

TITLE *News* JULY • AUGUST 1991

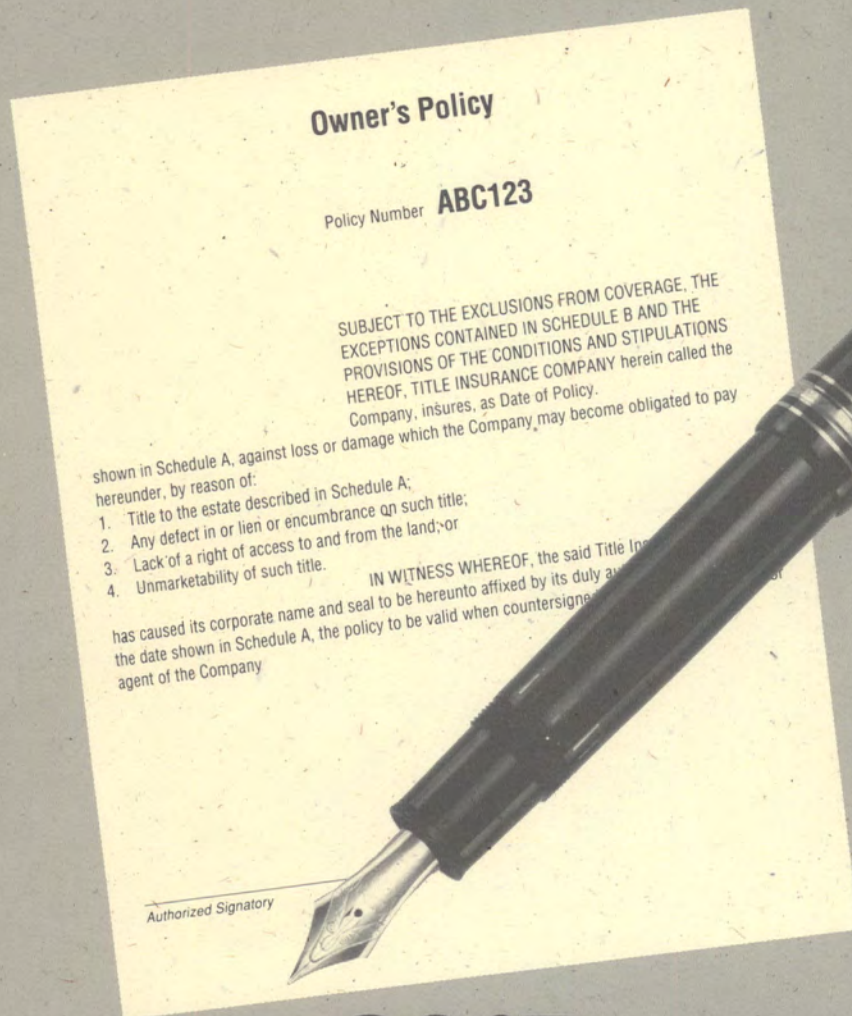
# Boston

1991 ALTA  
ANNUAL  
CONVENTION



R. Henry-May

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**On the Cover:** *The statue of Paul Revere, located in Boston's North End. The historical city of Boston is site for this year's ALTA Annual Convention. See story on page 4. Cover*

**Illustration by Rosemary Henry May.** *Rosemary Henry May is a contributing illustrator to Title News, as well as to a number of other ALTA publications, including this year's convention programs. Ms. May is known internationally for her work in the realm of fine arts. Her work has been featured in a one-woman show in San Paolo, Brazil, and in over 20 collective exhibitions in London, and the Paris Salon. As an illustrator, her work has been commissioned by the Smithsonian, the World Bank, and with numerous other national organization and associations, as well as magazines and books.*

Volume 70, Number 3

Editor: Adina Conn

## FEATURES

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The marching of the Minutemen, the sound of the fife and drum, the blast from the muskets, the whistle of the cannon balls flying through mid-air. Such are the sensory images evoked in one's mind when one thinks of America's most charming and historical city, Boston, Massachusetts. The birthplace of America is also the site of this year's ALTA Annual Convention. Learn the exciting events and activities the ALTA has in store for you—and prepare yourself for an adventure in history!

*By Adina Conn and Leigh Vogelsong*

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## A MESSAGE FROM THE PRESIDENT



**F**our score and . . . Oops! I mean, four years . . . and the score is Texas 4, Red Sox 0. No! What I really mean is four years ago was when I became chairman of the ALTA's Abstracter-Agent Section. It was in 1987, when I began representing the ALTA at affiliated association conventions. Attendance at state and regional affiliate conventions has been the highlight of my term as an officer and ALTA president. The first convention at which I had the pleasure to speak was Sioux Falls, South Dakota. I remember it as though it were yesterday.

Mike Reisetter, then the secretary-treasurer of the South Dakota Land Title Association, was a most impressive individual. I was so impressed with his knowledge and ideas that I recommended to the Nominating Committee that they nominate Mike to the Abstracter-Agent Section Executive Committee (on which he currently serves). Also at the time, Mike Wilds was president of the South Dakota Land Title Association (SDLTA). His wife Vickie was my golf partner in the Association's tournament. We had a great time and a super convention. Today, Vickie is secretary-treasurer of the SDLTA. These are just a few of the many great people I met along my way.

Ironically, my last association convention as an ALTA representative is in North Dakota. This will occur just prior to the ALTA's Convention in Boston.

The score is now Texas 5, Red Sox 0. As you may have realized, I'm writing this message while watching the Texas-Boston baseball game via satellite TV. (Wouldn't it be great to go to a Red Sox game while attending our Annual Convention?)

In the past several years, I have been fortunate to meet some outstanding individuals who are a credit to our industry. I have also seen some beautiful parts of our country. We have a lot going for us in the ALTA that makes us a strong and effective Association. I am very encouraged by the innovative, energetic, intelligent and educated people in our affiliated associations. Especially encouraging is the fact that so many of these outstanding title people are very young. It is indeed promising to see the next generation of those who will stand strong and represent our industry.

But I will remember many challenges, problems, and successes that occurred during my term in office. The consolidation through acquisition of the larger underwriters, has drastically affected ALTA dues income. This year, your ALTA Governors and staff have devoted a great deal of time and energy tackling this difficult issue. We have reduced our budget for this year, and have made additional cuts for the following year. With careful planning, however, the ALTA will continue to offer you the same high standard of services on which you have come to rely.

We can take pride in our successes in the legislative and regulatory arenas—on the national as well as state levels. We have hired a very impressive professional on the ALTA staff, Ann vom Elgen, to direct our government affairs. She is both well-known and respected on Capitol Hill, and has already provided us with energetic and insightful guidance on our many political problems. We have experienced recent successes in dealing with Bank entry into the title insurance business, controlled business problems, work with government agencies such as HUD, the IRS, and the RTC. We can be proud of TIAC's growth, the Land Title Institute's progress, our customer and educational seminars, and our outstanding and constantly improving **Title News**. We can be even more proud of the entire staff at the ALTA. All the success and progress achieved is due to our able, loyal, effective, and dedicated staff. (More of this in my report to be delivered at the Annual Convention in Boston.)

My wife, Ann, and I look forward to welcoming you to the beautiful and historic city of Boston. We have an excellent program that will entertain, educate and excite you. Come and enjoy it with us!

(As a final note, the game ended; Texas 7, Boston Red Sox 2!)

Bill Thurman

# Recapture the Spirit

by Adina Conn, *Title News* editor  
and  
Leigh Vogelsong, ALTA director of meetings and conferences

**A**LTA's 85th Annual Convention will be held in historic Boston, Massachusetts, under the timely theme, "Recapture the Spirit." As the title industry emerges from the recession and faces challenges ranging from the government arena to automation technology, a meeting focused on new methods and ideas is especially appropriate in this birthplace of "Yankee ingenuity." A lively program of informative presentations, social events and leisure activities has been planned for this Convention, which takes place September 25-28 at the Westin Copley Place.

## Affiliated Officer-Executive Seminar

Before the Convention educational agenda moves into full swing later in the week, ALTA will present its highly regarded Affiliated Title Association Officer-Executive Seminar on Tuesday afternoon. Following a complimentary buffet lunch for seminar participants, the program will feature two encore presentations brought back from previous years by popular demand. *John C. Christie, Jr.*, managing partner, Bell, Boyd & Lloyd, Washington, D.C., will bring regional and state affiliate leaders up to date on developments in antitrust law that are of interest to association management. Then, the seminar will offer its concurrent round table discussions by size of association—where officers and executives share their common problems and experiences with one another.

## Opening Ice-Breaker Reception

The official Convention opening, the *Ice-Breaker Reception* on Wednesday, September 25 from 6:30-8:00 p.m., will provide attendees with a fascinating overview of "The Neighborhoods of Boston." This Ice-Breaker setting will recreate the best of the city, from the waterfront area where the historic Boston Tea Party took place to the Old North Church, made famous by Paul Revere's ride. Specialties from the Italian North End, Chinatown, and Faneuil Hall Marketplace will provide a sampling of Boston's rich culinary heritage. Vendor automation exhibits will be open during the reception and will be located in the same room.

Just prior to the Ice-Breaker, a mixer for new ALTA members and first-time Convention attendees will take place from 5:30-6:30 p.m.

## Exhibits

Exhibits at this year's Convention will feature the latest in products and systems for the title industry. Exhibits will be open to registered attendees during the Ice-Breaker Reception on Wednesday, September 25, starting at 6:30 p.m., and will continue on Thursday and Friday from 8:00 a.m.-2:00 p.m., and on Saturday from 8:00 a.m. until 12:00 noon. Complimentary beverages will be provided in the Exhibit Hall.

## General Sessions

Thursday's General Session features *Leo McManus*, president of L.F. McManus Company, Inc., a national management research and develop-



The State House



Rosemary Henry-May

ment organization specializing in programs and behavioral science for management. McManus will address the topic of "Dealing with Difficult People." Mr. McManus has 25 years of experience consulting with major corporations, teaching managers how personality impacts on the way a person deals with others in an organization. By the end of this session, participants will be able to identify their own personality style by completing a written test, and will learn ways to deal more effectively with others. Spouses will find this program enjoyable as well; one of the side benefits is that participants can become more aware of how others see them and how to recognize the behavioral characteristics of others (including spouses). A more in-depth session will be offered in the afternoon that same day. (Since the ALTA needs an estimate on how many handout booklets to order for the afternoon session, please indicate your interest on the registration form.) Also on Thursday, Angelo R. Mozilo, president-elect of the Mortgage Bankers Association of America, will speak about current mortgage finance and housing issues.

On Saturday, September 28, the second General Session begins with a panel discussion of "Dialogue on the Issues: Building an Improved Working Relationship Between County Clerks/Recorders and Title Professionals." This timely discussion will cover such topics as access to public records, security concerns, automation, contract sale of public record information, problems with delays in recording, and responsibility for accuracy. Invited panelists include: two county recorders—one currently using an optical disk public records scanning system, an abstract company executive with direct experience in clerk/recorder relationships, and a title underwriter.

Following the panel discussion, a nationally known specialist on economic development and public policy, Pat Choate, will speak. Choate, a former TRW vice president and chief economic analyst, has studied American competitiveness, the workforce, and declining education levels in the U.S. Whether the issue is trade, infrastructure, high technology, training or competitiveness, Choate is likely to be involved in discussion and to be advancing a remedy for whatever needs fixing! His presentations are masterful, comprehensive, and to the point. A "one-man think tank," Choate is an idea man—the kind of big-picture thinker who spends a great deal of time discerning what ought to be done in the American economy. **Newsweek** named him the "intellectual godfather of the competitive issue." He has authored several books including **Agents of Influence, Being Number One, The High Flex Society and American in Ruins**. According to Choate, America taught the rest of the world about competing with products that are better and are competitively priced. As the U.S. has slipped, he notes, other countries are quickly learning what their customers want, and they are surpassing the U.S. Choate also has much to say about the American workforce, and what declining educational levels mean to the U.S. economy, particularly to the financial services industry.

