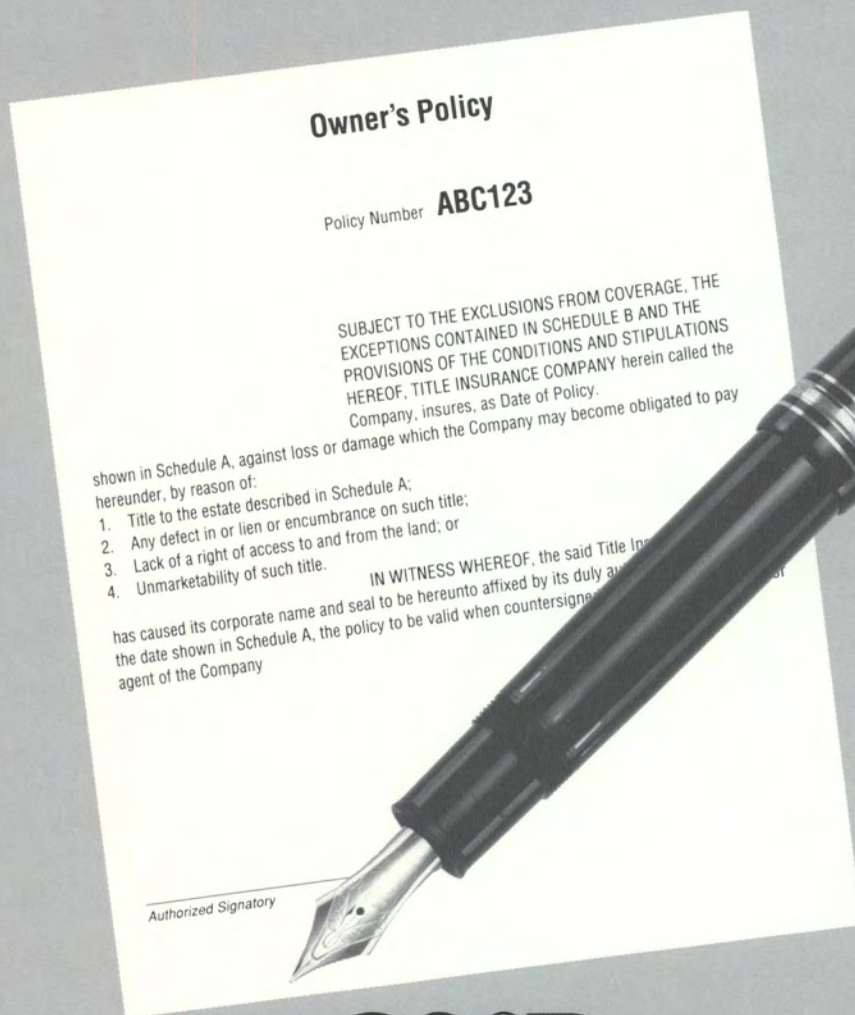


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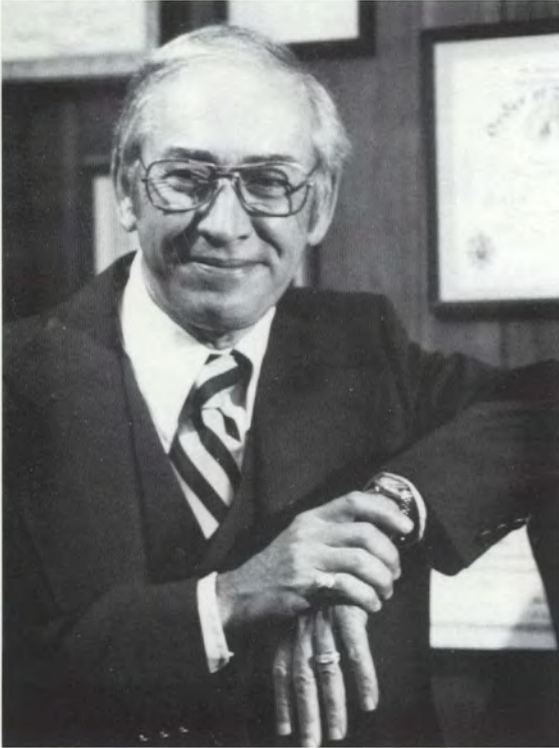
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Volume 70, Number 5

Editor: Adina Conn

\$5 per issue (member rate)

\$8 per issue (non-member rate)

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**Title News** is published bi-monthly by the American Land Title Association, 1828 L Street, N.W., Suite 705, Washington, DC 20036. U.S. and Canadian subscription rates are: \$30 a year (member rate); \$48 a year (non-member rate). Single copies, \$5. For subscription information, call 1-800-787-ALTA. Send address changes to: **Title News**, circulation manager, at the above stated address.

Anyone is invited to contribute articles, reports and photographs concerning issues of the title industry. The Association, however, reserves the right to edit all material submitted. Editorials and articles are not statements of Association policy, and do not necessarily reflect the opinions of the editor or the Association.

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# The New RESPA POLICE

by Phillip L. Schulman

*A new HUD unit dedicated to enforcing anti-kickback provisions of RESPA is flexing its muscle in preparation for a blitz of activity.*

**F**or years now, HUD has been trying to get some final regulations on the Real Estate Settlement Procedures Act (RESPA) out of the department, past OMB and onto the street. Have they made any visible progress on that front? No. Well, wait a minute. Now, there actually appears to be some small progress being made inside HUD on the thorny issue of RESPA.

A new little unit inside HUD that puts some teeth into the department's mission to take enforcement action against RESPA violators may put to rest the charge that HUD has done nothing to actively discourage kickbacks barred under the act.

The Real Estate Settlement Procedures Act prohibits paying referral fees in connection with settlement services. Some title insurers have thought that paying a referral fee is the best way to get ahead. A few others have been afraid they'll lose business if they don't act accordingly—besides, everyone knows the government doesn't enforce RESPA. But, beware—all that is about to change.

Last fall during RESPA congressional hearings, HUD Secretary Jack Kemp made a commitment to the Congress to enforce the act's anti-kickback provisions aggressively. The RESPA Enforcement Unit is the result.

The four professionals and two staffpersons who make up the unit report directly to HUD's assistant secretary for single-family housing. While six individuals may not sound like much in terms of nationwide enforcement, the unit doesn't

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**“W**hen someone performs a service, that party should be paid a fee that is reasonably related to the benefit received—he or she should not be given an excessive payment that blatantly announces itself as a reward for steering business in the direction of a certain company.”

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plan to go it alone. They already have made contact with state attorneys general, state insurance commissions and consumer-interest groups. The early results? The unit has gotten hundreds of phone calls and complaint letters; several dozen investigations already are underway. Once the final regulations on RESPA are published, Unit Director David Williamson expects to begin a major enforcement blitz. Of course, the \$64,000 question is: When, if ever, will the RESPA final regulations be published? But that is another matter altogether.

What should all this beefed-up agency monitoring and enforcement mean to mortgage lending institutions? It means too much to ignore. Don't shrug it off as one



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more "ho-hum" layer of federal bureaucracy. With authority to enjoin business activities, impose civil monetary penalties, require surrendering of profits, debar errant companies and seek criminal convictions, this modest RESPA Enforcement Unit will soon make its presence felt.

RESPA enforcement is a new fact of life. The real estate industry doesn't have to love it, but it had better learn to live with it. Let's consider how the RESPA unit conducts its investigations; what can happen if a company violates the act; and how the company should respond if it faces some unpleasant findings as the result of a RESPA investigation.

#### **About the act**

The Real Estate Settlement Procedures Act was designed to protect homebuyers by requiring advance disclosure of settlement charges and by eliminating kickbacks and referral fees, both of which tend to increase the cost of settlement services. RESPA applies to "federally related mortgage loans," which means virtually all purchase-money, first-lien, residential loans, including both conventional and government (FHA and VA) loans. It does not presently apply to refinancings, second-lien loans or to most construction loans.

The anti-kickback provisions of Section 8 will be the primary focus of the RESPA Enforcement Unit. Section 8 of RESPA gener-

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**“RESPA enforcement is a new fact of life. The lending industry doesn't have to love it, but it had better learn to live with it.”**

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ally prohibits a person or entity from giving or accepting a fee or thing of value for the mere referral of business related to a settlement service. In addition, no person or entity may give or accept any portion, split or percentage of any charge made or received for the rendering of a real estate settlement service other than for services actually performed. Referrals per se are not outlawed by RESPA. Rather, the act prohibits the payment for the referral of certain types of business.

Most of the attention surrounding RESPA investigations is likely to focus on whether the payment of a fee or thing of value, was for services actually performed or whether all or part of that fee or thing of value was paid for a referral of business. HUD's previous RESPA investigations have centered on this issue.

#### **Tattletale enforcement**

With only four staff professionals, the RESPA unit is not going to gather leads through on-site review of a company's offices. Instead, state attorneys general, insurance commissioners, consumer-interest groups and the industry itself will serve as the unit's eyes and ears. Surprisingly, the industry itself has proved to be the most fertile source of leads. Businesses fearing an unfair advantage from competitors that pay referral fees or establish business arrangements that create captive markets are turning in their competitors. When there is clear abuse and substantial evidence to support the charges, a referral to the RESPA unit is appropriate. Industry observers, however, fear that this type of tattletale enforcement could lead to a range war where nobody wins.

Once HUD publicizes the existence of the RESPA unit, they expect to be flooded with calls from disgruntled consumers. The department is considering setting up a hotline telephone service that would further increase inquiries. HUD's Monitoring Division and Office of Inspector General will also lend support by including RESPA compliance as a part of each audit. In short, the RESPA unit expects to be busy.

#### **Common findings**

What sort of misconduct can get a com-

## **HUD Enters into RESPA \$1 Million Settlement Agreement Involving Title Agency Conduct**

Statements in the article above concerning HUD's new, aggressive RESPA enforcement posture have been borne out by recent events.

In the most significant enforcement action ever taken under the 17 year old Real Estate Settlement Procedures Act (RESPA), HUD recently announced that it has entered into a settlement agreement with an Illinois title insurance agency concerning alleged violations of RESPA's kickback prohibitions. The agency, along with a number of other title agent-partners who participated in the program, admitted no wrongdoing in executing the agreement. The agreement called upon the title agency to pay HUD \$1 million over the next year in addition to agreeing to conduct its agency

program in compliance with the agreement. In return, HUD has agreed to drop subpoenas and other investigation activities directed at the agency and its partners.

For the first time since the passage of the Act, this investigation, and to a certain extent, the settlement agreement, focus on what a title agent must do in order to avail itself of the title agency exemption in the statute. HUD is most interested in what it might consider "sham" agency arrangements. These might include circumstances where the agent did not (or didn't even have the skill to) examine a search package, make determinations of insurability, issue the commitment, review releases, deeds and other instruments for their sufficiency in satisfying commitment require-

ments, and issue the policy. Likewise, HUD seems to be concerned where agents with limited real functions have no legal responsibility for the end product.

