ellen Conedera Dial, Perkins Coie, Seattle, WA

After Two Year Battle Seitz Dies of Cancer



William T. Seitz, ALTA governor and vice chairman and former president of Ticor Title Insurance Company, died May 3, 1990 in Summit, New Jersey. Bill fought a two-year battle with cancer. After major surgery in 1988, his remarkable spirit never allowed him to slow down until the very end.

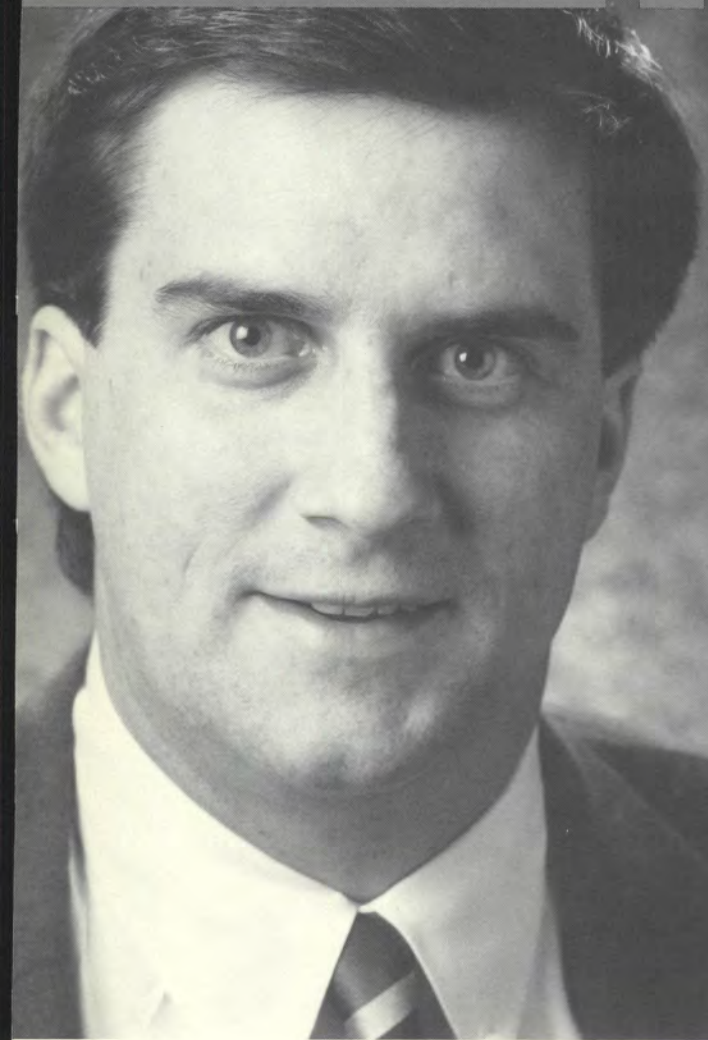
A native of Allentown, Pennsylvania, Seitz was a graduate of Lehigh University with a Bachelor of Science degree in accounting.

He joined Ticor Title in 1973 as senior vice president of Title Guarantee, a forerunner of Ticor Title Guarantee Company. He was appointed presi-

dent of Ticor Title Guarantee in 1976 and president and chief operating officer of Ticor Title Insurance in April 1988. He was manager of administration with Price Waterhouse and Company in New York before joining Ticor Title.

He was also a member of The American Institute of Certified Public Accountants.

Title News wishes to express condolences to Bill's wife, Carolyn, and the entire Seitz family. Bill's presence will be greatly missed among Association members. A memorial service was held on Thursday, May 10, at Faith Lutheran Church, New Providence, N.J. Memorial contributions may be made to The Business School at Lehigh University, Bethlehem, Pennsylvania 18018. The family address is 36 Highland Circle, Berkeley Heights, New Jersey 07922.



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