### ALTA Educational Sessions

A full day of educational sessions starting at 9:00 a.m. will be offered on Friday, September 27. "Staying in Shape: Working Up Your Workout" is scheduled first. This session presents a case study of a hypothetical situation involving a commercial loan. Panelists will represent each of the various parties—mortgage lender; Resolution Trust Corporation/Federal Deposit Insurance Corporation as second lienholder; title insurer; borrower; and tenant—with each presenting an individual view. The lender and life counsel will present this program.

Next is "Rightsizing Your Company—Staffing for the Real Estate Cycle." Recent layoffs or cutbacks have caused a greater focus on staffing needs of title companies this year. Attention now turns toward staffing for a recovery. What are some guidelines to follow when increasing or cutting back on the size of staff? This session will cover guidelines targeted for the title industry by a panel of agents and underwriters with relevant experience.

A *Round Table Discussion Luncheon* will follow these two sessions. Presenters from the morning sessions will be available during lunch to continue in-depth discussions and answer your questions. Tickets are required for this function. Please register in advance by selecting the appropriate event on the registration form.

At 1:00 p.m., "How to Benefit from an Agency Audit" will be presented. Agency representatives, internal auditors and agents will discuss the preparation and rationale for, and conduct of, policy underwriting and

escrow audits. Key to the presentation will be how the agent and underwriter can improve their working relationship and profitability by using the audit findings to increase efficiency and internal control. There will be emphasis for agents on how to establish guidelines to discourage employee errors and thefts. This session will be presented in conjunction with ALTA's Committee on Internal Auditing.

"On the Front Line—The Title Agent and Claims Administration" is scheduled from 2:30 p.m.-3:45 p.m. Sponsored by the Claims Administration Committee, this session will examine the agent's role in claims administration. What are the first steps to take when a claim is received? How do you pursue a claim filed by a preferred customer; how do you keep your underwriter up to date on the case? What can the agent do to prevent bad faith claims? Case studies and plenty of time for in-depth discussion by key claims administrators will be included.

Educational fare offered on Friday morning includes a Mini-Seminar featuring a dramatization of electronic data interchange ordering of title services by a lender customer (7:00-8:15 a.m., on Saturday, a round table discussion of electronic data interchange applications will be held, and a complimentary continental breakfast will be included.

### ACSM Activities

Among the dignitaries scheduled to attend the Convention are Gunther Greulich and Robert Foster, president and president-elect, respectively, American Congress on Surveying and Mapping. They will attend a meeting of the ALTA Liaison Committee with ACSM, where the principal topic will be proposed revisions in the joint Minimum Standard Detail Requirements for Land Title surveys of the two organizations, which are being developed in response to land surveyor problems. Larry Hindman will represent the lender counsel group at the ALTA-ACSM meeting.

### Spouse/Guest Brunch

The site of this Convention's Spouse/Guest Brunch is Quincy Market/Faneuil Hall Marketplace. Spouses and guests will enjoy a brunch in the Great Hall of Faneuil Hall Marketplace on Friday morning, September 27. *Mary Lawlor*, associate editor of Boston's **Where** Magazine and one of the nation's foremost fashion writers, will present a cornucopia of fashion ideas and trends. While the event is complimentary to those spouses or guests attending the Convention, advance registration is required.

### Tours

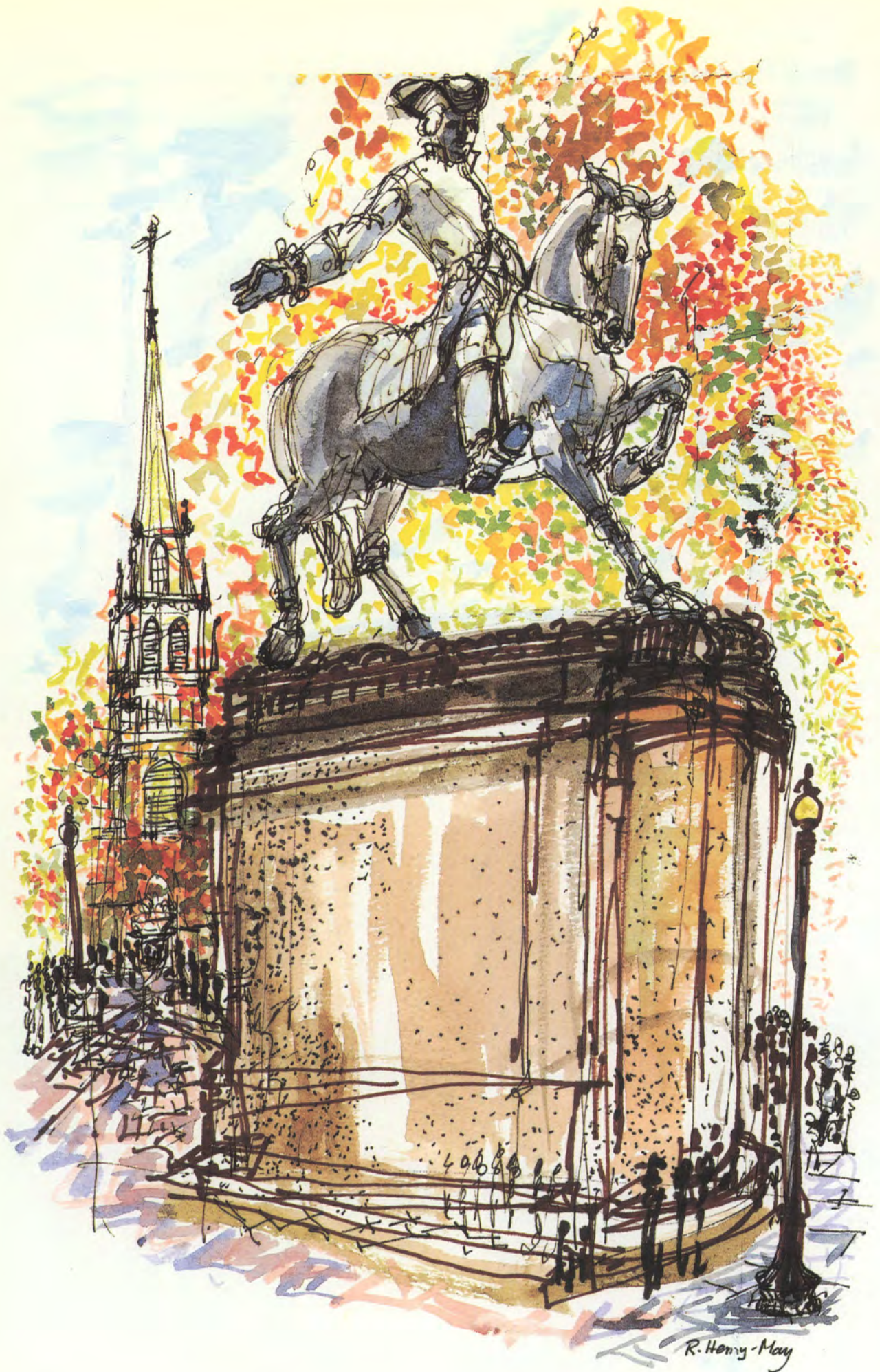
A day trip to *Plymouth and Cape Cod* will take place on Wednesday, September 25. It begins with a visit to Plymouth to see where the first colony was established in 1620; attendees will have the opportunity to view the famous Plymouth Rock and the Mayflower II, an exact replica of the original vessel. Then, it's on to Cape Cod, the area's most famous ocean resort, for a driving tour of the area and a stop at the Kennedy Museum. A boat cruise around Lewis Bay will afford an unusual view of the area and of the Kennedy compound. Lunch at the Dan'l Webster Inn also is included.

On Wednesday and Thursday afternoons, an *Introduction to Boston* is offered. Boston's most famous and historic sights will be seen—including Back Bay, Beacon Hill, the Public Garden, Old North Church, the U.S.S. Constitution, and Faneuil Hall.

*Cambridge, Lexington and Concord* will be visited on Thursday and Saturday afternoons. On Cambridge's noted Brattle Street (known previously in revolutionary days as "Tory Row"), you'll see beautiful Federal and Georgian homes. A leisurely drive along the noted Charles River will give attendees the opportunity to see the famous historic campuses of Harvard and M.I.T. Then, it's on to Lexington and Concord. The "shot heard 'round the world" was fired in Concord, and Lexington Green is the site where Captain John Parker of the Colonial Militia said, "Don't fire unless fired on. But if they mean to have a war let it begin here." You'll also pass the homes of famous American writers Louisa May Alcott, Nathaniel Hawthorne, and Ralph Waldo Emerson.

One of the most elegant, behind-the-scenes areas in Boston will be visited on Friday's *South End Home Tour*. Men returning from the Civil War settled in this area, where graceful rows of red brick, bow front town houses were built. Restored, 1860s private homes in this area (reminiscent of London's quaint and charming squares), will be opened especially for





R. Henry May

attendees to see.

A tour of the *John F. Kennedy Library* will be offered on Saturday afternoon. The exhibit begins with a 25-minute film, and continues with educational exhibits depicting Kennedy's family and the events in his life, both personal and political. One of the more interesting exhibits traces JFK's heritage in Ireland and Boston, then describes his youth, education and experiences in World War II. Occupying approximately 18,000 square feet, the exhibit contains more than 500 photographs, many of which are unpublished and collected from personal albums. There are over 1,000 objects and graphics documenting the exhibit themes.

### TIPAC Luncheon

This year's TIPAC Luncheon on Saturday, September 28 features *Fred Barnes*, senior editor and the conservative voice of *The New Republic* and a nationally known political commentator. Along with his regular column on the presidency, *White House Watch*, he appears often on television as a panelist on *The McLaughlin Group* and *Crossfire*, and is known for his humor and sharply worded exchanges with other panelists. (The TIPAC Luncheon is a ticketed event; please see the registration form for details.)

### Annual Banquet

Ending the convention will be "Boston Under the Stars," the theme for this year's 1991 Annual Banquet to be held on Saturday evening. A special night out in Boston will be recreated, with dream dancing under a twinkling star-filled sky. Preceding the banquet will be a cocktail reception.

### Hotel and Airline Reservation Details

Again, the hotel where all Convention meetings and events will take place is the Westin Copley Place, conveniently located in the elegant Back Bay area of Boston, near shopping, restaurants, galleries and entertainment. Symphony Hall (home of the Boston Pops), the Boston Public Gardens, Boston Common, and the elegant shops of Newbury Street are all in the immediate vicinity. The Westin is located just 15 minutes from Logan International Airport and is directly accessible from Exit 22 of the Massachusetts Turnpike.

ALTA room rates at the Westin are \$150 single, \$170 double. You can make your reservation either by reservation envelope or by calling Westin

reservations at 1-800-228-3000. When you call, be sure to mention that you are attending the ALTA Convention so that you receive the special discounted room rates. Room reservation cards, Convention registration forms and airline details are included in the registration mailing sent to all ALTA members.

Delta Air Lines, Inc., in cooperation with ALTA, is offering special airline discounts for convention registrants. These fares are based on Delta's published round-trip fares within the United States and San Juan. Discounts available are 5% off any published fare (certain restrictions apply) or 45% off the unrestricted coach fare. Seven days advance reservation and ticketing are required. If you normally use the services of a travel agent, ask your agent to call Delta to reserve the flight and obtain the discounted fare. To make your reservations, call the Delta Air Lines Convention Desk at 1-800-241-6760. Refer to ALTA file number: N 0489 Call TODAY for the best fares!