The ALTA Board of Governors suggested a regulatory definition of a title agent's function late last year when HUD requested ALTA input on the then-pending regulations. The Board advised HUD that making the determination of insurability and issuing the policy of title insurance were at the heart of the title agent's responsibilities. While the regulation project may be on hold, the Department seems to have taken that input and expanded it to include several practical functions it views as embodied in the phrase, "determination of insurability."



pany into trouble? Here are a few ways to guarantee a fine or penalty:

- Providing money, vacation trips, fax machines, computers, interest-free loans or any other thing of value for the referral of business;
- Paying excessive fees to those providing legitimate services, with the excessive fees representing payment for the referral of business;
- Camouflaging exclusive agents to appear as employees and then paying fees for the referral of business;
- Failing to disclose controlled business arrangements to the borrower;
- Requiring the services or use of an affiliated party;
- Circumventing the controlled business requirements by creating a shell company that is paid a service fee, when in fact, the service is performed by the identity-of-interest owner of the shell company;
- Splitting fees for little or no work with a company that is in a position to refer settlement business;
- Failing to provide information booklets or HUD-1 Settlement Statements in a timely manner;
- Making false statements in connection with the preparation of a HUD-1 Settlement Statement;
- Collecting escrow reserves in excess of RESPA requirements;
- Requiring that the borrowers purchase title insurance from a particular company;
- Failing to provide the newly required escrow statement and transfer disclosure.

The possibilities and variety of schemes that can be created to circumvent RESPA are endless. Most have the same underlying theme: paying a lender, mortgage broker, attorney, real estate agent, settlement agent or seller a fee or thing of value in order to induce that person or entity to refer business to a company. Don't do it—as you will see, it's not worth it.

### **We're from the government and we're here to help**

There are several different levels of inquiry, according to RESPA Enforcement Director Williamson, depending on the nature and extent of the allegation, amount of the fees paid and intent of the parties. A RESPA Enforcement Unit review may take one or more of the following forms:

**Preliminary inquiry**—This is the first, and least-serious, method of review. Upon receipt of a complaint, the RESPA unit may send a letter to determine if HUD has jurisdiction or whether the alleged infraction

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**“ . . . the industry itself has proved to be the most fertile source of leads. Businesses fearing an unfair advantage from competitors that pay referral fees or establish business arrangements that create captive markets are turning in their competitors. . . . Industry observers, however, fear that this type of tattletale enforcement could lead to a range war where nobody wins.”**

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even rises to the level of a RESPA violation. The RESPA unit may request copies of promotional materials or ask the firm to provide additional information about a particular transaction. At this level, matters usually are resolved informally.

**Formal investigation**—If HUD has jurisdiction and has determined that the allegation constitutes an infraction, it will open an investigation. The RESPA unit will send a formal notice to inform the alleged violator that it is the subject of a RESPA investigation. The notice will describe the nature of the alleged deficiency; in return, it will request a laundry list of documents and information concerning the company's business practices and procedures. Generally, the company will be given 30 days to comply; if the information requested is burdensome, however, the firm should request an extension of time.

The subject of the investigation should provide the requested documentation—but it should also submit a detailed response that sets out any legal or factual defenses; any mitigating circumstances (if the company has, for instance, discontinued the improper activity or terminated the errant employee); and any corrective actions it may have taken, such as training personnel on the key points of the law or refunding money to borrowers.

Companies targeted for RESPA investigations may want to consider requesting a meeting with the staff of the RESPA Enforcement Unit. If the activities were lawful then the company should defend its posi-

tion vigorously. If the actions prompting the investigation were inadvertent or caused by negligence, the company's defense should make that clear.

The RESPA unit is not looking to put companies out of business. It understands how little guidance there has been on RESPA matters, and at this level, the department is willing to work with companies. Firms under investigation should cooperate with the department. By doing so, companies will find it increases the chances of resolving a potential RESPA violation informally and inexpensively. An added reason to cooperate is the fact that RESPA gives the department broad powers to compel testimony and secure documentation, if a company doesn't cooperate.

Specifically, Section 19 of the act authorizes the HUD secretary to “investigate any facts, conditions, practices, or matters that may be deemed necessary or proper to aid in the enforcement of the provisions of the Act.” That is, the secretary can hold hearings, administer oaths, subpoena witnesses and documents.

The best bet, for companies that find themselves tied up in the middle of such an inquiry, is full cooperation with the RESPA unit. Seek an administrative settlement. For those choosing to disregard this advice, there's certainly going to be a hearing ahead.

**Hearings**—The RESPA unit, as we noted, has the authority to conduct formal hearings when it deems such action necessary. When a company refuses to cooperate or make its records available, or the infraction is serious and appears to have been designed to circumvent RESPA, then the unit will begin an administrative hearing. Most likely, a company would receive notice of the hearing when HUD serves it with a subpoena. The subpoena may compel an appearance in Washington, D.C., and it may require the production of a company's books and records going back approximately three years.

If companies receive notice of a hearing, contacting counsel immediately is a wise first move. Counsel can be particularly helpful with the preparation of testimony, review of documentation and can be also present at the hearing.

The hearing will be “on the record.” A court stenographer will be present to record the company's testimony, which must be given under oath. A representative from the RESPA Enforcement Unit will serve as a hearing officer, and an attorney from HUD's Office of General Counsel will ask questions of the witnesses. Be aware: it is a crime to violate Section 8 of the act



intentionally. In certain circumstances, upon advice of counsel, a company may decide to refuse to testify so as not to incriminate itself. On the other hand, chances are the matter will be administrative and civil, rather than criminal. Cooperation is in best interest of the company.

Remember, this isn't an adjudicatory proceeding. The hearing permits HUD to conduct a fact-gathering exercise—it is not a trial. The subject of the hearing will be responding to the questions of HUD lawyers. There is no cross-examination of government or other witnesses.

On the other hand, the hearing provides an opportunity for a company to explain its operations and to present any and all defenses, mitigating circumstances and corrective actions. The hearing also gives the subject a chance to ask HUD the nature and extent of the department's case against it.

After the hearing, it may be necessary for the management of the company to conduct its own investigation in order to rebut certain charges made by the department. But if the activities did not violate the act or other defenses are available, a company shouldn't hold back. It should vigorously oppose any effort to get it to make refunds or stop doing business. Be aware, however, that HUD has an impressive arsenal of weapons should a company refuse to enter into a settlement.

### Penalties and sanctions

A lot of bad things may happen to a company that violates the anti-kickback provisions of the act. A look at the RESPA Enforcement Unit's broad powers and the kind of settlement a company could face reveals that the type of loan indicates the possible penalties and sanctions. In the case of conventional loans, the HUD secretary may:

- bring an action to enjoin business activities;
- seek a \$10,000 fine;
- seek criminal penalties of up to one year's imprisonment;
- require restitution to the person or persons unfairly charged for a settlement service in an amount three times that of the original settlement charge;
- require the company to return all profits made through this unauthorized activity.

In the case of FHA-insured loans, the department may seek all of these penalties plus any or all of the following:

- debar settlement agents, title companies, real estate agents, mortgage brokers and sellers from further participation in FHA programs;
- impose civil money penalties of double

damages plus \$5,000 for false statements or claims submitted as a result of RESPA infractions;

- withdraw FHA approval of lenders found to have violated RESPA rules and requirements;
- require indemnification from errant persons and companies.

A private right of action could result in triple damages, and state attorneys general are becoming increasingly sensitive to state violations involving unfair real estate trade practices.

The penalties for violating RESPA's anti-kickback provisions are dire. Before HUD elects one or more of these Draconian measures, it will take into account such factors as the gravity of the offense; any history of prior offenses; the ability to pay; injury to the public; benefits received and deterrence of future violations.

At any stage of a RESPA investigation, a company may elect to enter into an administrative settlement with the department. The "price" that will be paid, either in modifying its existing practices or forking over hard dollars, will ultimately depend on all these factors, as well as the considerations HUD applies in determining an appropriate remedy.

If, after evaluating all the factors, management determines that an administrative settlement is in the company's best interest, HUD's track record suggests the settlement is likely to include several possible elements. For instance, the company may be asked to cease and desist the activity that gave rise to the investigation; provide restitution to borrowers for the amount determined to have been a referral fee or overcharge; and/or disgorge the profits to the government in those cases where borrowers were not overcharged, but instead were required to use a specific service provider. In addition, the company may have to dissolve entities that HUD considers to have been created to circumvent the act and provide corrective actions that prevent a recurrence of the deficiencies that gave rise to the RESPA unit's investigation.

A final note: before signing any agreement, companies should insist that it include a provision whereby the act of settlement is not considered an admission of liability, but instead is undertaken to avoid the expense and inconvenience associated with a civil or administrative proceeding.

### How to avoid this headache

Are providers of settlement services defenseless? Can these companies do anything to protect themselves from such unpleasant consequences? Of course.

First, don't pay referral fees, RESPA forbids paying someone for the mere referral of business. That means no "gifts" or fees to individuals that refer business to settlement service providers. When someone performs a service, that party should be paid a fee that is reasonably related to the benefit received—he or she should not be given an excessive payment that blatantly announces itself as a reward for steering business in the direction of a certain company.

If your company provides settlement services, and an individual knocks on your door, business in hand, and asks directly for a fee, don't be shy. Tell that person you'd be glad to do business if legal counsel will opine that the transaction doesn't violate RESPA. It's a quick way to identify your friends.

Also, look before you leap. If you have questions about operations, a new marketing campaign or compensation program, seek the advice of counsel before you take the plunge. Ask HUD for its opinion. Presently, HUD is not providing opinion letters, but after the new regulations are published, the department will begin making public its advice on business practices affected by RESPA.

Finally, monitor your activities. Make compliance with RESPA a part of your company's internal audit procedures. Quality-control plans should be amended to look for RESPA infractions.

Should a company find that its employees have violated RESPA, damages may be mitigated. It should stop the practice; terminate the errant employee or third-party companies; take corrective actions; and, if appropriate, make restitution for any apparent overcharges.

The RESPA Enforcement Unit is gearing up. Director Williamson believes that the industry is trying to comply with RESPA. "This is not a 'gotcha' exercise," he says. "On the other hand, if we find intentional misconduct, we will not hesitate to bring the full measure of our powers against those who would violate the rules." Title companies, lenders, mortgage brokers, settlement agents, real estate agents and sellers: be forewarned and act prudently.



*Phillip L. Schulman, Esq., is a partner with the Washington, D.C., law firm of Brownstein Zeidman and Schomer where he specializes in mortgagee enforcement and compliance matters before the federal agencies.*



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# ALTA Takes Action to Prevent Banks from Entering the Industry

by Ann Hadley vom Eigen

*Editor's Note: Late on November 21, the House passed a "narrow bill" which contains no provisions on insurance sales. The Senate also passed "broad" banking legislation, which (1) allows national banks to engage in insurance activities in states where state-chartered banks can do so, and (2) grandfathers our litigation. As this goes to press, the Senate and House Leadership are deciding whether it will be possible to reconcile the dramatic differences between the House and Senate bills.*

In its most recent attempts to pursue aggressive lobbying efforts, ALTA has taken great strides to try and prevent national banks from obtaining entry into the title industry. Such efforts have been undertaken on two fronts: a litigation strategy seeking court sanctions against the bank sale of title insurance, and a legislative campaign seeking a prohibition of national bank sale and underwriting of title insurance. It is to ensure the continued viability of the independent title insurance agent system and the continued soundness of title insurance underwriters that the Association has undertaken such efforts. Because bank affiliated agencies are virtually assured referral of all mortgage loans of their parent institution, this issue is of crucial importance.