For additional convention or exhibitor information, call the ALTA office at 1-800-787-ALTA.

## The Freedom Trail: A Walk Back In History

Muskets are firing. Cannon balls are whistling down. Infantry men are marching in step to the beating bass drum. Explosions are heard every 30 seconds. The commander points as he yells at his men, "You two, over there. And you, around there. FIRE!" A faint fife and drum are heard in the distance. The American flag waves high.

These sounds are recreations of the drills on the Boston Common; patriots delivering inspiring speeches in Faneuil Hall and the Old South Meeting House; colonials rebelling, initiating the Boston Tea Party and the Boston Massacre. All these symbolize the birth of America, as well as the early history of one of the most charming and historical cities in America . . . Boston.

The Freedom Trail was conceived in 1950. William G. Schofield, chief editorial writer for the *Boston Herald Traveler*, realized that the greatest number of sites sacred to the beginnings of our nation were located in Boston, and were all within easy walking distance of one another. With Schofield's skillful prodding the city posted signs which indicated the road



The Granary Burying Ground

to the historic sites. At the same time, Schofield wrote several editorials promoting this idea of The Freedom Trail.

There was very little follow-up on this new attraction until 1955, when the Advertising Club began to raise funds to produce brochures. The Club received help from the city in adding new signs and cleaning the streets along the Trail.

In 1956, the Advertising Club began to promote the Trail internationally, and in 1958, the Freedom Trail Foundation was formed to get all 16 sites to cooperate and work together to raise additional funds and produce more literature. Previously, each site had its own organization and its own idea of how to present itself to the public. The Freedom Trail has now brought all of these 16 sites together. A red line marked on the sidewalk (first painted in the 1960's) directs you from site to site.

The Freedom Trail takes two to three hours to walk, and it is an enjoyable and educational historical walk through the charming city of Boston. To walk the Trail is to imagine the colonial orators and their eloquent speeches; to hear the muskets and the explosions and the loudening sounds of the fife and drum; to picture John Hancock, Benjamin Franklin, Samuel Adams, Paul Revere and the other leaders of revolutionary America. To follow the red brick line of The Freedom Trail is to relive the beginnings of Boston and of our nation.

The starting point of The Freedom Trail, appropriately, is the *Boston Common* at the Visitor Information Center. The park itself is the oldest public park in the United States. The Common has been Boston's foremost landmark since 1634, when the founders of the community, John Winthrop and his Boston neighbors, each contributed pounds, shillings and pence so that Bostonians would forever enjoy its 48 acres. The land was purchased from Reverend William Blackstone, Boston's first settler.

The Common was to be used as "a traying field . . . and for the feeding of cattell." Over the centuries, it has been used for military purposes. During our nation's wars, it has been the scene of recruiting, drills and ceremony. The Common was the embarkation point of the British during the revolutionary battle of Bunker Hill. But the park's history has been different with cattle! Cows continued to munch on the park even after Boston became a city. Josiah Quincy, one of Boston's greatest mayors, discovered in 1823 that one man was keeping 13 cows and selling milk. The limit was one cow. Mayor Quincy ordered that cows from then on carry their owner's name. Strays were put in a pound at the corner of Boylston and Charles Streets. But city growth and pasturage became so incompatible that Quincy's successor, Harrison Gray Otis, put the Common out-of-bounds to cattle in 1830, especially to prevent accidents and annoyance to women pedestrians!

The Boston Common has also been a great place for special celebrations. Boston has used the Common to welcome many distinguished visitors with fireworks, festivities and parades, ever since George Washington, then newly-elected President of the United States, came to Boston in 1789 to the scene of his first military victory. In 1837, when Queen Victoria ascended the British throne, there was a spectacular show by Indians with color war paint and feather headdresses, doing dances before a crowd of thousands. Annually, the Fourth of July provided an even greater justification for a country-fair atmosphere: booths, merry-go-rounds, and 15-20,000 people having a grand time.

Today on the Common there are street musicians, political protests, outdoor lunches and art-in-the-park exhibits. Major outdoor events such as the first Papal Mass and the 100th Birthday of the Boston Symphony Orchestra took place on the west side of the Common, facing the Public Garden.

Across the Common is the 'new' *State House*. The Old State House, built in 1714 and still standing, was 81 years old when the present structure was built. The central position of the beautiful new State House was designed by the famous 18th century architect, Charles Bulfinch. The structure was built on land that belonged to the John Hancock family. Samuel Adams laid the cornerstone. The golden dome has become one of the city's chief landmarks. The dome, covered with 24-carat gold-leaf, was painted dull grey during World War II to hide it from possible enemy bombers. The State House archives contain many original documents including the Charter of the Massachusetts Bay Colony, The Massachusetts Constitution of 1780, the muster roles of the Minutemen, Bradford's history of Plimoth Plantation, and a request by Captain Kidd's wife to visit him in jail before

he was sent to England and hanged for piracy in 1701.

Above the door of the House Chamber, is a wooden-carved "Sacred Cod," proving the importance of that fish to early settlers. And also inside one of the most beautiful rooms in the United States is the "Hall of Flags," displaying battle flags (some with bullet holes) of Massachusetts regiments which fought from Gettysburg to Normandy.

The *Granary Burying Ground* is the site of the tombs of Crispus Attucks and the other four victims of the Boston Massacre, as well as Paul Revere, Samuel Adams, the parents of Benjamin Franklin, and "Mother Goose," among others. Down the street from the historical burial ground is the *Park Street Church* (1809). Gunpowder was stored there during the War of 1812 and the intersection is still called "Brimstone Corner." William Lloyd Garrison gave his first anti-slavery address here in 1829.

The list of beautiful old churches in the country includes *King's Chapel*, completed in 1754 as the first Anglican church in Boston, and after the revolution, the first Unitarian church in America. Next to King's Chapel is the church's burying ground, which from 1630-1660 was the city's only burial place. William Dawes, who rode with Paul Revere, Governor John Winthrop, and many other colonial notables are buried here, but very few of the names on the stones are legible. King's Chapel was favored by British royalty and its communion plate, donated by George III is still in use. Queen Anne contributed the red plush cushions. The inside of the Chapel is considered one of the finest church interiors in existence.

Another church along the Trail is the *Old South Meeting House*, which was built in 1729 as a Congregational Church. Members of the Meeting House included patriots James Otis, Thomas Cushing, and Thomas Dawes. Another member of Old South was Phyllis Wheatley, America's first published black woman poet. The Meeting House was used to discuss the 1773 tea tax, after which the consensus was to throw the Boston Tea Party. The colonials, dressed as Indians, proceeded from the Old South Meeting House to "throw the Party."

An eight-foot bronze Benjamin Franklin, Boston's first portrait statue, the work of Richard S. Greenough in 1856, is on the *site of the country's first public school house*, built in 1645. Many distinguished Bostonians were educated at the Boston Latin School, among them leaders of the revolutionary period, Samuel Adams, John Hancock, James Bowdoin, and Josiah Quincy, Jr. In 1812, Charles Bulfinch, also a graduate of the Latin School, replaced the 1748 Latin School with a still larger schoolhouse.

The seat of government in colonial days was the *Old State House*. It is a beautiful structure, with a blue and gold sundial on the wall, and decorated with the symbols of the British monarchy, the lion and the unicorn, which were torn down by angry Bostonians but replaced when tempers cooled. Today, the interior contains ship models and maritime records.

The *Boston Massacre site* is marked by a circle in white stones in front of the Old State House. The Massacre was started when an unruly crowd of 150 persons arrived with clubs, pieces of ice and stones, and surrounded Private Hugh White of the 29th Worcester regiment. White called for help. Nine redcoats came to his aid and the mob began to attack with clubs. One soldier panicked and fired. When it was over, five members of the crowd had been killed, including Crispus Attucks, the first black man to die in the Revolution.

*Faneuil Hall* was built in 1742 by Peter Faneuil, and it was enlarged in 1806. The lower floor has always been a market. The second floor was used as a meeting hall, where protests against the British were abundant. The third level is the Ancient and Honorable Artillery Company Museum. Today, Faneuil Hall is part of the new Waterfront Marketplace, comprised of three 500-foot long buildings. The central copper-domed *Quincy Market* is the hub of activity with its glass-canopied delicatessen and sidewalk cafes—a veritable feast for gormands and gourmets alike! The second building, the South Market, runs parallel to Quincy Market and is home to many fine restaurants and specialty stores. Shoppers will delight in the North Market, Faneuil Hall's third building, which houses a separate group of small unique specialty stores, retail shops, restaurants, and The Gallery. Faneuil Hall Marketplace's cobblestone walks, bright banners, clowns, events and entertainment are so attractive that more than 15 million people visit the site each year.

*Paul Revere's House* at 19 North Square is the only surviving 17th century structure left in Boston proper, and it is the oldest building in the city. The house was built between 1676 and 1680. Revere purchased the



American  
Land Title  
Association  
Boston, Massachusetts  
September 25-28, 1991

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# ALTA CONVENTION CALENDAR

## *Tuesday, September 24*

8:00 a.m.-4:00 p.m.	Convention Registration
9:00 a.m.-5:00 p.m.	Title Insurance Forms Committee Meeting
12:00 noon-5:00 p.m.	Affiliated Association Officer-Executive Luncheon & Seminar
2:30 p.m.-5:00 p.m.	Government Affairs Committee Meeting

## *Wednesday, September 25*

7:00 a.m.-9:00 a.m.	Membership and Organization Committee Meeting
8:00 a.m.-7:00 p.m.	Convention Registration
8:30 a.m.-4:30 p.m.	Plymouth and Cape Cod (Optional Tour)
9:00 a.m.-10:30 a.m.	Abstracter-Agent Section Executive Committee Meeting
9:00 a.m.-10:30 a.m.	Underwriter Section Executive Committee Meeting
9:00 a.m.-5:00 p.m.	Title Insurance Forms Committee Meeting
9:00 a.m.-5:00 p.m.	Lender and Life Counsel Meeting
11:30 a.m.-1:30 p.m.	Past Presidents Luncheon
1:00 p.m.-4:00 p.m.	Introduction to Boston (Optional Tour)
1:30 p.m.-5:00 p.m.	Board of Governors Meeting
5:30 p.m.-6:30 p.m.	First Time Convention Attendee Mixer
6:30 p.m.-8:00 p.m.	Ice-Breaker Reception/Exhibits Open

## *Thursday, September 26*

7:30 a.m.-8:15 a.m.	New Member and Recruiter Breakfast
7:30 a.m.-2:00 p.m.	Convention Registration
8:00 a.m.-2:00 p.m.	AUTOMATION SYMBIOSIS VIII Exhibits Open
8:30 a.m.-11:30 a.m.	General Session
11:35 a.m.-12:00 noon	Section Meetings for Nomination and Election of Officers
1:00 p.m.-5:00 p.m.	Cambridge/Lexington/Concord (Optional Tour)
1:15 p.m.-4:15 p.m.	Introduction to Boston (Optional Tour)
2:00 p.m.-4:00 p.m.	Special Workshop-- "Dealing with Difficult People"

## *Friday, September 27*

7:00 a.m.-8:15 a.m.	Electronic Data Interchange Mini-Seminar
8:00 a.m.-2:00 p.m.	Convention Registration
8:00 a.m.-2:00 p.m.	AUTOMATION SYMBIOSIS VIII Exhibits Open
9:30 a.m.-12:00 p.m.	Spouse/Guest Brunch
9:00 a.m.-3:45 p.m.	ALTA Educational Sessions
12:00 noon-1:00 p.m.	Round Table Discussion Luncheon
1:30 p.m.-4:00 p.m.	South End Houses (Optional Tour)
2:00 p.m.	Cut-off for Banquet Coupon Exchange

## *Saturday, September 28*

7:00 a.m.-8:15 a.m.	Electronic Data Interchange Round Table Discussions
8:00 a.m.-12:00 noon	AUTOMATION SYMBIOSIS VIII Exhibits Open
8:00 a.m.-12:00 noon	Convention Registration
8:30 a.m.-11:25 a.m.	General Session
11:30 a.m.-12:00 noon	Executive Session
12:15 p.m.-2:00 p.m.	TIPAC Luncheon
1:00 p.m.-5:00 p.m.	Cambridge/Lexington/Concord (Optional Tour)
1:30 p.m.-4:30 p.m.	John F. Kennedy Library (Optional Tour)
2:15 p.m.-4:00 p.m.	1991-92 Board of Governors Meeting
6:15 p.m.-7:00 p.m.	Pre-Banquet Reception
7:00 p.m.-11:00 p.m.	Annual Banquet

house in 1770, a few weeks before the Boston Massacre. He brought his first wife and five (one had already died) of his eventual sixteen children. Except for the period when the patriot army was besieging Boston, the Reverses lived here until 1780, then rented the place to others while they stayed with relatives in the economically grim final years of the war. They owned the house until 1800.