As you may recall, the ALTA and New York State Land Title Association filed suit against the Comptroller (OCC) in 1989 to challenge the OCC approval of Chase Manhattan Bank's application to establish two title agency subsidiaries in New York (*ALTA et al. v. Clarke*, Civ. Action No. 89-6939). At that time, the OCC argued that banks could sell title insurance under authority to engage in activities "incidental to banking" as provided in the National Bank Act (12 U.S.C. 24). ALTA, relying on *Saxon v. Georgia Ass'n of Independent Ins. Agents, Inc.* 339 F.2d. 1010 (5th Cir. 1968), argued that the National Banking Act (12 U.S.C. 92) prohibits national banks from selling insurance except in communities of 5,000 or less. The trial court followed the now-tradi-

tional approach of the federal courts in the area of bank powers. In an opinion filed on August 15, 1991, the Federal district court denied ALTA's motion for summary judgment. The ALTA has since filed an appeal to the Second Circuit Court of Appeals, and oral arguments are now scheduled for January. The court deferred to the OCC's interpretation of the banking statute, which the agency applied after making the critical finding that Congress had not clearly addressed the issue of whether Section 92 encompasses title insurance.

In attempting to assure that Congress clearly addresses this issue in the Banking legislation, the ALTA initiated a Washington lobbying and "grass roots" legislative campaign this past spring. The campaign met with some success, in large part due to the hard work of ALTA members such as Dick Pollay of Chicago Title, First American employees Mike Bidegeneta and John Casbon, agents such as Bill Thurman of Gracy Title, Bert Massey of Brown County Abstract, and Tom McDonald of The Title Group, as well as the ALTA's affiliated association officers. Such efforts, made here in Washington, DC, accompanied by consultant contacts with key members of the House Energy and Commerce Committee proved of to be of great value in the bank powers battle.

One dramatic victory for the title insurance industry resulted from a compromise which was reached in the House of Representatives this past October. This action, which stemmed from the House Banking, Energy, and Commerce Committees, included a legislative provision which prohibits national banks from selling and underwriting title insurance. These provisions were included as part of HR 6, the "Financial Institutions Safety and Consumer Choice Act of 1991." Although this bill was defeated on the floor, the insur-

ance industry successfully fended off an effort to obliterate the insurance provisions from the bill. The ALTA coordinated legislative effort thus overcame strong lobbying by the Administration, the American Bankers Association (the latter of which has been working to allow national banks the sale of title insurance), and Citibank, which sought to obtain deletion of the underwriting prohibition included by the Energy and Commerce Committee.

Unfortunately, ALTA's efforts did not achieve the same rate of success among the members of Senate. To begin, it is important for Association members to be aware of the fact that the Senate Banking Committee is comprised of several Senators who are former Governors. These individuals believe strongly in the benefits of state regulation of insurance. Senator Richard Bryan (D-NV) had filed an ALTA-sponsored amendment with the Senate Banking Committee before mark-up began, proposing: (1) State statutes explicitly provide for sale of a particular type of insurance before state and national banks could do so, and (2) National banks be prohibited from the sale and underwriting of title insurance. Sentiment, however, in the Senate Banking Committee ran so high against the insurance industry in general, that Senator Gam, the Ranking Minority member of the Committee, threatened to repeal McCarran-Ferguson. Consequently, Senator Bryan refrained from proposing the amendment. Thus, the ALTA is presently continuing to work with members of the Senate Banking Committee to try and improve their position on this issue before the bill reaches the Senate floor.

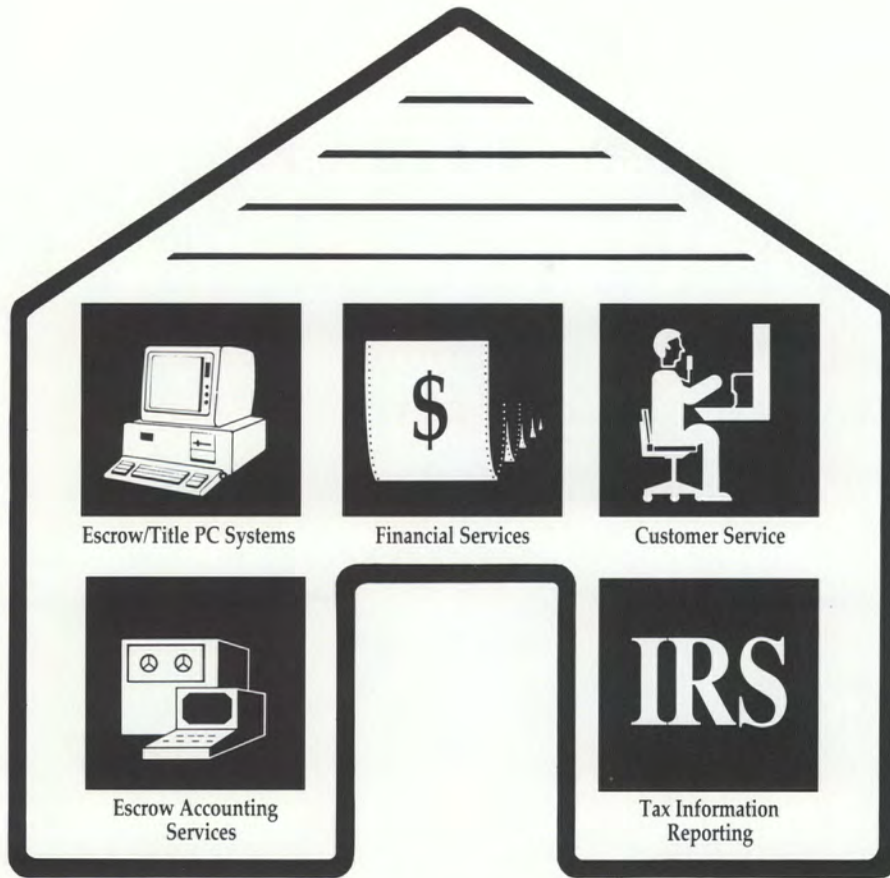
The Senate banking bill, S 543, the "Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1991," now provides that national banks may sell insurance in a state if a state-chartered bank is allowed to sell insurance there. In addition, the bill provides for insured state banks to

*continued on page 36*



*The author is legislative counsel for the ALTA. She is a former associate legislative counsel for the Mortgage Banker Association, where she covered housing, budget appropriations, and environmental issues. Prior to her work with the MBA, the author spent eight years on Capitol Hill, working on the staffs of the Senate Committee on the Budget and Environment and Public Works. The author is a Tufts graduate, with a Masters from Harvard University and law degree from Georgetown University.*





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# NEWS RELATIONS

## Strengthening Title Association Media Activity at the State Level

by Gary L. Garrity

This article is the second in a series of two. The first part of this feature appeared in the previous September/October 1991 issue of *Title News*.



Commentary in the preceding article addressed the advantages of a planned, targeted approach to communication by a regional/state title association public relations committee. Because of the complexity of the subject, news media relations received only limited mention. The following provides a more detailed look at media interfacing from the association viewpoint.

Media personnel as such do not represent an “audience” in an association public relations program. But, because of their great importance in influencing widespread public opinion, media people must be accurately perceived and correctly dealt with if planned communication is to succeed.

The media relations strategy and tactics of an association may differ from those of an individual title insurance company. In some instances, having the association speak to media as a single title industry “voice” can have advantages over attempting similar impact with one company. Association leaders including public relations committee members will need to keep the differences in mind as they take an “institutional” approach in addressing industry-level public relations problems.

It should be remembered that media personnel often are pressed for time—and are primarily interested in *news*. Since it is to the benefit of the association to establish credibility with media as a *news* source, care should be taken not to approach them with material that is less than newsworthy. It can help if one or more committee members has or develops a “nose for *news*”—or the ability to quickly assess developments that are of current interest to media readers, viewers and listeners.

Association work with news media can be divided into three areas—*backgrounding*, *placement* and *coverage*.

*Backgrounding* is geared toward improvement of understanding among media people, to enhance prospects for fair and accurate reporting later on. Activity of this nature may be concentrated toward a particular topic or



issue, or may be more widely focused. *Backgrounding* activity should affirmatively respond to the media person who asks: "Why should my readers/viewers/listeners be interested in this?"

*Backgrounding* can be handled orally, can use written material, or combine the two. If information being conveyed is sensitive and identifying the association as source is not acceptable, media persons should be asked to agree to *backgrounding* on a "not for attribution" basis. This leaves the possibility that an enterprising media professional may develop an alternate source to quote and break the story anyway, but the association should remain unidentified under the agreement. Experienced reporters are accustomed to "*backgrounding* without attribution" and this type of arrangement should be attainable.

*Placement* refers to activity initiated by the association that is designed to win positive coverage on a particular subject. Writing a bylined article after first contacting the editor to determine interest, distribution of a news release, and appearing on a television or radio "call-in" talk show are examples of *placement* effort. Once again, the subject matter must have news value.

*Coverage*, as defined here, is different from *placement* in that media personnel take the initiative in contacting the association because of their interest in a possible news development. Planning by the public relations committee should include designation of an appropriate spokesperson for handling media inquiries. It may be that the most satisfactory approach will be having a single individual receive the inquiries initially, either for responding directly or subsequent referral to others depending on the subject. Media persons often contact news sources when they are close to deadline, so plans should be made for quick response alternatives.

For those who may be new to dealing with media questions, the process can be rough and tumble at times. There are three generally accepted responses to a reporter's question:

- The answer requested
- I don't know but I'll find out and call you
- I can't tell you

The cardinal rule: *Never deliberately misinform a reporter.* News people have long memories, and always have the next edition, broadcast, etc., for redressing what they perceive as wrongdoing.

From time to time, it can help if the association public relations committee provides known media people with an interest in the title industry with the name and telephone number(s) of person(s) to contact regarding news inquiries. If possible, the primary association contact person should personally introduce himself/herself to important media people who are likely to have an interest in *coverage* of the title industry.

Media people frequently are quite busy, even harassed when close to deadline. Contact visits by an association representative need to be scheduled with time considerations in mind. If a media professional is swamped when reached on the telephone, this usually will be made clear

to the caller. It may be more productive to call back later, when the media person has more time for conversation. On the other hand, if the association representative is calling with a late-breaking development that is time sensitive, this should be pointed out early in the telephone communication.

### **Association Presents Industry-Level Profile**

Subjects involving an association will differ somewhat from those related to a single title company in the area of media activity. Most notably, the association normally will attract media attention to its industry-level, or institutional, profile—instead of single company focus. Here are some examples of association subjects that are of possible media interest:

- Legislative and regulatory issues
- Litigation
- Statewide business trends
- Educational advice on protecting home buyers against specific land title hazards
- Educational advice on closing
- State association conventions, meetings, seminars
- State association involvement in public interest activity such as land records improvement

### **Media Needs Vary**

Although any news professional is interested in a good story, individual needs of the particular type of media represented most likely will be seen in *coverage* situations. Studying the various media operating in a particular state will help provide members of a public relations committee with an understanding of their needs. This can be useful in dealing with *coverage*, and in planning for *placement* activity.

In the media relations work of an association, most of the subject matter encountered probably will be enhanced by emphasis on a state, or a local, news angle. Suggesting an explanatory article on a new state title insurance regulatory bill supported by the association will be enhanced for a local editor if the idea includes an interview with a title executive in the *same city*, whose company situation illustrates why the legislative measure would benefit the industry and the home buying public. Again, any *placement* activity involving legislation or regulatory activity should be coordinated in advance with the association legislative committee and/or lobbyist.

Here are brief profiles suggesting some of the characteristics found in media that could be encountered in public relations activity of an association. Although far from all-inclusive, these sketches emphasize that media interfacing should be carefully planned with individual differences in mind.

*Wire Service.* Contacts in most cases will be limited to the state capital. Usually more interested in "hard news" focusing on the full spectrum of state government. State capital wire service bureaus often are seriously understaffed; accordingly, contact with their reporters probably should be limited to "major" news events. When possible, advising a bureau of an upcoming development well in advance is preferable—even when all the details may not yet be known.



Through some intelligence gathering, it should be possible to learn the times of day wire reporters are most likely to be in the bureau office.

*Daily Newspaper.* Size and structure of the newspaper will determine the most effective approach for a state title association. With a state capital daily, it may be necessary to work with the news editor or reporter covering the legislature, insurance department, etc. In other locales, daily paper coverage of the title industry probably will be handled through the business editor, real estate editor, or a business/financial/real estate writer. Establishing and maintaining contact with these key media people is of considerable importance, although calls or visits should include backgrounding, story ideas, etc., that have news value.

Another objective in media contact is establishment of the association representative as a reliable news source, so this individual will be contacted by the editor/reporter working on a story that involves the title industry. It is useful to know the press deadlines for daily edition, real estate section, etc.

*Suburban/Rural Newspaper.* These papers often reach an important audience of opinion leaders and should be included in the plans of an association. Depending on configuration, suburban/rural papers can range from aggressive tabloids in urban areas with "hard news" focus on their immediate coverage locale to more traditionally rural papers that emphasize local news but have a lower frequency of publication. *Placement* activity often is handled through the editor, and can offer a better opportunity for educational features directed toward a variety of title industry publics through a home buyer orientation.

*Professional/Trade Publications.* Ranging from bar or surveyor professional journals to trade publications for builders, lenders, real estate brokers and the like, publications of this type can be important in reaching a variety of important title industry audiences. When attempting to sell an editor on an article idea, the approach should meet the interests of those who read the publication concerned. Advance awareness of special theme issues, etc., may help in *placement* planning. Although leaders of an association may decide to purchase advertising space in a professional or trade publication, this should not be acceptable as an inducement for *placement* of a title industry article.

*Television.* Just as with newspapers, basic coverage of a television station will reflect the interests of people in the immediate locale. In suggesting ideas to a station news director, it should be borne in mind that television is a *visual* medium; elements in a good story are likely to stimulate more interest if they can be illustrated pictorially while being kept brief. Stations have varying program formats including public affairs talk shows and other features that can present additional opportunities for the association seeking favorable visibility. It can be helpful to become familiar with what is presented by a station before proposing industry subjects to the producer of a particular show. Besides network affiliates, independents and public television, cable networks and stations are growing in importance; here, air time can be more accessible but it is important to become familiar with the viewer potential for each outlet

considered. Members of an association public relations committee will need to carefully consider representatives of their organization based on (1) knowledge and (2) ability as an on-camera "performer" before determining strategy for television *placement*.

*Radio.* Outlets can vary from a statewide news network to news and other programming on a local station. Besides being "hard news" of immediate interest to listeners in the locale concerned, radio *coverage* calls for brief, hard-hitting items. As with television, a good initial approach is to analyze outlets that are available and structure *placement* activity toward meeting their individual programming needs. If there is a promising public affairs talk show where leading issues are discussed, for example, listening to several of the programs can help before contacting the producer with suggestions on how a subject might be presented that is of interest to an association. Again, the knowledge and "performer" considerations mentioned for television will need to be applied before determining who will represent an association in a radio appearance.

### **Preparedness Is Essential**

Developing a sound media relations strategy will strengthen an association's capability for favorably impacting public opinion. Even if an association chooses not to become directly active in *placement* work, knowing how to proceed with media can be quite helpful if an important story develops and title leaders find themselves attracting attention from journalists interested in *coverage*.



The author is vice president—public affairs for ALTA and works with the Association Public Relations Committee. He joined the ALTA staff in 1968, and previously was an account supervisor for a large advertising and public relations agency. A former daily newspaper reporter, he is an Accredited Member of Public Relations Society of America.



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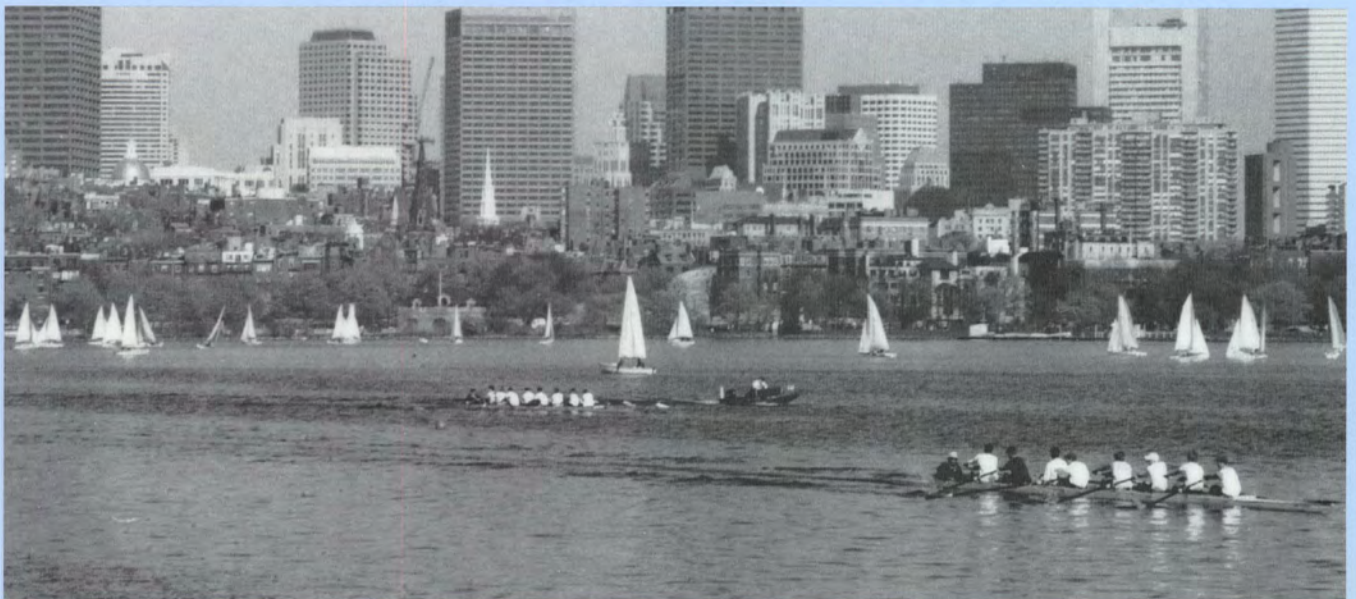


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# Boston Memories

*photographs by Ken Abbinante and Adina Conn*

**C**rewing on the Charles River, the beauty and serenity of Thoreau's Walden Pond, Faneuil Hall and Marketplace, the Statue of Paul Revere at the North End Church, along with the Boston Commons and Public Gardens, and the ever-famous **Cheers** conjur up memories of time spent in Boston. The historic city was site for this year's ALTA Annual Convention. Amongst the splendor of a New England fall, members reveled in the educational experiences they received in and around the city, as well as from ALTA Convention fare. Acquaintances were renewed, old friendships rekindled, and new ones made, in the city that keeps the spirit of this country very much alive. Come with us on a photographic journey . . . rekindle the spirit of Boston and the ALTA Convention.









# The Ice-Breaker and Receptions



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1. First Lady Ann and ALTA President Bill Thurman ready to greet their guests at the President's reception.

2. Betty and Charlie Foster relaxing at the President's reception after a day's travel.

3. Laura and Jack Rattikin III show us their "Ice Breaker smiles."

4. Louis Pettey (from left), Indi and Ted Rogers can't hide their feelings toward the evening's festivities!

5. Marge and Larry Scharff take a moment to pose for the camera at the President's reception.

6. Ron Cox and Shannon Skinner found deep in conversation during the Ice Breaker.

7. Attendees flash a truly award winning smile at the Ice Breaker.

8. Danielle and Tim Brellenthin clearly enjoying themselves.

9. William Pomeroy and Dorothy Waldron show their enthusiasm.

10. Nancy Braun, a new ALTA member, captivated with advice from a veteran member.



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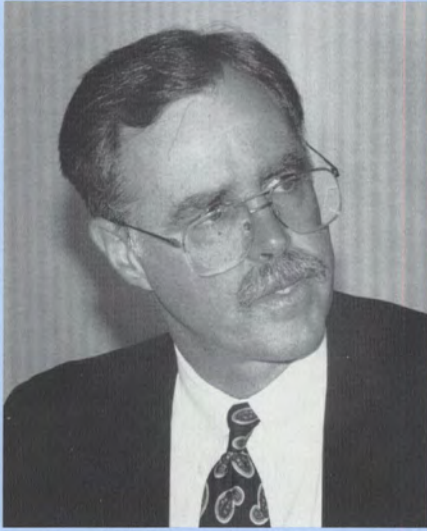
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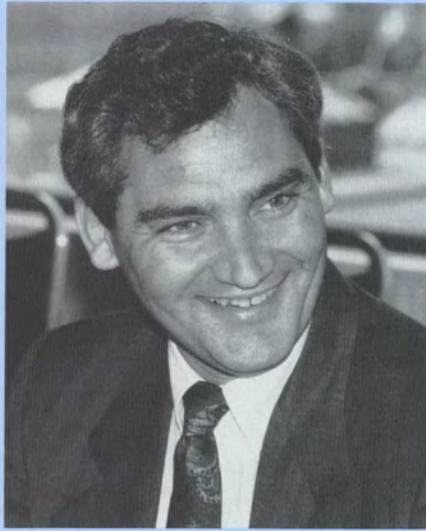
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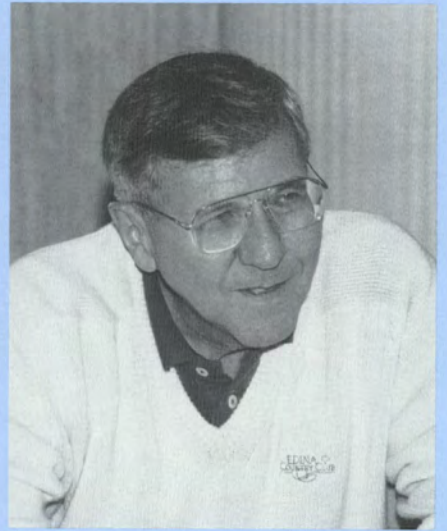
# The Meetings