Not far from Paul Revere's house, there is the oldest standing church still in use today, the famous *Old North Church*. Built in 1723, it is the church from which lanterns were hung signaling Paul Revere that the British were on their way by sea.

During the Revolution, the British set up cannons to fire on Charlestown from *Copps Hill Burial Ground*. Edmund Hartt, who built the *U.S.S. Constitution*, is buried here. The ship, also known as "Old Ironsides," is visible from the hill. It is the oldest commissioned ship in the U.S. Navy. It was launched in 1797, with its fittings made by Paul Revere. During the war with Tripoli and the War of 1812, it took part in 44 naval battles without a defeat. Every year the ship is towed to sea, turned around, and reberthed so it won't warp from the sun on only one side.

The final stop along the 2½ mile Freedom Trail walk is the *Bunker Hill Monument*, which commemorates what was probably the bloodiest battle during the Revolution. The British ascended Bunker Hill three times. In the first attack, the colonials fired 30,000 musket balls in ten minutes, wounding or killing 450 men. Every officer and sergeant in the British 35th Light Infantry was killed or wounded, while the 10th Grenadiers lost all their officers. When the colonials were driven off the hill because they ran out of ammunition, the British had lost 1,054 men including 92 of their officers. The Americans lost 476 men. The battle was 90 minutes long.

## Greater Boston's Museums & Galleries

New Englanders need not venture to New York to visit some of the finest museums and galleries in the nation. Boston is home to some 33 museums and numerous small galleries, which offer unique collections and culture.

### Back Bay Museums

Boston's devotion to tradition and desire for the new and innovative, combine at the *Museum of Fine Arts*. Host to internationally-traveled exhibits, including Renoir and Andrew Wyeth, the Museum of Fine Arts stands out as the second most comprehensive fine arts museum in the United States. The museum holds an impressive treasure of French impressionists; the largest Asiatic collection to be assembled under one roof; and a collection of classical, European and American Decorative arts. It contains the largest Egyptian art collection outside of Cairo. The museum's newer Evans Wing, houses more than 700 American and European paintings in its permanent collection, in 26 galleries.

The *International Headquarters of the First Church of Christ, Scientist*, a strikingly beautiful and impressive building in Boston's Back Bay area, houses a "Mapparium," a thirty-foot glass globe which gives the visitor the unique experience of walking through the world on a glass bridge. Tours of the Christian Science Center are available, and include the publishing house where the **Christian Science Monitor** and other periodicals are published. The tour also includes the library, newsroom, and magazine printing presses. Historical and architectural tours are also available highlighting the church's breathtaking architecture, designed by the acclaimed architect I.M. Pei, and the 670-foot reflecting pool where summer weather allows the public to enjoy the fountain's sprays.

Located just blocks from the First Church of Christ is the *Institute of Contemporary Art*, which houses a comprehensive sampling of the latest developments in the visual arts. Exhibits at the Institute of Contemporary Art include all disciplines of fine arts from painting and sculpture to video and photography. It offers the only day-long video program where one can view the most recent technologies in video art.

Boston's version of New York's Fifth Avenue is *Newbury Street*, where one finds the finest galleries, boutiques, salons, and furriers in the city. Newbury Street's galleries provide a sample of 16th to early 20th century watercolors, as well as American and European impressionists, fine art, decorative arts, sculpture and drawings. The *Morgan Gallery* offers the complete Marilyn Monroe series, created in the 1960s by the legendary

artist Andy Warhol.

Indulge the eye and the senses amidst a range of beautiful impressionist paintings at Boston's best-kept "gem" of a museum, the *Isabella Stewart Gardner Museum*. The museum, built in 1900-1903 in the style of a 15th century Italian palace, houses Mrs. Gardner's extensive art collection. Visitors will delight as they stroll the exterior flowering courtyard and outdoor gardens of the museum, while viewing Renoir masterpieces.

For other impressionist paintings, the visitor may go to the *Judy Rotenberg Gallery*. For the arts and crafts enthusiast, a stop at the *Society of Arts and Crafts* is in order, to see the oldest non-profit craft outlet in America. Nineteenth and 20th century American realists and impressionists are featured at the *Arvist Galleries*. Nineteenth century British sporting and historical New England prints are displayed at the *Haley and Steele Gallery*. Many of the galleries highlight local Boston and New England artists.

### Waterfront Museums

For a different cultural experience, leave Back Bay for downtown Boston's Museum Wharf on the waterfront. The *Computer Museum* (opened in late 1984) is Boston's newest museum. The renovated warehouse is designed to guide the visitor from the beginnings of the modern computer age, to present and future computers. Also featured are antique computers and dozens of hands-on exhibits which explore current technologies. Specially designed "user-friendly" computer hardware will put the reluctant computer user at ease. Staff throughout the museum assist in pointing out interesting features guiding the curious and the expert to further understanding.

Adjacent to the *Computer Museum* is the *Boston Children's Museum*. World famous hands-on exhibits provide learning and fun for the whole family. Everyone participates in the exhibits, pushing buttons, gliding down slides and floating toy boats. Many exhibits emphasize cross-cultural awareness, such as an authentic Japanese house and Native American Indian exhibits.

Relive history aboard the *Beaver II* at the *Boston Tea Party Ship and Museum*. Here, one can toss tea overboard as a recreation of the boycott of the 18th century British tea tax, and also engage in discussions with colonial costumed guides.

Also along Boston's waterfront is the *New England Aquarium*, one of the world's most fascinating displays of marine life and the largest aquarium in New England. Aquatic life is grouped by color, shape, or origin to assist the visitor in better enjoying the exhibits. The Mediterranean fish tank, for example, includes a sunken Greek statue, and the Charles River Basin tank has pieces of river bottom for added realism. Walk beneath the long skeleton of a white whale suspended from the ceiling, and the visitor will pass by the home of "Edison," the eel whose electric output is magnified into audible blips. Most fascinating is the cylindrical giant ocean tank which rises five stories from the building's center. A ramp encircles the tank containing a recreated Caribbean coral reef complete with colorful corals, sea fans, hundreds of tropical fish, a sawfish named "Buzz," and sharks.

### Also In Boston

Overlooking the Charles River between Boston and Cambridge is the *Museum of Science*, a world-renowned educational institution with more than 400 interactive participatory exhibits featuring live animals and physical science demonstrations. The permanent exhibits include the Theatre of Electricity, the Planetarium, a computer center, "The Human Body," dinosaurs, space ships and robots. The newest and most exciting feature at the Museum of Science is the Muger Omni Theatre. The Omnimax Theatre is a state-of-the-art global theatre, housing the world's largest movie projection system. The all-encompassing Omnimax film experience is one not to miss. See the earth from the heights of outer space to the brink of a volcano. The theatre is the first of its kind in New England, and one of only a handful in the world.

Crossing the Charles River into Charlestown's waterfront, visit the historic *U.S.S. Constitution*, one of The Freedom Trail attractions. Nicknamed "Old Ironsides" because of her oak construction, the heavy frigate is now restored and berthed at the Charlestown Navy Yard. Undeafed in a succession of major encounters with the British fleet in the War of 1812,

the ship (launched in Boston in 1797) is now preserved as a symbolic monument of its historic past. The Constitution is the oldest commissioned warship afloat in the world. The *U.S.S. Constitution Museum* is adjacent to the ship.

Located a few minutes south of downtown Boston on Dorchester Bay is the *John F. Kennedy Library*. The museum, another I.M. Pei design, encompasses the enthusiasm and love for the American system of politics and government as only President Kennedy projected. Exhibits are arranged to help visitors better understand the nation's recent history and problems faced by elected leaders. Throughout the museum an illustrated time line helps visitors to place the Kennedy story into the broader perspective of the world and history.

### North of Boston

Trips north of the city will give the visitor a chance to explore unique museums with a historic focus. North of Boston is the *Salem Witch Museum*, one of the most popular sites in New England. The museum contains a multi-sensory and most interesting presentation, which recreates the witch hysteria of 1692 (as depicted in playwright Arthur Miller's work, **The Crucible**).

Authentic period houses of the 17th, 18th and 19th centuries and a major reference library can be found at the *Essex Institute Museum Neighborhood*. Across the street is the *Peabody Museum* which dates back to the founding of the prestigious East India Marine Society in 1799. It is the oldest continuously operating museum in America. The Society serves as a permanent home for artifacts, curiosities, and navigational information gathered by members from their voyages around the world.

Along Salem's waterfront (once a foremost American seaport), one finds the *Salem Maritime Museum National Historic Site*. This nine-acre national historic site was established in 1938. Its focal point is Derby Wharf, built in the 1760s by Richard Derby. During the Revolution it was the busiest wharf in the colonies.

Continue east on the Salem Trail for several blocks to the *House of the Seven Gables*, made famous by Nathaniel Hawthorne's 19th century novel. Visitors to the house will delight in circling around it, finding all seven of the home's lovely gables. Today, with its secret staircase and fine collection of 19th century furnishings, it is one of the nation's top historic attractions.

### West of Boston

West of Boston is the *Concord Museum*, which dates to the 17th century when the city of Concord was founded. A guided tour of the 15 rooms, arranged in sequence from 1680 to 1860, vividly depicts the growth and evolution of Concord. Collections of Concord decorative arts and domestic artifacts include: Paul Revere's lantern, Henry David Thoreau's belongings, and Ralph Waldo Emerson's study.

An hour and a half west of Boston is *Old Sturbridge Village*. The village is a "living historical museum" that recreates a New England town in the 1830s. The museum covers more than 200 acres with more than 40 restored buildings where people in historical dress demonstrate the life, work, and community celebrations of early 19th century New Englanders.

### Shopping in Boston

**B**oston is the land of the bean, the cod and . . . the bargain! Whether in search of leather goods, shoes, designer clothes, bedding or furniture, Greater Boston beckons the savvy and adventurous shopper with off-price items galore.

Since the early 1900s, the Boston area has been home to factories churning out a wide range of goods: shops in Chinatown, textiles in Lawrence, shoes in Lynn, watches in Waltham, etc. Even as the region's economy shifted from manufacturing to service, Greater Boston remained a mecca for top-quality merchandise at wholesale prices, via factory outlets and stores selling directly to the customer.