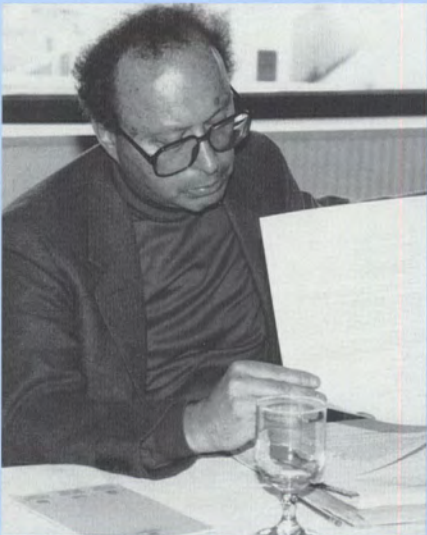
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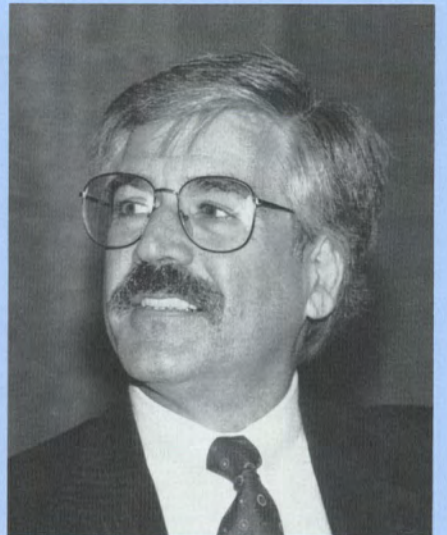
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# TIPAC & Past Presidents



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1. Underwriter Chairman Parker Kennedy listens intently to the discussion at the meeting.
2. ALTA Governor Chuck Juhl finds himself amused during one of the many meetings.
3. Joe McNamara grasping the gist of the issue in point.
4. Dick Pollay, found deep in concentration over the SLRAC report.
5. Mike Franks caught in the act of "note-taking!"
6. Stanley Friedlander proves to be a captive audience.
7. Roland Chamberlain pleased with the direction the meeting is taking.
8. Ed Stahl found in a moment of repose.
9. Paul Sakre koff tentatively emphasizes his point.
10. Former TIPAC Chairman Roger Bell—wants *YOU* to *FIGHT BACK* for TIPAC!
11. TIPAC speaker and Washington, DC, columnist Fred Barnes, found taken with his own words.
12. ALTA Past Presidents (from left) Tom McDonald, Jack Rattikin, Jr., and Jim Boren reminisce about the "good ole days."
13. Past Presidents (from left) Dick Toft and Charlie Hon, enjoying their retirement from the Presidency.



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# The General Sessions



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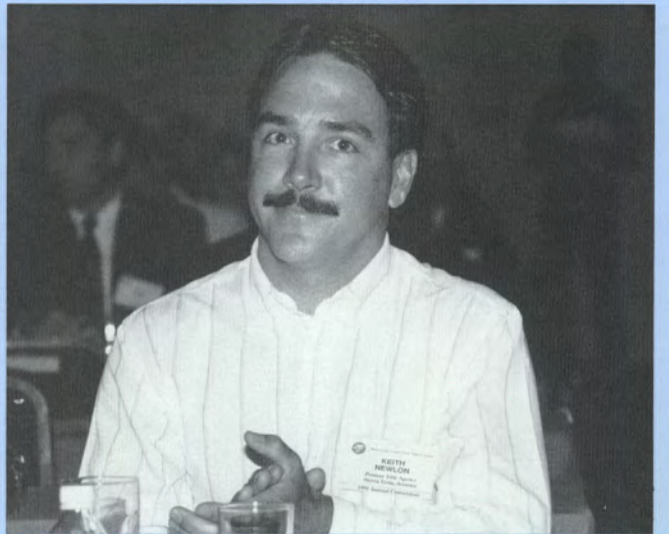
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1. The "Spirit of '76"—fife and drum corps bring a lively commencement to the General Session.
2. Speaker Leo McManus makes a very "weighty" point to ALTA members.
3. Elizabeth Linker captivated by Leo McManus' discussion.
4. Another ALTA member found absolutely tickled by the witticisms of Leo McManus.
5. Economist Pat Choate discusses his views on American and global economics.
6. Keith Newlon listens intently to the message delivered by Pat Choate.
7. Mortgage Banker Association President Angelo Mozilo tries to "down play" his point to members.
8. Speaker Bud Dixon (left) strikes a firm point, while Richard Siebert looks on.
9. "Inquiring Minds Want to Know!" Inquisitive members with questions for the FDIC panel.
10. The 1991-92 ALTA Board of Governors (front row from left): Treasurer Dick Pollay, President Dick Cecchettini, Immediate Past President Bill Thurman, President-Elect Dick Oliver, Chairman Abstracter-Agents Mike Currier, Governor Chuck Juhl, (back row from right): Governor Charlie Foster, Chairman ALTA Finance Committee Herb Wender, Underwriter Chairman Parker Kennedy, Governors Bill Rice and Malcolm Morris.



# Tours & Exhibitions



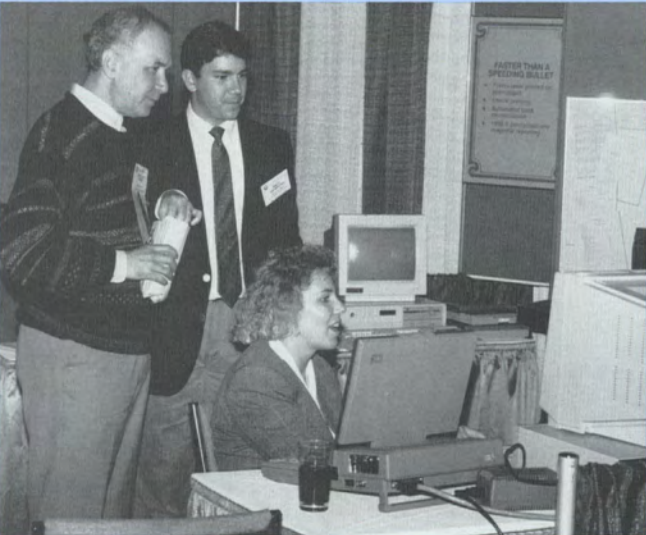
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# Spouse/Guest Brunch



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1. Members enjoying the beauty of the city amidst the quaintness of Boston's Back Bay homes.
2. A "passage through the city" is traced by members on a historic map of the old city.
3. Joe and Linda Parker enjoy a moment together during a tour.
4. D.C. Title Association President Morton Press (left) receives information from exhibitor Brett Baumeister.
5. Exhibitor Bob Fitzhugh (left) explains a new software program to an interested member.
6. ALTA First Lady Ann Thurman (left) found amidst this year's haute couture with Spouse/Guest Brunch speaker and fashion writer Mary Lawlor.
7. An ALTA spouse (left) receives the "how-to's" on the importance of shoulder pads from model "Suzy."
8. Spouse/Guest Brunch model "Suzy" shows off the latest in fashionable *Kiss of the Spider Woman* evening wear!
9. Faith Schwartz (left) and Jean Becker delight in the morning's fashion show.
10. A captive audience receives fashion tips from Mary Lawlor.



# The Winners



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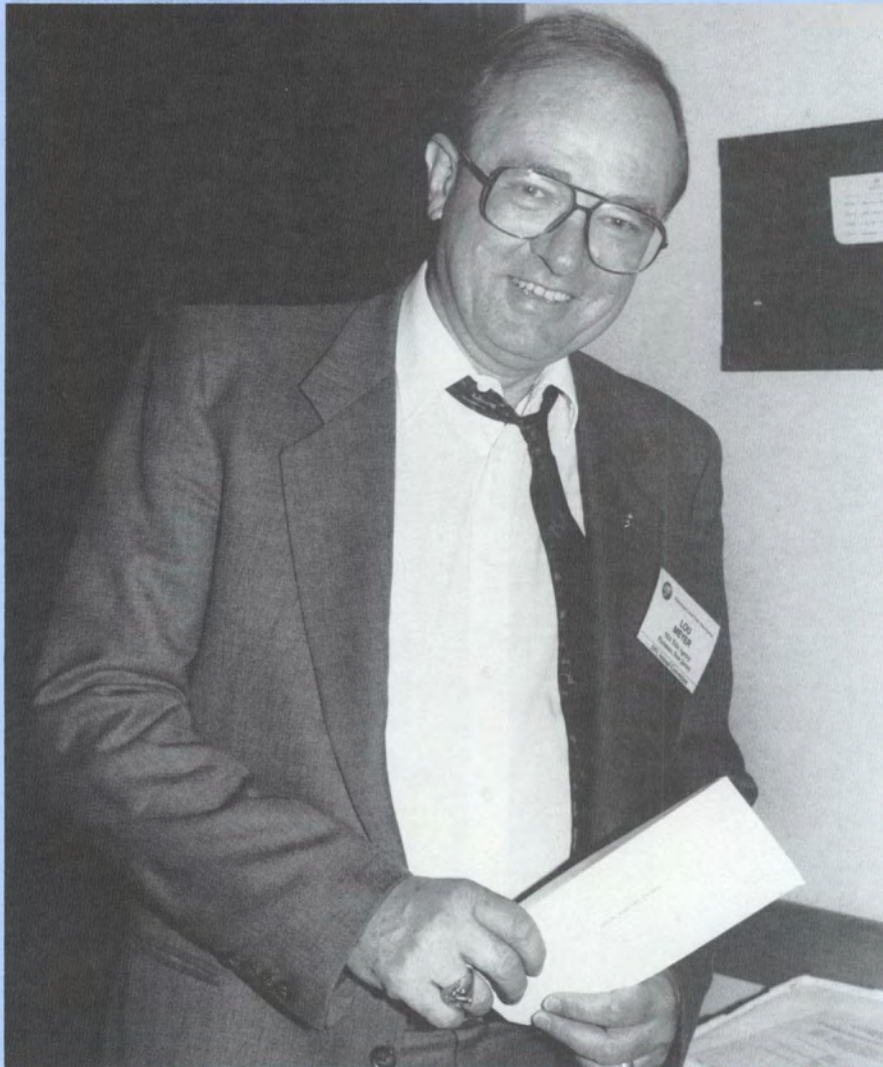


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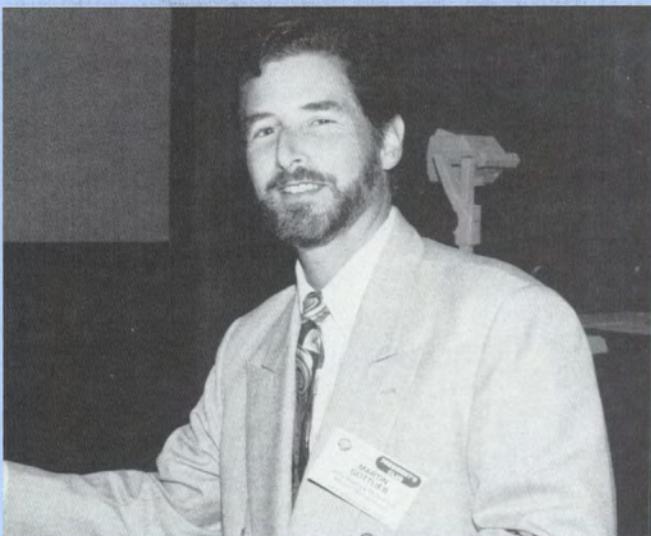
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1. Early Bird-drawing winner Phil Wert (left) receives a hearty congratulations as well as plane tickets to the ALTA Maui convention from President Bill Thurman.
2. Tom McDonald (left)—Number 1 *Cheers* fan and winner of the *Cheers* trivia quiz receives a shirt from the noted pub, by New England Land Title Association host Rik Dickson.
3. Bayard Waterbury (right) accepts second prize, and a *Cheers* mug for wife Lisa (not pictured—still asleep)!
4. John Ellis (right) receives his “stamina” award for “going the distance” on attendance at the afternoon educational sessions.
5. John Casbon (left) receives a Harry & David gift certificate from Bill Rice at the New Member and Recruiter Breakfast.
6. Lou Meyer a Early Bird winner—caught a free plane ticket to Maui but not the worm!
7. Martin Gottlieb stands a bit asleep and/or in disbelief, at having won a set of plane tickets to Maui at the Early Bird drawing!