Today, during a swift sojourn through the city, shoppers can satisfy everyone's appetites at many conveniently located spots. Probably one of Boston's most famous establishments for residents and visitors alike, is the noted *Filene's Basement*. Located at Boston's Downtown Crossing shopping district (two blocks from the Commons at Park Street), this store's attraction is its unique markdown policy (25% after 12 selling days, 50%



after 18 selling days, 75% after 24 selling days). The inventory includes surplus, overstocked or slightly damaged apparel, shoes, cosmetics, accessories and giftware. The merchandise (with original labels still attached) runs the gamut from Sears to Saks Fifth Avenue and provides something for every budget. It's the perfect spot to locate that one-of-a-kind item at a singular price, with all manner of clientele shuffling side-by-side through racks and tables piled high. It's an eclectic atmosphere and an equalizing experience. *Editor's Note: In order to survive the "Filene's Basement Frenzy," be certain to go there with an overabundance of patience and tolerance. The polite and well-mannered shopper will fare far better upstairs, in Filene's regular departments!!!*

One block from Filene's is Lafayette Place. This retail/hotel development has enjoyed the success that comes from being located near Filene's and adjacent to Jordan Marsh, New England's oldest department store. Completed and opened for business in 1984, the retail section of Lafayette Place projects a neon, high-tech mood for a shopping excursion.

The largest development in Boston, *Copley Place* (adjacent to the Weston, site of this year's ALTA convention), is a maze of brass, rosewood and pink marble, anchored by the only Neiman-Marcus department store in New England. Copley Place is a collection of high-end, internationally known stores including Gucci, Tiffany, Yves Saint Laurent, Ralph Lauren, and Louis Vuitton.

Also found in metropolitan Boston, just blocks from Copley Place, are the shops along the city's famous Newbury Street. Lined with galleries, boutiques, cafes, restaurants and exclusive stores, Newbury Street offers the slightly-more-expensive shopper a fashionable alternative.

As mentioned previously, one of Boston's best known attractions is Faneuil Hall Marketplace. This lively, colorful area of the city features restaurants, unique gifts, clothing and gourmet shops in three restored buildings dating back to the 1800s.

## Legendary Fall Massachusetts

According to Indian legend, red leaves symbolize the killing of the Great Bear of the Heavens and yellow leaves represent the cooking fires. Whatever the cause, Massachusetts residents welcome the return of the fall season. They know that the weeks to follow will be filled with lazy, Indian summer days, a perfect time to drive along country roads, explore small towns and buy apples and pumpkins at roadside stands. Wherever their travels take them, visitors are always surrounded by the fiery glow of the changing leaves.

Massachusetts' foliage season usually begins in mid-to-late September and ends in mid-to-late October with peak color lasting for ten days to two weeks in each area. The spread of color begins in the western area of the state and moves eastward to Boston, the North Shore, Cape Cod and the islands.

### Driving the Mohawk Trail

As the leaves begin to turn, "leaf-peepers" take to the road, searching for the best vantage point to enjoy the vibrant colors. The most famous foliage route in Massachusetts is the *Mohawk Trail*. Running across the state's northern tier, the Mohawk Trail runs west from Orange to North Adams on Route 2. The trail was one of the first roads in the U.S. designed for automobile touring, and the 14 state parks and forests along the way offer many outstanding viewing opportunities. The best viewing time on the trail and other main roads is midweek.

Travelers can enjoy superb color at a leisurely pace by driving along less-frequently traveled roads. Route 8 in the Berkshires runs from Sandisfield to Dalton with beautiful state forests on either end. The secondary roads of Routes 116 and 9 in the Pioneer Valley wind through rolling countryside and picturesque hill towns. A color show of a different nature awaits visitors in southeastern Massachusetts where the cranberry bogs turn ruby-red and the blueberry and blackberry bushes turn a muted crimson color against the blue sea.

### Sky-High View

For travelers willing to break with tradition, there are adventurous and innovative ways to view the changing colors. Sky-high in a hot air balloon,

the foliage is an endless path of blazing color flowing up and over hills and mountains, as far as the eye can see. Several Bay State balloon companies offer flights ranging from a romantic, sunrise flight for two, complete with champagne, to larger balloons which can accommodate up to seven passengers. (Balloon Adventures of New Bedford, 508-636-4846; Aero-nauts Unlimited, 617-861-0101; Balloon School of Massachusetts, 413-245-7013; Silver Eagle Balloon Company, 413-549-2660).

Adventurers willing to let the winds carry them can launch their hang gliders from *Skinner Mountain* in Hadley or from *Mt. Greylock* in Lanesboro. Circling over either peak allows fliers to study the brilliant crimson, gold and red trees at their own pace.

The chairlift rides at *Mt. Tom* in Holyoke (413-536-0516) and *Wachusett Mountain* in Princeton (508-464-5101) are the perfect alternatives for travelers who don't want to be too far from the ground. Both rides take passengers to the mountain tops with spectacular views of the valleys below.

## Hiking and Biking

Hikers will enjoy the concentration of color in Massachusetts state forests and parks where they can hike along trails lined with red maples, black cherry trees, poplars and white oaks. Located near the town of Lanesboro in the upper corner of the Berkshire Hills, the *Mt. Greylock State Reservation* (413-499-4262) has 35 miles of hiking trails including a section of the Appalachian Trail. Mt. Greylock is the highest peak in the state with a panoramic view of five states. Beautiful fall foliage is not restricted to the Massachusetts countryside. There are brilliant bursts of color across the grounds of the *Arnold Arboretum* in Boston (617-524-1718). The Arboretum contains the largest variety of trees, shrubs, vines and plants in North America, making it a lovely place for a more leisurely hike. North of Boston, at the *Ipswich River Wildlife Sanctuary* (508-887-9264), hikers can walk along the river and share the path with a variety of wild birds and small animals.

The state forests and parks also have numerous bike trails where bikers can take one of the season's last bike rides before winter arrives. On the South Shore, *Myles Standish State Forest* in South Carver (508-866-2526) has 18 miles of looped and interlocking paved trails. The *Cape Cod Trail*, once a series of railroad beds, is now a 19-mile bike path running from Dennis to Eastham.

## Food Festivals

Throughout September and October, visitors join Bay Staters as they celebrate the fall season with food festivals and harvest celebrations. The *Lenox Apple Squeeze Festival* (413-637-3646), an annual Berkshire Hills event, signals the arrival of autumn and the beginning of the fall foliage season. This country gathering offers a chance to sip some of the season's sweetest cider, made from newly-pressed apples, just off the trees. In early fall, the warm winds of summer still prevail on Cape Cod and the islands. Scallop-lovers choose these crisp, sun-filled days to indulge their passion at the *Scallop Festival* in Bourne (508-888-6202) and *Seafest* on Nantucket (508-228-4689). The Bay State is the leading producer of cranberries, and the harvesting of this ruby-red fruit is celebrated in *Cranberry Fairs* in South Carver (508-866-4526) and Harwich (508-432-0100).

## Free Guide

For a free *Spirit of Massachusetts Guidebook*, call toll-free, 1-800-447-MASS, extension 300, (USA only) or write to: Department 300, Massachusetts Office of Travel and Tourism, 100 Cambridge Street, 13th Floor, Boston, MA 02202.



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# Major Insurers Launch Title Industry Reference Program to Minimize Fraud-Related Losses

by Sheldon E. Hochberg

In recent years, fraudulent and dishonest behavior have become increasingly significant causes of the losses suffered by the title insurance industry. Unfortunately, such losses have not been limited to those caused by parties to transactions and other third persons. In a number of cases, the losses have been the result of fraud, embezzlement, or similarly wrongful behavior on the part of a few employees and agents. For an industry that prides itself on the professionalism of its practitioners and that emphasizes the prevention of losses and the maintenance of a low level of claims, such losses are a source of deep concern.

The problems caused by employee and agent misbehavior affect everyone connected with the industry: insureds, who rely on the integrity of the industry's products and services; stockholders, who must bear the sizeable losses resulting from such acts; and other employees and agents, the vast majority of whom perform their duties with diligence and honesty. In seeking ways to minimize these problems, a number of the major title insurance companies have established a program known as the Title Industry Reference Program or "TIRP." This program, which became effective on June 1, 1991, is designed to enhance the availability of timely and accurate reference information on persons whose employment or agency relationships have been terminated because of such misbehavior and who thereafter seek employment or appointment as an agent with another participating company.

The TIRP program was developed after several years of study by the Risk Management Committee of the ALTA. As will be discussed in this article, the program was developed to maximize the ability of a participant to obtain accurate and relevant information to assist it in deciding upon an applicant for employment or agency appointment, while minimizing or eliminating the likelihood of the dissemination of inaccurate or irrelevant information, or the inability to obtain any such reference information at all. Because certain problems and pitfalls in the employment reference process have given rise to an increasing volume of litigation, many employers have become reluctant to provide employment references. With the TIRP program, title insurers and their agencies now have a carefully structured and organized process for requesting and providing certain kinds of reference information in a manner that avoids the problems that have made employers reluctant to provide references. Over time, it is expected that industry participation will become widespread as ALTA members come to appreciate the benefits that can be derived from the program.

## Overcoming the Reluctance to Supply References

Most employers recognize the benefits to be derived from the ability to obtain reference information from former employers on individuals they are considering hiring. (Similarly, insurance underwriters recognize the benefits of obtaining relevant background information on persons with whom they are considering agency relationships.) All employers would like to obtain such information. The problem is that an increasing number of employers are reluctant to provide such information beyond confirming that the individual worked for the company and the dates of employment.

Any program to facilitate the availability of references must be a "two-way street." Participants must be willing to provide references if the program is to serve its intended purpose. Accordingly, an important aspect of the work done by the Risk Management Committee was to identify and analyze the reasons why employers have become increasingly reluctant to supply references on prior employees and to design a program that would overcome such reluctance.

There are two main reasons for the increasingly tight-lipped approach by many employers to the furnishing of references. First, is the risks or perceived risks of litigation. Employment-related litigation has increased dramatically in recent years and a number of these cases have involved claims based on references that have been provided to prospective employers. Press reports of substantial judgments or settlements in such cases have heightened the concerns of employers in this regard.

Second, in the face of such risks, employers have perceived little or no off-setting benefit in providing reference information on terminated employees. The primary benefit in providing a reference to a particular prospective employer is the expectation that, in the future, the employer providing the reference will be considering hiring people who have worked for that other company and that the reference information it needs from that other company will be readily forthcoming. Such situations rarely arise in the business community.

Since the TIRP program is limited to the title insurance industry and is structured so that all companies providing references receive references from other participants, this second problem—the lack of a real benefit in providing reference information—was not a relevant concern. Accordingly, the major focus of the Risk Management Committee was on the first problem—the risks of litigation.

## Minimizing the Risks of Adverse Litigation

In reviewing the litigation-related risks arising from employment references, substantial analysis was devoted to the nature of the claims that are typically asserted in such litigation and to the fact patterns in cases in which the employer was determined to be liable. Primary attention was devoted to the area of defamation, which is the most frequent basis for claims and recoveries arising out of employment references.

This analysis revealed that most, if not all, of the defamation-related risks could be substantially eliminated by a program that was carefully structured to avoid the problems and pitfalls that employers frequently run afoul of in providing reference information. To appreciate how the program deals with these problems and avoids such pitfalls, it is necessary to have a basic understanding of the law of defamation as it applies to the types of references that would be provided under the program.

Defamation involves the unprivileged and false publication of a statement that reflects adversely on the reputation of the person who is the subject of the publication. Defamation has two forms: libel, which involves a written publication, and slander, which involves an oral publication. Thus, reference information communicated to a prospective employer that

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describes the fraudulent or dishonest behavior of a prior employee would not constitute a defamatory publication giving rise to potential liability if the communication were either privileged or true.