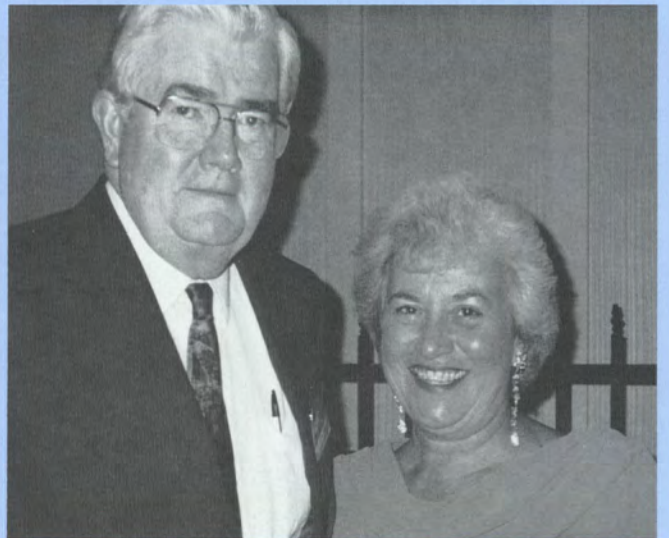
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# "Boston Under the Stars"..The Annual Banquet







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1. Is that Ann Thurman or lovely Mrs. America escorted by handsome husband Bill?!
2. Newly installed President Dick Cecchettini (left) presents a thank-you gift for her ALTA service to Ann Thurman, while husband and Immediate Past President Bill looks on.
3. President-Elect Dick Oliver accompanied by his charming wife Kitty.
4. Past President Tom McDonald, with wife Mary Lou, found toasting to the evening's festivities.



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5. Ann Bowling with husband and Past President Marvin Bowling, make an elegant couple.
6. Randy and Marion Farmer brimming with excitement at the ALTA gala.
7. Past President John Cathey escorted by wife Wyona (Abstracter-Agent Section leader), show their famous smiles for the camera.
8. Bernice and Michael Hick—the most color-coordinated and truly lovable couple of the evening.
9. Dan Dozer provides a regal smile for the camera while wife Judy looks on admiringly.



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10. The grand finale—Lisa Waterbury fancies herself as Carmen Miranda, as she cha-chas away from the evening gala!



## NAMES IN THE NEWS



Vogt

**Robert M. Vogt** has been named state manager of Alaska for **First American Title Insurance Company**. In February, **Vogt** was named president of **Security Title & Trust Company of Alaska**, a wholly owned subsidiary of **First American**. Since that time, he has expanded the state's agency network to include an additional 20 recording districts.

**Lawrence M. White** has been elected to the board of directors of **Midland Title Security, Inc.**, a wholly-owned subsidiary of **First American Title Insurance Company**, Santa Ana, CA. **White** is executive vice president of **First American**. He also continues as a regional vice president with responsibility for the State of Hawaii. **White** was named to the **First American Title Insurance Company** board of directors in 1985, and is on the boards of several **First American** subsidiaries, in addition to **Midland Title**. He has served on the County Recorders Liaison Committee, the Related Industries Committee and the Education Committee of the California Land Title Association. He is currently on the Governmental Affairs Committee and the Committee for Improvement of Land Title Records of the American Land Title Association and is a member of the board of trustees of TIPAC.

**Lawyers Title Corporation**, the newly formed holding com-



Bowling

pany for Richmond, Virginia-based **Lawyers Title Insurance Corporation**, announces the election of its board of directors. **Lawyers Title**, formerly a subsidiary of **Universal Corporation**, also in Richmond, recently became a publicly held company in a tax-free spinoff from **Universal**. Elected were: **Marvin C. Bowling, Jr.**, president and chief operating officer, **Lawyers Title Insurance Corporation**; **Theodore L. Chandler, Jr., Esquire**, partner, **Williams, Mullen, Christian & Dobbins**; **Wallace L. Chandler**, retired vice-chairman, **Universal Corporation**; **James Ermer**, senior vice-president—finance, **CSX Corporation**; **Charles H. Foster, Jr.**, chairman and chief executive officer, of both **Lawyers Title Corporation** and its subsidiary; **Robert H. Hilb**, president **Hilb, Rogal and Hamilton Company**; **J. Garnett Nelson**, senior executive director, **AON Advisors, Inc.**; **Robert F. Norfleet, Jr.**, president—capital region, **Crestar Bank**; and **Marshall B. Wishnack**, president and chief operating officer, **Wheat First Securities, Inc.**, all of Richmond.

**Lawyers Title Insurance Corporation** announces the election of **Randall E. Cox** as senior vice-president—regional manager in the company's Southwest regional office in Dallas, TX. **Cox** has 17 years of experience in



Foster



Cox



Drum

the title insurance business. Before transferring to Texas, **Cox** was manager of **Lawyers Title's** branch office in Roswell, New Mexico for 11 years. He was appointed branch operations manager in Dallas in 1990, and vice-president—Southwestern states manager earlier this year. **Cox** attended Texas Tech University, in Lubbock, and South Plains College, also in Lubbock. **Joseph F. Drum, Jr.** has been elected senior vice-president—regional manager in the company's New England regional office in Boston, MA. **Drum** joined **Lawyers Title** in 1974 in Hartford, CT. He was appointed Connecticut state manager in 1985, and was elected vice-president—Connecticut state manager the following year. **Drum** graduated from Hiram Scott College, in Nebraska, with a bachelor's degree and from the University of Bridgeport Law School with a J.D. degree. He is a past chairman of the Real Estate Committee of the Westchester Fairfield Corporation Counsel Association; a member of the Real Property Section of the Connecticut Bar Association; and a member of the Real Estate Committee of the Bridgeport Bar Association. **Drum** is also a member of the Bridgeport Regional Business Council; a member of the board of trustees of Park City Hospital, in Bridgeport; a member of the board of di-



rectors of the International Institute, in Bridgeport; vice-president of the Lawyers Assistance Program of the Connecticut Bar Association; and a volunteer with Americares, an international social service organization based in New Canaan, CT. **John P. Ford** has been elected vice-president—area manager in New Haven, Connecticut. **Ford** joined the company early this year as branch manager of the New Haven office. He has 14 years of experience in the title insurance industry. He is a graduate of Benedictine College, in Atchison, KS, with a B.S. degree in business administration. **Ford** has served as secretary of the Connecticut Title Association, and is a member of the New England Title Association and the Connecticut Mortgage Bankers Association. **Phillip D. Kingman** has been elected vice-president—area manager in the company's office in Providence, RI.



Ford



Kingman

**Kingman** has 19 years of experience in the title insurance industry in Rhode Island and Massachusetts. He joined **Lawyers Title** in 1986 as manager of the company's branch office in Providence, and was named area manager last year. **Kingman** graduated from Norwich University, in Northfield, VT, with a bachelor's degree in civil engineering, and received an LL.B. degree from the New England School of Law, in Boston, MA. He is a member of the Massachusetts and



Harmon



Janczur

Rhode Island Conveyancers Associations, the Massachusetts and Rhode Island Surveyors Association, the Massachusetts and New Hampshire Bar Associations, and the Title Standards Committee of the Rhode Island Bar Association. **Kingman** also is a past president of the Eastern Massachusetts Land Surveyors Association and the International Right of Way Association—New England chapter.

**Lawyers Title** is also pleased to announce the following appointments: **Steven W. Harmon** has been appointed computer operations center manager at its national headquarters in Richmond, VA. Prior to joining **Lawyers Title**, **Harmon** was lead systems programmer for **Virginia Power**, also in Richmond. He is a graduate of the University of Maryland, in College Park, where he received a B.S. degree in electrical engineering. **Harmon** serves as the current president of the Ashland Lions Club, in Ashland, VA. **Edward Janczur** has been appointed assistant claims counsel in the company's Midwestern and Rocky Mountain states regional claims office in Chicago, IL. **Janczur** has been with **Lawyers Title** since 1983 when he joined the Chicago branch office as a title examiner. He transferred to Naperville, Illinois in 1987 as manager of that office and returned to the Chicago branch as operations manager in



Powell

1989. He was promoted to senior claims attorney in the Midwestern and Rocky Mountain states office last year. **Janczur** is a graduate of Loyola University, in Chicago, where he received a B.S. degree, and of the John Marshall School of Law, also in Chicago, where he received his J.D. degree. He is a member of the American, Illinois State and Chicago Bar Associations. **Judith D. Powell** has joined the company as senior marketing research analyst at its national headquarters in Richmond, VA. Prior to joining **Lawyers Title**, **Powell** was assistant professor of marketing at the **University of Richmond**. Previously, she had been research director for the **National Coalition to Prevent Shoplifting** where she provided research consultation to research centers in 17 states and directed the analysis of data on juvenile shoplifting in the State of Georgia. **Powell** graduated from Wesleyan College, in Macon, with an A.B. degree and from the University of North Carolina—Greensboro, with a M.S. degree. She received a Ph.D. degree from Georgia State University, in Atlanta. She is a member of the American Marketing Association, the Academy of International Business and the Richmond Export-Import Club, and serves on the Business Development Committee of the metropolitan Richmond Chamber of Commerce. She has



been widely published in such publications as the *Journal of Applied Business Research*, the *Journal of Small Business Management* and *National Public Accountant*.

**Fred P. Baerenz** has been promoted assistant vice president and branch manager at **Commonwealth Land Title Insurance Company**. Based in the company's Leesburg, VA, office, he is responsible for all company activities in Loudoun, Clarke, Frederick and Warren Counties in Northern Virginia. **Baerenz** joined **Commonwealth** in 1989 as commercial title officer for the Fairfax, VA, office and most recently held the position of marketing director. Before joining **Commonwealth** he served as branch manager for a local title insurance company in Leesburg. **Baerenz** holds a B.A. degree from the College of William & Mary in Williamsburg, Va. He also pursued graduate studies in foreign affairs at the University of Virginia in Charlottesville. He is a member of the National Association of Industrial Office Parks, the Northern Virginia Building Association and the Virginia Chamber of Commerce.