### The Conditional Privilege for Employment References

The law recognizes that there are occasions when society should allow a person to communicate information about a third person to other persons without the risk that the person making the communication will be subject to liability for defamation if the information ultimately proves to be false. Certain communications, such as those made in the course of a judicial proceeding, are absolutely privileged. The law in all states also recognizes that there are many other circumstances in which it is socially desirable to permit or encourage certain types of communications and for which a conditional privilege or immunity should be provided. Such a conditional privilege immunizes the publisher of the otherwise false and defamatory statement from liability so long as the privilege is not abused. An employment reference provided by a prior employer at the request of a prospective employer is a classic example of the circumstances in which a conditional privilege is provided.

A conditional privilege can be lost if it is established that the privilege has been abused. In general, the privilege will be lost if the defamatory publication was made with "malice" (*i.e.*, for spite, or out of ill will towards the employee, or for any other reason other than those for which the privilege is granted) or in reckless disregard of the truth. In addition, the privilege can be lost if there is "excessive publication" (*i.e.*, the defamatory statement is communicated to persons to whom the communication of the information is not privileged).

Even if a defamatory statement is not conditionally privileged, truth is still an absolute defense to liability. Because of the litigation risks and costs of establishing the truth of the statements made (which typically involve a jury trial), it is highly desirable to conduct oneself in such a manner as to be able to establish the conditional privilege as a defense in any possible defamation action. This is particularly important since many defamation cases are dismissed at the summary judgment stage on the basis of a conditional privilege.

Adverse judgments against employers in defamation cases arising out of employment references have tended to result from circumstances where:

- negative information about the employee was volunteered by a former employer or supervisor, rather than being given in response to a request for the information by a prospective employer;
- the reference was given by a former supervisor who may have been motivated by malice against the former employee or otherwise had an axe to grind against the employee;
- the information provided had not been reviewed for accuracy, appropriateness, or bias by other officials of the company;
- the information included subjective and disparaging remarks about the employee's behavior or characteristics, the truth of which was difficult to establish;
- the employee was unaware of the negative character of the reference that was given, had no opportunity to review the reference before it was given, and was surprised and angered when he found out that he had been turned down for employment because of the negative statements his former employer had made about him; or
- there was "excessive communication" of the defamatory statements (*e.g.*, the statements were communicated to persons who were not then considering the employment of the affected individual).

The Title Industry Reference Program has been designed so that these circumstances should not arise with regard to reference information that will be provided under the program. The program has been designed to maximize the likelihood that:

- a conditional privilege can be established and maintained for information provided under the program;
- malice or excessive publication will not exist to overcome that privilege; and
- the truth of all the reference information provided can be established, if truth should become an issue.

Furthermore, the program was developed only after careful consideration of other statutory and common law causes of action, in addition to

defamation, that might be asserted in litigation arising out of employment references.

In sum, those who have worked on the development of the program are confident that the program will function in such a manner that any litigation that might be brought by a person on whom reference information is provided will not be meritorious and can be successfully defended.

### Description of the Program

As soon as practicable after an employee or agent has been terminated as a result of fraudulent or dishonest behavior and the participant is satisfied that it has sufficient evidence to establish the truth of the information it will be providing, the participant will prepare a confidential report summarizing the circumstances that led to the termination. A copy of this report will be made available to the person who is the subject of the report, and any written comments that person wishes to make on the report will be maintained in the participant's files and included along with the report if and when it is ever furnished to another participant.

A "Contact Person" in the reporting company will then enter certain identifying information about the subject of the report into a confidential computerized data base maintained by the individual participant. (Contact Persons are two selected officers who have been designated by a participant to serve as points of contact with other participants.) No other participant will have direct access to, or be able to review the information contained in, another participant's data base.

If an applicant for employment or agency appointment with a participant has consented to the participant's contacting prior title companies for whom the person may have worked or been an agent, the participant may conduct a "Search" of the data bases of other participants to determine whether a report may be available on that prospective employee or agent. This Search will be performed automatically by a computer link-up of the data bases of all participants. If there is a "match" of information on the applicant contained in the Search and information previously entered into another participant's data base (indicating that a report is available on the person), the individual performing the Search will be informed of the participant in whose data base the match was found.

After the Contact Persons in the inquiring and reporting companies have confirmed that the applicant on whom the Search was conducted is the same person as the person on whom a report is available, the report will be provided on a confidential basis to the inquiring company.

The foregoing is necessarily a very brief description of the basic aspects of the operation of the program. In short, no participant will know the identity of any person on whom a report has been prepared by another participant unless (1) the person has applied for employment or agency appointment, (2) the person has consented to that participant contacting previous employers in the title insurance industry, (3) the computer reveals that there is a potential match between an applicant and a person on whom a report is available, and (4) the Contact Persons in the two companies have confirmed that the applicant and the person on whom a report is available are the same person. The computer facility essentially serves the purpose of obviating the need for the prospective employer to make telephone calls or to send letters to all other participants to inquire whether the applicant may have ever been employed by or been an agent for another participant.

There are other provisions of the "Principles" that establish the ground rules for the program that are intended to ensure the accuracy and confidentiality of all information, that provide for a three-person Coordinating Committee to assist in the administration of the program, and that commit all participants to resolving any disputes or claims against other participants through private arbitration rather than through litigation.

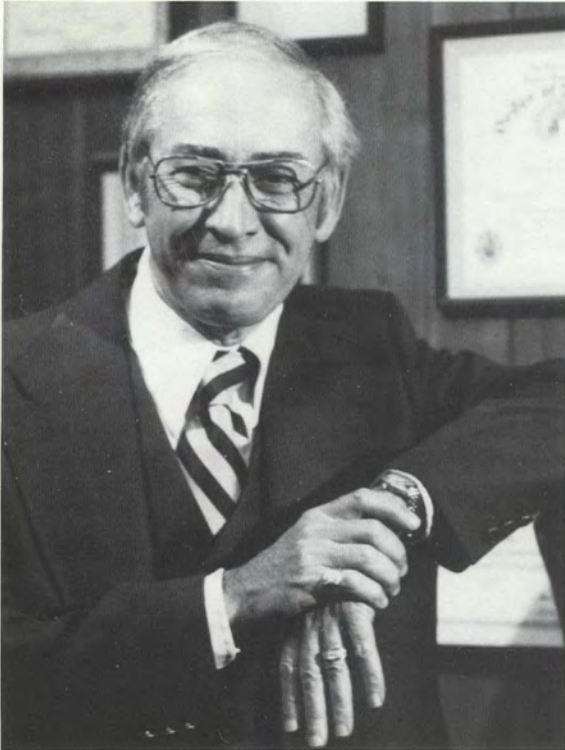
### Participation of agents in the program

The program has been designed so as to permit any title insurance agency to participate in the program in conjunction with its underwriter. Such participation will enable an agency to determine whether an applicant for employment has ever been terminated as an employee or agent

*continued on page 30*

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# Do We Like Our Customers?

by Jack C. Davis

**W**e don't like our customers! That's not true, we all know that customer service is King and all we have to sell is service; please trust us with your business. Our people make the difference. Use our scratch pads. Do you need some pens? How about a lunch, ball game or anybody need a drink, the title company's buying.

Sound familiar? While the rest of America charges into the 1990's with value-added customer service, a lot of us secretly long for a big controlled business agency. Of course officially, we collectively would never endorse the concept of controlled business. The cold facts are controlled business appeals to us because it is simple. We can buy support, loyalty and trust. The alternative of course is competing for support, loyalty and trust from "those real estate agents, lenders or attorneys" in an open competitive marketplace. And as we all know those people (our customers) cannot be trusted, they demand, take unfair advantage, make those outrageous commissions and then beat us up on price.

Generally speaking, we do not like our customers. Oh! I can hear it now, "but I do!" It's not like that here! We like our customers. Well, if that's really true at your store, stop reading now and good for you, no, great for you. You have no idea how unique a position you occupy in this industry.

So, as the customer service age dawns in America, the title industry stands poised for success. Armed with scratch pads and pens in hand, and contempt and misunderstanding in our hearts, we stand ready to serve our overpaid, unappreciative overly-demanding, dumb customers.

Value-added; get next to your customer. New services and new ideas may be good enough for most of American business but not us.

We relish our role as victims. "I could get this done *if only*... We could get more

business *if only*... This would be a great place to work *if only*... *If only* the attorneys knew more... *If only* the lenders would make their own copies... *If only* the Realtors weren't so dumb... *If only* our sales people could sell and not play golf... *If only* the examiners could examine and talk to people... *If only* we did not have to have these prima donna closers!... *If only* the guy or gal in charge here had a brain...!"

*If only*—if only we realized we do not have to be victims; we are a service industry. We play a *very* important part in the process but we are *not* the most important part. We sell an intangible product, our service, and we can and must adopt and change. ***If only*** we were half as special and unique and isolated an industry as we feel.

The very first thing to acknowledge is that we do feel this way. It's okay, because we have the power to change these feelings within ourselves. Customer service, empowered employees, change, new products, and service innovations; these concepts must become part of our daily routine. Attitudes and office norms will not change overnight but management must provide the leadership and environment that nurtures and rewards and encourages change.

Start with the concept of internal customer relations; that is, every employee has a reasonable right to expect outstanding customer service from every other employee. This the easiest part to sell. The examiners' eyes will gleam in uncontrollable anticipation of the thought of forcing the closers to provide them with outstanding customer service. What a shock to realize it's a two-way street; what you get you must give. The concept challenges unofficial power bases, departmental rivalries, relieves individual personality conflicts and the very role of management. What a concept, the senior title attorney and the runner on equal terms. If you think one's more

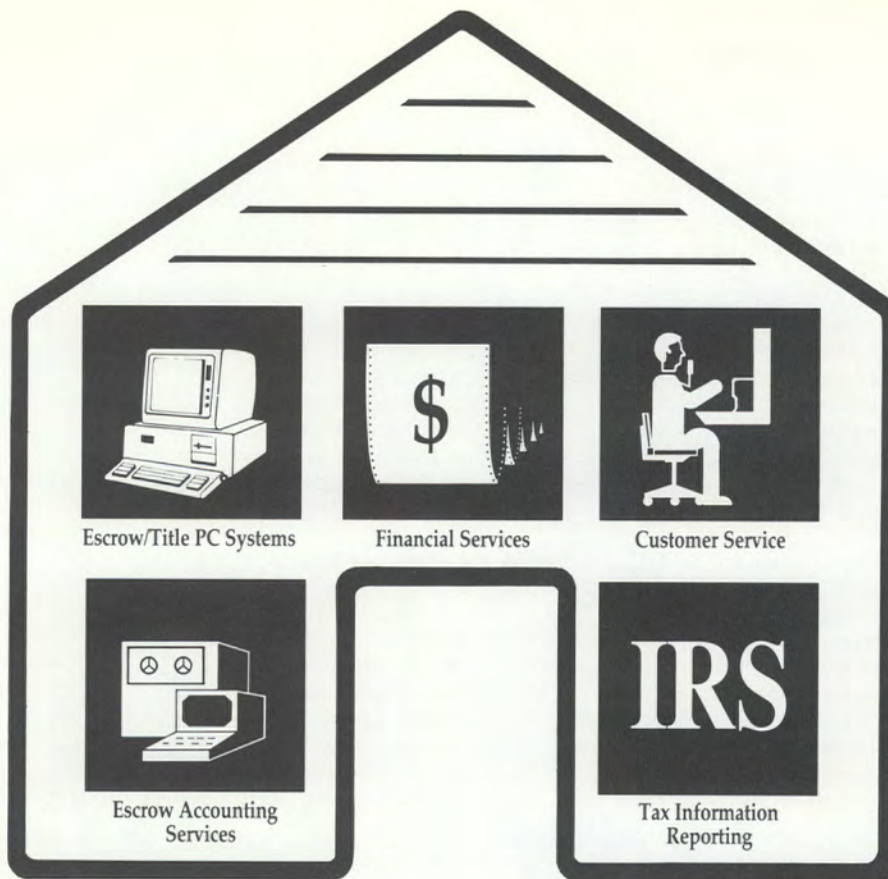
important than the other, then send them both home and see which one you miss first.

Empower the employees; make it their responsibility to challenge the concept of "we've always done it this way." Promote change and allow people to make a difference. All management must lead by example by providing extraordinary customer service to every employee. From the C.E.O. to the first day on the job runner, the company motto must be "What can I do *now* to help *you* do your job better?"

When the enemy no longer is in your office and people respect and believe in each other's skills and commitment, it's the start of a great company or office. Once you start, amazing things happen; productivity improves, morale, quality, market share and income are up, and yes, you start down the road to liking and respecting your customers for what they are, the most important people in your business day.



The author is assistant vice president and St. Louis Regional manager for First American Title Insurance Company. He was formerly the Chicago metropolitan manager for Lawyers Title Insurance Corporation. Mr. Davis is a member of the ALTA, the St. Louis Association of Realtors, the Real Estate League of Greater St. Louis, the Sales and Marketing Council of the St. Louis Home Builders Association, and the Realtor National Marketing Institute. He is an instructor at the Missouri State Association of Realtors, and the St. Louis Association of Realtors. He is also co-host of a weekly radio real estate talk show in St. Louis as well as author of several articles and books.



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## NAMES IN THE NEWS



Carter

**Lawyers Title Insurance Corporation** announces the appointment of **Karen Benton** as operations manager in the company's Troy National Division, in Troy, MI. **Benton** has 14 years of experience in the title insurance business. She joined the company in the Troy National Division in 1983, and in 1986 was named a service representative. She was named a national accounts administrator in 1988; **John M. Carter** has been appointed corporate counsel at the Company's National Headquarters in Richmond, VA. Carter joined **Lawyers Title** at Headquarters in 1986 as assistant corporate counsel. He was appointed associate corporate counsel in 1989. Prior to his employment with **Lawyers Title**, he was an attorney with a local Richmond law firm. **Carter** is a member of the Business Law, Labor Law and Antitrust Sections of the American Bar Association; a member of the Committee on Technology and Intellectual Property of the ABA; and a member of the Corporate Counsel Sections of the Virginia State Bar and The Richmond Bar Associations. **Kevin T. Creedon** has joined **Lawyers Title** as assistant regional counsel in the company's New England states office, in Boston, MA. **Creedon** was previously New England states counsel for another title company, in Boston. He is a member of the Massachusetts Conveyancers Association, the Massachusetts Bar Association, and the Boston Bar Association; **Meri-Jo Helmink** has been appointed senior claims attorney for regional claims in the company's Mid-



Krahn



Villani

western and Rocky Mountain states regional office in Chicago, IL. She joined **Lawyers Title** with six years experience in the title insurance business. She is a member of the Chicago Bar Association, the State Bar of Michigan and the State Bar of Texas; **Gerhard Krahn** has been elected vice-president—New Jersey state manager. He is assigned to the company's state office, in Hackensack, NJ. **Krahn** joined the company in 1990 as New Jersey state manager, with 15 years of experience in the title insurance business. **Krahn** is a member of the New Jersey Land Title Association, the New Jersey Bar Association, and the Bergen County Bar Association; **Francesca J. Villani** has been appointed branch counsel in the company's office in Brewster, NY. **Villani** was formerly a counsel with **LTIC Associates**, an agency of **Lawyers Title** in New York, NY. She had formerly been engaged in the private practice of law. **Villani** is a member of the American Bar Association and the Putnam County Bar Association; **Walter E. Davis** has been named Georgia/South Carolina Division manager for **Title Insurance Company of Minnesota (Minnesota Title)** by President and CEO **Richard A. Cecchetti**. Headquartered out of the Company's Atlanta office, **Davis** will be responsible for overall management and administration of **Minnesota Title's** owned and agency operations in those two states. A 30-year veteran of the title insurance industry, **Davis** brings to **Minnesota Title** an extensive background in management,



Barron



Cozzo

agency administration; and development, marketing, abstracting, examining, and escrows. Prior to joining **Minnesota Title**, he was vice president/zone manager for another national title insurance underwriter. A member of the **Dixie Land Title Association**, **Davis** is immediate past-chairman of the Georgia division. He is also a member of the Title Underwriters of Georgia and the Mortgage Bankers Association of Georgia.

**Lenore A. Barron** has been promoted to associate state counsel at **Commonwealth Land Title Insurance Company**. Based in the company's Richmond, VA, office, she serves as agency and underwriting counsel for Southern Virginia. **Barron** joined **Commonwealth** in 1990 as associate counsel. Previously, she served as assistant counsel for another title insurer in Richmond. **Frank J. Cozzo Jr.** has been promoted to Metro Philadelphia Division manager at **Commonwealth Land Title Insurance Company**. Based in **Commonwealth's** Media, PA, office, he is responsible for all company activities in Philadelphia and the adjacent Bucks, Chester, Delaware and Montgomery Counties. **Commonwealth** operates in the metropolitan region through 10 Philadelphia and suburban branch offices, five title plants and a network of agents and approved attorneys. **Cozzo**, who is a company vice president, has 36 years of experience in the title insurance industry, 26 of them with **Commonwealth Land Title**. Most recently, he was Suburban Philadelphia manager at



**Commonwealth.** A resident of Drexel Hill, PA, **Cozzo** is a member and past governor of the Pennsylvania Mortgage Bankers Association and a member and past director of the Delaware County Association of Realtors. He also serves as a lecturer on Pennsylvania title insurance theory and practice for real estate brokers, attorneys and mortgage bankers. **M. Gordon Daniels** has been appointed assistant vice president and counsel at **Commonwealth Land Title Insurance Company.** Based in the company's corporate headquarters in Philadelphia, he is responsible for providing marketing and underwriting services to major law firms in the Philadelphia area. **Daniels** comes to **Commonwealth** from a law firm in West Chester, Pa. He previously worked at **Commonwealth** as counsel for Delaware and Eastern Pennsylvania for four years; **Joseph E. DeLuca** has joined **Commonwealth** as assistant vice president and Rhode Island sales manager. Based in the company's Providence office, he is responsible for servicing clients, developing new business and conducting educational seminars in Rhode Island. **DeLuca** has 17 years of experience in the title insurance industry, most recently as assistant vice president and state manager for another title insurer in East Providence, RI. Before that, he was a self-employed title examiner in Rhode Island. A resident of Coventry, **DeLuca** is one of the founders of the Rhode Island Conveyancer's Association and currently sits on the organization's board of directors.



Daniels



DeLuca



Donovan

**Alaine Belongia Donovan** has joined **Commonwealth** and its affiliated company, **Transamerica Title Insurance Company**, as associate state counsel for Virginia. Based in **Commonwealth's** Fairfax office, she is responsible for underwriting activities in northern Virginia. **Donovan** most recently served as assistant state counsel in Virginia and state counsel in West Virginia for another national title insurer. Before that, she was an attorney in private practice specializing in real property law. She has 13 years of related experience. She is a member of the American Bar Association, as well as the bar associations for the District of Columbia, Fairfax and Vir-



Kozel

ginia; **James P. Kozel** has been named senior vice president and Western regional manager at **Commonwealth** and its affiliated company, **Transamerica Title Insurance Company.** Based in the companies' Western Regional Office in Pleasanton, California, **Kozel** is responsible for all company operations in California, Hawaii and Nevada. **Kozel** joined **Commonwealth's** and **Transamerica Title's** parent company, Reliance Group Holdings, Inc., in 1978 as assistant to the director of accounting. In 1981, he joined **Commonwealth** as regional controller, and in 1983 was elected senior vice president and controller. In 1988, **Kozel** was ap-

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Meyers

pointed to his most recent position as Middle Atlantic regional manager.

**Marybeth Meyers** has been appointed South Carolina State agency manager for **Commonwealth** and its affiliated company, **Transamerica**. Based in the companies' newly opened South Carolina State Office in Columbia, she is responsible for company operations and business development in the state. **Meyers** joined **Commonwealth** in Orlando, Florida, as an account executive and was later promoted to senior regional auditor for Florida and the Caribbean. Before that, she was a merchant representative for Barnett Banks of Florida, Inc. **Michael W. Murphy** has joined **Commonwealth** as vice president and, commencing August 8, 1991, as Linwood, N.J., Branch manager. He will oversee company operations in Atlantic and Cape May counties in southern New Jersey. **Murphy** most recently served as vice president and Atlantic County district manager for a major title insurance agency headquartered in Ocean City, N.J. He previously was vice president for another title insurance agency in Northfield, N.J. He has 22 years of experience in the title insurance industry; **Dennis J. Tornabene** has joined **Commonwealth** as vice president and Ventura County manager. Based in Commonwealth's Oxnard, California office, he is responsible for all company operations throughout Ventura County. **Tornabene** has 15 years of experience in the title insurance industry, most recently as executive vice president for the Glendale agency of a national title insurer.



Murphy

insurer.

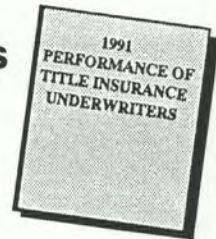
**Specialized Management Support (SMS)** has filled four Regional Manager positions in its Southern California Sales and Marketing Organization. Joining **SMS** as Regional Managers are **Warren D. Vaughn**, **Randi Munsey**, **Philip R. Dominguez**, and **Thierry A. Benchetrit**. These sales professionals were chosen for their experience and proven skills in selling solutions based on understanding customer needs. **Warren D. Vaughn**, a graduate of Arizona State University, and a Certified Senior Escrow officer, has 19 years of experience within the escrow, title, and real estate markets. Prior to joining **SMS**, **Vaughn** worked in the industry in senior management positions, including senior vice president at the Sterling Daniels Corporation, and president of Western Mutual Escrow Services. **Randi Munsey** has been with **SMS** for approximately 6 years, most recently, in the role of Senior Account executive. Formerly an escrow officer for 6 years, **Munsey** assisted in the company's escrow documentation and trust accounting software development. **Munsey** has had broad exposure to all areas of the company, including Customer Support, Training, and Management. **Philip R. Dominguez** brings an extensive sales background to **SMS**. Most recently, **Dominguez** was in sales management at Spinnaker Sales. Prior to that, he

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worked as a sales engineer at Bestronics, Inc., and TRW as an Account manager. **Dominguez** is a graduate of California State University at Fullerton. In addition to sales and management, **Thierry A. Benchetrit's** background includes hardware and software knowledge. Previous positions include Account manager at Compuamerica, where he was the number one salesperson, and in Sales Management at the Individual Paper Products Company. **Benchetrit** is a graduate of College D'Enseignement Technique, in Paris, France.

**J. Allen Fine**, president and chairman of the Board of **Investors Title Insurance Company**, announced today that **David A. Bennington** has been promoted to vice president-title attorney. **Bennington** joined the Company in 1986 as title attorney. Prior to joining **Investors Title**, **Bennington** spent eight years in private practice with the firm of Jackson, Jackson, and Bennington.