**Harold J. Earley** has joined **Commonwealth Land Title Insurance Company** and its affiliated company, **Transamerica Title Insurance Company**, as assistant general auditor. Based in **Commonwealth's**



Baerenz



Miles II

corporate headquarters in Philadelphia, PA, he is responsible for internal auditing functions for the two companies, as well as for **Commonwealth's** subsidiaries in the mortgage insurance and employee relocation industries. **Earley** is also responsible for special projects in the Auditing Department. **Earley** previously was with the accounting firm **KPMG Peat Marwick**, where he served as senior audit manager in Philadelphia. **Earley** earned his B.S. degree in accounting at Drexel University in Philadelphia. He is a Certified Public Accountant and a member of the American Institute of Certified Public Accountants and the Pennsylvania Institute of Certified Public Accountants. **Lewis W. Miles II** has been promoted to assistant vice president at **Commonwealth**. Based in the company's Washington, D.C., office, he is responsible for claims administration in the District of Columbia, Maryland and Virginia. **Miles**, who is also Division Claims counsel for the company's Chesapeake Division, joined **Commonwealth** in 1990. He has more than 20 years of litigation experience, including six years with another national title insurer and 13 years with private law firms in Miami, FL. A resident of Washington, D.C., **Miles** earned his B.S. degree and his juris doctor degree at the University of Florida in Gainesville. **Patricia A. Rejman** has



Rejman



Scutt

joined **Commonwealth** as vice president and manager of the company's Hartford, CT, office. **Rejman** will be responsible for all company operations in the Connecticut counties of Hartford, New London, Litchfield, Middlesex, Windham and Tolland. **Rejman** comes to **Commonwealth** from another national title insurance company, where she served for 21 years, most recently as Hartford office manager. A resident of South Windsor, she earned her associate's degree in business from Manchester Community College in Manchester, CT. **Jeffrey A. Scutt** has joined **Commonwealth Land Title Insurance Company** and its affiliated company, **Transamerica Title Insurance Company**, as vice president-planning and analysis. Based in **Commonwealth's** corporate headquarters in Philadelphia, he is responsible for financial planning and special projects for both companies. **Scutt** previously was with the accounting firm of **Price Waterhouse**, where he most recently served as a manager within the insurance services group in Philadelphia. He has eight years of public accounting experience. A resident of Rosemont, PA, **Scutt** earned his B.S. degree in finance at Pennsylvania State University in University Park, PA. He is a Certified Public Accountant and a member of the Ameri-



Earley





Widner

can Institute of Certified Public Accountants and the Pennsylvania Institute of Certified Public Accountants. **William G. Widner** has joined **Commonwealth** as assistant vice president and county manager. Based in the company's Jacksonville, FL, office, he is responsible for overseeing company operations and business development in Duval County. **Widner** has 13 years of experience in the title insurance industry, most recently as manager for a national underwriter. Before that, he co-owned and operated a title insurance company in Jacksonville. He is a resident of Jacksonville.



Benedict

**Robert A. Benedict** has been named San Bernardino County sales manager at **World Title Co., CA**. **Benedict** will be responsible for overseeing the sales activities for **World Title** in San Bernardino County. Prior to joining **World Title**, **Benedict** was a sales representative for **Stewart Title/Riverside County**, responsible for the Coltan, Rialton and Fontana territories. **Thomas J. Tipton**, a San Bernardino area sales executive, has been named sales representative by **World Title** for the Chino/Ontario/Montclair region. **Tipton** has nearly seven years of title experience, most recently with **United Title Co.** in the Rialto area and previously with **Stewart Title Co.** of San Bernardino County. **World Title Co.** has



Wride

opened a new Inland Empire headquarters in Colton, CA, and appointed **Denise H. Wride** as assistant vice president and operations manager of the consolidated office. The new facility combines **World Title's** Riverside and San Bernardino offices. **Wride** will oversee the operations of the new office. With more than 15 years of title industry experience, **Wride** joined **World Title** from the Riverside office of **Stewart Title** where she held the position of vice president, operations manager. Prior to **Stewart Title**, **Wride** served for seven years in various posts at the San Bernardino office of **Chicago Title** and for four

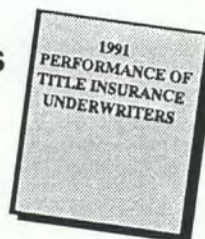
years at **Orange Coast Title**, also in San Bernardino. While at **Chicago Title**, she garnered "Highest Premium Dollars Earned" (over \$1 million) honors for 1990.

**Fidelity National Title Agency of Maricopa County, Inc.** is pleased to announce the appointment of **Barbara Cates** as branch manager of the Biltmore Financial Commercial Branch, Phoenix, Arizona.

**Joseph W. Myrtetus** has been appointed executive vice president of **National Title Insurance Company** and its affiliated companies. He is responsible for all operations of the companies. **Myrtetus** joined **Na-**

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**tional Title** in 1990 from **Dime Mortgage Company, Inc.** of Coral Gables, FL, where he was president and CEO. He was formerly senior vice president and manager of the Mortgage Banking Division at **National Title**. **Myrtetus** is a graduate of Villanova University and has a B.S. in economics.

**AmeriTitle** of Ohio is pleased to announce the promotion of **Malinda Hutra** to office supervisor. As office Supervisor, **Hutra** will be responsible for coordinating real estate closing and title processing. **AmeriTitle** also announces the appointment of **Darlene Lane** as title insurance processor/closing officer. **Lane's** extensive background in the title industry will complement the staff of professionals at **AmeriTitle** in serving the real estate community in Central Ohio. **Lane**, a resident of Westerville, Ohio, is active in the Volunteer Program with Franklin County Children Services.

**Michael A. Lewis** has been elected executive vice president of **Chicago Title Insurance Company** and named manager of **Chicago Title and Trust Family of Title Insurers'** new Northeastern Division. The Northeastern Division includes: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Eastern Pennsylvania, Rhode Island, Vermont, Virginia and



Lewis



Massey



Prince

Washington, D.C.

**Lewis**, headquartered in New York City, continues to hold other senior management positions within **Chicago Title and Trust Family of Title Insurers**. He is president and chief executive officer of **Ticor Title Guarantee Company of New York**, executive officer of **Ticor Title Guarantee Company of New York**, executive vice president for **Ticor Title Insurance Company of California** and **Ticor Title Insurance Company**, and a vice president of **Security Union Title Insurance Company**. **Lewis** is also on the board of directors of **Ticor Title Guarantee Company of New York**.

**William J. Massey** has been elected vice president, **Chicago Title Insurance Company**, by the combined board of directors of **Chicago Title and Trust Company** and **Chicago Title Insurance Company**. **Massey** is also president of **Chicago Title Insurance Company of Oregon** and area manager of **Chicago Title Insurance Company**. He will continue to be headquartered in Seattle, WA. **Massey** is a member of the Washington State and Oregon Land Title Associations. **Alan N. Prince** has been elected executive vice president of **Chicago Title Insurance Company** and named manager of **Chicago Title and Trust Family of Title Insurers'** new Central Division.



Taylor

The Central Division includes: Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Illinois, Indiana, Kansas and Kentucky. Also in the division are: Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Western Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia and Wisconsin. Puerto Rico and the Virgin Islands are also in the Central Division.

**Prince**, headquartered in Chicago, continues to hold other senior management positions within **Chicago Title and Trust Family of Title Insurers**. He is also an executive vice president for **Ticor Title Insurance Company** and **Ticor Title Insurance Company of California**. **Prince** also is vice president of **Security Union Title Insurance Company**, and serves on the board of directors for **Ticor Title Insurance Company of California**. **Prince** is a graduate of Purdue University, Northwestern University School of Law and the Executive MBA Program at Southern Methodist University. He has been with **Chicago Title Insurance Company** for 28 years. **James R. Taylor** has been elected by the combined **Chicago Title and Trust Company** and **Chicago Title Insurance Company** board of directors as vice president-real estate. **Taylor** will oversee all



corporate real estate assets and coordinate the company's move to new corporate headquarters in Chicago. **Taylor** joins **CT & T** after four years as vice president-Land Specialty at **LaSalle Partners** in Chicago. Prior to his work with **LaSalle Partners**, **Taylor** was director of corporate real estate at **American Hospital Supply Corporation** of Evanston, Illinois. **Taylor** earned his undergraduate degree in business administration from The College of William and Mary in Williamsburg, VA, and his M.B.A. in marketing from Miami University in Oxford, OH.

**Raymond L.**

**Bender** has been appointed manager of the Chicago Central Area of **Chicago Title and Trust Family of Title Insurers**. The Chicago Central Area is part of the new Central Division of **Chicago Title and Trust Family of Title Insurers**. **Bender** will manage operations in Illinois, Kansas, Missouri and Wisconsin. He is executive vice president of **Ticor Title Insurance Company** and **Ticor Title Insurance Company of California**. **Bender** is also a vice president of **Chicago Title Insurance Company**. The firms are members of **Chicago Title and Trust Family of Title Insurers**. **Bender** will continue to be headquartered in Chicago. **Julia J. Kirby**, Upstate New York Area manager, has assumed the additional responsibility for management of New



Bender



Kirby



Santosuosso

York City Area operations for **Chicago Title and Trust Family of Title Insurers**. **Kirby's** new responsibilities are part of realignments in field title operations for the new Northeastern Division of **Chicago Title and Trust Family of Title Insurers**. **Kirby** is an executive vice president of **Ticor Title Guarantee Company**, and vice president of **Chicago Title Insurance Company**, **Ticor Title Insurance Company of California**, and **Ticor Title Insurance Company**. The firms are members of **Chicago Title and Trust Family of Title Insurers**. **Joseph Santosuosso**, Northern New Jersey Area manager, has assumed the additional responsibility for management of the Southern New Jersey Area operations for **Chicago Title and Trust Family of Title Insurers**. **Santosuosso's** new responsibilities are part of realignments in field title operations for the Northeastern Division of the **Chicago Title and Trust Family of Title Insurers**. **Santosuosso** will continue to be headquartered in Roseland, NJ. He is a vice president of **Chicago Title Insurance Company**, **Security Union Title Insurance Company**, **Ticor Title Insurance Company of California**, and **Ticor Title Insurance Company**. The firms are members of **Chicago Title and Trust Family of Title Insurers**. In addition to the above appointments,



Gentry



Riha



Zimmerman

**Allen M. Gentry** has been appointed manager of the Southwest Area of **Chicago Title and Trust Family of Title Insurers**. Headquartered in Dallas, TX, **Gentry** will manage operations in Texas, Colorado, New Mexico and Oklahoma. **Gentry** is a vice president of **CTIC**, **Ticor Title Insurance Company of California**, and **Ticor Title Insurance Company**.

**Frank J. Riha** has been appointed manager of the Southern Area of **Chicago Title and Trust Family of Title Insurers**. To be headquartered in Atlanta, GA, **Riha** will manage operations in Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina and North Carolina. **Riha** is a senior vice president of **Ticor Title Insurance Company** and **Ticor Title Insurance Company of California**, as well as vice president of **CTIC** and **Security Union Title Insurance Company**.

**LaNette Zimmerman** has been elected senior vice president, **Chicago Title and Trust Company**, by the combined board of directors of **Chicago Title and Trust Company** and **Chicago Title Insurance Company**. Headquartered in Chicago, **Zimmerman** is director of human resources for **Chicago Title and Trust Company**.





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## ALTA TAKES ACTION

*continued from page 10*

underwrite insurance to the extent allowed for national banks. The increase of bank affiliation into the industry could have a catastrophic effect upon our members. Such events have already occurred.