**Stewart Title and Associates, Inc.** and **Stewart Title Guaranty Company** are pleased to announce that **Robert A. Wood, Esq.** has joined the company as branch counsel. **Wood** is located in the Chesapeake, Virginia office and will be assisting **Stewart's** local and Virginia district offices with underwriting questions and claims handling. Prior to joining **Stewart Title**, **Wood** was a senior claims attorney with **Lawyers Title Insurance Corporation's** Virginia State Office and was in private practice for twelve years concentrating in real estate law.

**Jack A. Marino**, executive vice president and senior title counsel/national title sales for **Ticor Title Insurance Company** has been elected senior vice president of



Kirby

**Chicago Title Insurance Company.** **Marino** will be headquartered in New York City. He joined **Ticor Title** in 1971. He joined **Chicago Title** through the recent purchase of the **Ticor Title Insurance Companies** by **Chicago Title and Trust Company.** **Marino** is a member of the Association of the Bar of the City of New York. He has served on The Real Property Law Committee and is a member of the American College of Real Estate Lawyers.

**Allan Price Kirby, Jr.** has been elected to the board of directors at **Chicago Title and Trust Company.** **Kirby** also serves as a director for Cyclops Industries, Inc. of Pittsburgh, Pennsylvania and Kirby Investments, Inc. of Mendham, New Jersey, where he is also chairman of the board.

The following people have received promotions at **Chicago Title Insurance Co.:** **Bright Fincham**, appointed regional agency officer, West Palm Beach, FL; **John J. Sheppard**, appointed assistant vice president and title manager, from senior title officer, San Diego, CA; **Ennis E. Sides**, appointed title operations officer, from escrow officer, Dallas, TX.; **Susan Tempest**, appointed assistant vice president and area escrow manager, from branch escrow manager, Dallas, TX.; **Pamela W. Trapani**, appointed office manager, Suntree closing office, Melbourne, FL.

**Jeffrey C. Selby** has been promoted to senior vice president and Middle Atlantic Regional manager at **Commonwealth Land Title Insurance Company** and its affiliated company **Transamerica Title Insurance Company**, Baltimore, MD. **Selby** will oversee company operations in DE, MD, PA, VA, WV, and Washington, DC.



Selby

## NEW ALTA MEMBERS

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

### ACTIVE

#### California

Northern California Title Co., Red Bluff, CA (Dan R. Wentzel, North American Title Co., Walnut Creek, CA)

#### Florida

The Pomeroy Group, Inc., Sarasota, FL

#### Georgia

Brenda Perry, Independent Real Estate Abstractor, Marietta, GA

#### Kansas

Wyandotte Title & Escrow, Inc., Kansas City, KS

#### Maryland

Ress Title Co., Chevy Chase, MD

#### Missouri

St. Charles County Title Services, St. Charles, MO (Duard Boone, Stewart Title Guaranty Co., Kansas City, KS)

#### New York

Advance Abstract Corp., Great Neck, NY

#### Utah

Provo Land Title Co., Provo, UT

#### Wisconsin

Wisconsin Valley Title, Inc., Wausau, WI (Mark Cibrowski, Wisconsin Title Service Co., Waukesha, WI)

### ASSOCIATE

#### California

Nancy L. Braun, Tobin & Tobin, San Francisco, CA (Steve Walker, Founders Title Co., San Francisco, CA)

#### Alaska

Stephen D. Routh, Crabtree & Harbour, Anchorage, AK

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- 1-4 Idaho, Sun Valley Resort, Sun Valley, ID
- 15-17 Minnesota, Hotel Sofitel, Bloomington, MN
- 15-17 Montana, Huntley or Shoshoni Lodge, Big Sky, MT
- 23-24 Kansas, Overland Park Marriott, Overland Park, KS
- 25-28 New York, The Equinox, Manchester Village, VT

### September

- 5-8 Missouri, University Plaza Hotel, Springfield, MO
- 12-14 Dixie, Sandestin Beach Hilton, Destin, FL
- 12-14 North Dakota, Hospitality Inn, Dickinson, ND
- 13-15 Maryland, The Sheraton, Ocean City, MD
- 14-17 Indiana, Omni Severin Hotel, Indianapolis, IN
- 15-17 Ohio, Sawmill Creek Resort, Huron, OH
- 15-18 Washington, Campbell's Resort & Convention Center, Chelan, WA

### October

- 9-11 Nebraska, Holiday Inn, North Platte, NE
- 24-25 Wisconsin, Hyatt Hotel, Milwaukee, WI

### November

- 13-16 Florida, Marriott at Sawgrass Resort, Ponte Vedra Beach, FL

### December

- 5-6 Louisiana, Omni Royal Orleans, New Orleans, LA
- Arizona (has not been determined)
- Nevada (has not been determined)

## ACROSS THE HOMEFRONT



Frank

**Roy J. Frank**, vice president and San Mateo County manager for **Commonwealth Land Title Company**, has been named president of the **California Land Title Association**. He is based in the company's Redwood City office. Previously, **Frank** was chairman of the Board and president of El Camino Title Company, which was acquired by **Commonwealth** in 1982. He has 21 years of experience in the title industry. He is on the Board of Governors of the **California Land Title Association** and is former district vice president for the San Mateo County Development Association. He is also a current member and past president of the Board of Directors of the Redwood City Rotary Club. **Frank** has junior college teaching credentials for real estate and business.



Angelo

**Richard A. Angelo**, vice president and regional counsel for **Commonwealth Land Title Insurance Company** and **Transamerica Title Insurance Company**, has been named president of the **Pennsylvania Land Title Association**. **Angelo** is responsible for legal claims and underwriting activities in the companies' Middle Atlantic Region, comprised of Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia. **Angelo**, who has 24 years of experience in the title insurance industry, is based at **Commonwealth's** corporate headquarters in Philadelphia. Before joining **Commonwealth**, he was vice president, regional senior counsel and assistant secretary at another major title insurance underwriter. He currently is an adjunct faculty member at St. Joseph's, a course instructor for the Pennsylvania Land Title Institute and the Pennsylvania Bar Institute, and a frequent lecturer for the **Maryland Land Title Association**. **Angelo** is also a member of the American, Pennsylvania and Philadelphia bar associations and is actively involved in various committees of the Pennsylvania and New Jersey land title associations. In 1987, he was recognized as a Certified Land Title Professional by the Pennsylvania Land Title Association.



Waldron

**A.B. Waldron, Jr.**, chairman of the board at **Southwest Land Title Company**, Fort Worth, was named an "Honorary Member for Sustained Meritorious Service" by the **Texas Land Title**

**Association (TLTA)** during the association's annual convention in Dallas. This is the highest honor the **TLTA** board of directors can bestow upon an individual. **Waldron** is the tenth recipient of this award. **Waldron** began working in the title industry during high school for his family-owned business. In the 45 years since then, he has held several positions and formed **Southwest Land Title Company** in 1964. A Fort Worth resident, **Waldron** is a past president of **TLTA** and the **Title Underwriters of Texas, Inc., (TUT)**.

**George A. Finney**, forty-one year veteran of the title industry, was elected executive secretary/treasurer of the **Washington Land Title Association** at its recent Executive Committee meeting. **Finney** recently retired from **Title Insurance Company of Minnesota** where he had served as vice president and agency manager as well as manager of Northwestern Title Company in Seattle.

**Doris MacCallum** of **Ticor Title**, Seattle, resumes her former position as secretary after serving as executive secretary/treasurer of the Association the last four years.

## Pollay Named to Roundtable

**Richard L. Pollay**, president and chief executive officer of **Ticor Title Insurance Company of California**, was recently elected to the California Business Roundtable.

**Ticor Title Insurance Company of California**, headquartered in Los Angeles, is a charter member of the California Business Roundtable, a bipartisan organization of CEO's, presidents and chairmen from 75 of the State's leading corporations who together work with the State legislature on key public policy issues.

**Pollay** is also president of **Chicago Title Insurance Company and Security Union Title Insurance Company** (formerly **SAFECO Title Insurance Company**.) All three companies are members of the **Chicago Title and Trust Family of Title Insurers**.

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toll free at (800) 628-5136 for information. If you are not currently a member, call the Association at (202) 296-3671 for an application. It's your business. And you haven't time for the E&O hassle.



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## LOSSES

continued from page 18

because of fraudulent or dishonest behavior by any other title insurance company or agency that is participating in the program. With this information, the agency will be in a more informed position to decide whether to extend an offer of employment to that individual.

As is the case for title insurance company participants, the *quid pro quo* for an agency's being entitled to obtain such reports from other participants is that the agency must be willing to provide reports on any of its employees who have been terminated for fraudulent or dishonest behavior.

In the coming months title insurance agencies will have the opportunity to learn more about the program and to decide on participation. Obviously, the benefits of the program in assisting participants in making informed employment or agency appointment decisions are enhanced as the number of participants providing reference information increases.

\* \* \* \* \*

There is an old ad, in the instant context, appropriate saying: "Fool me once, shame on you. Fool me twice, shame on me." With the initiation of the Title Industry Reference Program, the title insurance industry has taken a positive and significant step towards minimizing the prospect that it can be fooled twice by those relatively few individuals who do not adhere to the high standards of honesty and integrity that characterize the vast majority of men and women who work in the industry.

*The author is a partner in the Washington, D.C., law firm of Steptoe & Johnson and is counsel to the participants in the Title Industry Reference Program. He has represented the ALTA and the title insurance industry on various matters during the past two decades and provided counsel to the Association's Risk Management Committee in the development of the program.*

## MERGERS & ACQUISITIONS

The Board of Directors of **Universal Corporation** authorized management to proceed with a plan to separate the wholly owned subsidiary, **Lawyers Title Insurance Corporation**, from **Universal Corporation**. **Universal Corporation** currently plans to distribute all of the outstanding shares of a newly organized holding company for **Lawyers Title to Universal** shareholders in a tax-free spin-off on the basis of one share for each four shares of **Universal's** common stock. The spin-off of **Lawyers Title** is expected to take place in the fall of this year, and is subject to insurance regulatory approval, final approval by the **Universal** Board of Directors of definitive agreements and certain other conditions. Upon final approval of the spin-off, the Board will establish record and payment dates for the stock distribution. An application will be made to have the shares of the new holding company for **Lawyers Title** included in the NASDAQ National Market Systems. The Management of **Universal Corporation** will not be affected by the proposed distribution. **Charles H. Foster, Jr.** will continue to serve as chief executive officer of **Lawyers Title Insurance Corporation** and will hold the same position with the new holding company.

The **Chicago Title Insurance Company (CTIC)**, a member of the **Chicago Title and Trust Family of Title Insurers**, has purchased **Chicago Title Agency of Central Ohio**. The agency, headquartered in Columbus, will retain its name and become a wholly-owned subsidiary of **CTIC**. **Paul Sands**, vice president and Ohio state manager for **CTIC** announced the transaction. **Sands** said the purchase by **CTIC** will not affect the status of agency partners and that all employees will remain.

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## CALENDAR OF MEETINGS

### 1991

**August 5-6** Reinsurance Committee Meeting, Washington Court Hotel on Capitol Hill, Washington, D.C.

**August 17-21** Accounting Committee Meeting, The Resort at Port Ludlow, Seattle, Washington

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

**October 27-29** Title Underwriter Counsel Meeting, Omni Royal Orleans, New Orleans, Louisiana

### 1992

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

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

### 1993

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

**October 13-16** ALTA Annual Convention, Marriott's Desert Springs Resort and Spa, Palm Desert, California

### 1994

**April 11-13** ALTA Mid-Year Convention, Scottsdale Princess, Scottsdale, Arizona

**September 21-24** ALTA Annual Convention, Walt Disney World Dolphin, Orlando, Florida



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