November is a critical month, as both the House and Senate Banking bills may be under consideration on the House floor. As the article goes to press, the House has rejected for the second time, consideration of a large banking bill, which included protections for the title insurance industry, and the House Banking Committee has reported HR 2094, "The Financial Institutions Safety and Consumer Choice Act of 1991" which recapitalizes the bank insurance fund, and does not deal with insurance or securities issues. Negotiations on a compromise are currently underway. The ALTA is still trying to obtain recognition from Congress on the unique role that title insurance plays in real estate transaction.

The banking community will continue to lobby against ALTA's efforts. Proactive lobbying by Association members of their respective elected representatives who serve on important committees, has helped ALTA play a major role in the Congressional debate. The ALTA has found that when Members of Congress *do* focus on the issues involved in the bank sale of title insurance, they are in fact sensitive to the conflicts of interest inherent in the insuring of loans to a parent company, to the safety and soundness of bank affiliated underwriters, and to the possible impact all this might have upon the consumer. When access to, and communication with the necessary Congressional Members is achieved, votes favoring our industry have transpired.

The ALTA appreciates the key roles that its members have played in the legislative campaign, and hopes that active participation in local and national politics will continue to be a high priority among them. Unlike the courts, which interpret laws, Congress reflects changes in the real estate market, new developments, constituent concerns, as well as the establishment and enactment of laws. The relationships that Association members have already formed with their respective member(s) of Congress have helped the ALTA to achieve a significant voice in the Congressional debate. It is the ALTA's goal to make that voice stronger and more resonant throughout the halls of Congress. We at the Association staff look forward to continuing to work with our members, our affiliated associations, and our other allies on this crucial and vital subject.



## ACROSS THE HOMEFRONT

The **Dixie Land Title Association (DLTA)** held its Annual Convention at the Sandestin Beach Hilton in Destin, Florida, celebrating its Silver Jubilee. The silver theme was carried throughout: from silver badges and ribbons, to printed programs and covers with the name and logo of the Association embossed on them. The convention was presided over by **DLTA President H. Kelley Ouzts**, a vice president of **Chicago/Ticor Title Insurance Companies** in Atlanta, and Convention Chairman **Mary Brown**, agency operations officer in the same Atlanta office. The meeting opened with a showing of the Land Title Institute's video on Claims Awareness, and was followed by a discussion of that subject by **Kenneth Andreozzi**, vice president, **Chicago/Ticor Title Insurance Companies**, West Palm Beach, FL. A mini-seminar conducted by **Paula Midyette** of Birmingham Medical Center Montclair, Birmingham, AL, on Mind Styles, gave the conventioners a insight into their mode of thinking and learning, and helped the "Concrete Sequentials" become more tolerant of the "Abstract Randoms." The following day, **Mo Thrash**, marketing director for **McCalla, Raymer, Padrick, Cobb, Nichols & Clark**, Atlanta, GA, discussed lobbying, and **Parker S. Kennedy**, president of **First American Title Insurance Company**, Santa Ana, CA, and chairman of the Underwriters Section of American Land Title Association, spoke on the ALTA and its activities. **Howard L. Stillwell, Jr.**, vice president, **Chicago/Ticor Title Insurance Companies**, was recipient of the prestigious **Title Person of the Year** award. Presentations by the President of the **DLTA** were made to **Judith A. Reiker**, vice president, **Fidelity National Title Insurance Company**, Atlanta, GA and **Mary D. Pull**, vice president, **Southland Title Company**, Atlanta, GA for their outstanding work with the **DLTA** Title School, now in its second year in Georgia.

Officers for 1991-1992, installed by Parker S. Kennedy, are: **President Robert M. Reeder**, vice president, **First American Title Insurance Company**, Atlanta, GA; **President-Elect James Larry McDaniel**, president, **Trinity Title Insurance Agencies, Inc.** Decatur, GA; **Vice**

**President Robert E. Burgess III**, Alabama State manager, **First American Title Insurance Company**, Birmingham, AL; **Secretary-Treasurer Mary D. Pull**, vice president, **Southland Title Company**, Atlanta, GA; and **Director-at-Large Dale P. King**, Agency Operations manager, **Lawyers Title Insurance Corporation**, Atlanta, GA.

The following directors were elected: **Director-Alabama J. Edward Covington**, president, **Birmingham Title Services Corp.**, Birmingham, AL; **Director-Georgia Judith A. Reiker**, vice president, **Fidelity National Title Insurance Company**, Atlanta, GA; **Director-Mississippi Roman H. Taylor, Jr.**, Mississippi State manager, **First-American Title Insurance Company**, Jackson, MS; and **Immediate Past President H. Kelley Ouzts**, vice president, **Chicago/Ticor Title Insurance Companies**, Atlanta, GA.

\* \* \*

At its recent annual business meeting, the regular members of the **North Carolina Land Title Association (NCLTA)** elected new officers for the 1991-1992 year: **President Joseph M. Ritter** of **Jefferson-Pilot Title Insurance Co.**, Greensboro, NC; **Vice President Alice M. Murdock** of **The Title Insurance Co. of NC, Inc.**, Raleigh, NC; **Treasurer Kimberly N. Upchurch** of **First Title Insurance Co.**, Raleigh, NC; and **Secretary Robert B. Rascoe** of **Commonwealth Land Title Co. of NC**, Winston-Salem, NC. The attorney members of the Association re-elected **Margaret E. Shea** of **Adams, Kleemeier, Hagan, Hannah & Fouts, Greensboro, NC**, as their representative to the **NCLTA** Executive Committee. Continuing on the Executive Committee will be **Immediate Past President Larry D. Johnson** of **Commonwealth Land Title Co. of NC**, Raleigh, NC, and General Counsel **F. Alton Russell** of **The Title Co. of NC, Inc.**, Raleigh, NC.

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## Chicago Title and Trust Company Honored by Greater Phoenix Economic Council

The **Chicago Title and Trust Company** was honored for business and community activity in Arizona. Members of the Arizona congressional delegation, including Senators DeConcini and McCain, business and civic leaders from Phoenix and other Arizona cities, were in Chicago to thank **C T & T** and the 19 other firms for "extraordinary contributions to Arizona's economy and community." **Richard Toft**, **C T & T** chairman, accepted the honor.



Senator John McCain of Arizona (left) congratulates Chicago Title and Trust Company chairman Richard Toft after C T & T was honored in Chicago by the Greater Phoenix Economic Council. Senator McCain and fellow Arizona Senator Dennis DeConcini were in the windy city recently to honor Chicago-based firms doing business in Arizona.

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## CALENDAR OF MEETINGS

### 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



## NEW ARRIVALS



Frederick

A new region encompassing Pennsylvania, Delaware and New Jersey has been established by **First American Title Insurance Company**, according to President **Parker S. Kennedy**. The new North Atlantic Region, based in Valley Forge, Pennsylvania, is managed by **Michael F. Frederick Jr.**, regional vice president.

"There is a great amount of crossover real estate business in this tri-state area," says **Frederick**, who was in charge of Pennsylvania and Delaware before the addition of New Jersey to his area. "This new structure will facilitate communications and contact with our many agents in the three states. It will allow us to network attorneys, brokers, builders and lenders within the expanded region."

**Frederick** is a past president of the **Pennsylvania Land Title Association**, a Certified Land Title Professional (**PLTA's** highest earned achievement in the title insurance industry), and chairman of the Society of Title Professionals. Most recently, he received the Outstanding Service Award for his efforts in organizing, reviewing and drafting revisions to the Insurance Code in Pennsylvania. The award is presented annually to the individual who has made the greatest contribution to the **PLTA** during the previous year. **Frederick** established an office in Valley Forge for **First American** in 1977. That office has now grown into a region which includes counsel, state managers and agency representatives for each state.

## NEW ALTA MEMBERS

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

### ACTIVE

**Arizona**  
Title Facts, Inc., Phoenix, AZ.

### Colorado

Abstract & Title Co. of Mesa County, Inc., Grand Junction, CO. (Recruited by Rob Ptolemy, Colorado Land Title Co., Durango, CO)

### Florida

Manor Title, Inc., Boca Raton, FL. (Recruited by Bobby Anderson, United General Title, Orange Park, FL)  
Florida Suncoast Title Services, Largo, FL. (Also recruited by Bobby Anderson, United General Title, Orange Park, FL)

### Idaho

Ihli Title & Escrow Co., Inc., Murphy, ID. (Recruited by Steve Harrell, Boise Title & Escrow, Boise, ID)

### Illinois

Community Title & Escrow, Inc., Alton, IL.

### Indiana

Elkhart Title Corp., Elkhart, IN.

### Maryland

Spielman Title Service, Inc., Hagerstown, MD.

### Nebraska

American Resource Title Co., Omaha, NE.

### New York

Abstracts, Incorporated, Garden City, NY. (Recruited by Harold Schwartz, First American Title, Garden City, NY)

### Rhode Island

Lenders Title Services, Inc., Johnston, RI.

### South Dakota

McCook County Abstract & Title Ins., Ltd., Salem, SD.

### Tennessee

Sweetwater Valley Title Co., Athens, TN.  
Assurance Title, Inc., Knoxville, TN. (Recruited by Tom Wells, First American Title Ins. Co. of the Mid-West, Chattanooga, TN)

### Texas

Camelot Title, Inc., Dallas, TX.  
Vesta Land Title Co., Dallas, TX.  
Title Research Services, Inc. d/b/a Waxahachie Abstract & Title, Waxahachie, TX.

### Utah

Central Utah Title, Manti, UT.

### Virginia

Martha Y. Roberts, Inc., Fredericksburg, VA.

### Ontario, Canada

Ontario Title Ins. Agency, Ltd., Toronto, Ontario Canada.

## ASSOCIATE

### California

Bruce D. Lundstrom, Luce, Forward, Hamilton & Scripps, San Diego, CA. E. Greg Valencia, Vista Environmental Information, San Diego, CA.

### Florida

Steven Arthur Landy; Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., Miami, FL  
*(Ed.'s correction from June 1991 issue).*  
J. Geoffrey Pflunger, Icard, Merrill et al, Sarasota, FL.

### Nevada

Wynwood Agency, Inc., Ray Corradetti, Regional Manager, Henderson, NV.

### New Jersey

Deborah A. Gabry, Attorney at Law, Nutley, NJ.





# Title News Wins University Competition Second Consecutive Year

**Title News** recently received the 1990 "This Is My Best" award, in a competition sponsored by the University of Florida, College of Journalism and Communications. **Title News** was honored for its feature story, "5:04 P.M. Oct. 17, '89" (December 1989), a first-person account of the earthquake occurring during the ALTA Annual Convention in San Francisco. This is the second consecutive year **Title News** has garnered this award. Entries comprised of communications and public relations materials were received from alumni of the college nationwide. Adina Conn, **Title News** editor, UF class of 1986, MA Mass Communications, represented the magazine.

Other winners sharing the honor included individuals representing: the Institute of Internal Auditors; St. Petersburg's All Children's Hospital Annual Telethon publication; **The Florida Specifier**; the SantaFe HealthCare Annual Report, as well as the president of Communications Associates/Public Relations & Corporate Communications' for the **Nonprofit Organization Handbook**. All materials were judged by a panel of professors in the College of Journalism and Communications.

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

## 5:04 P.M. OCT. 17 '89

By Adina Conn

**L**ike the familiarity of an old friend, we are comforted by the slowness of the earth in which our lives are so firmly rooted. Each morning, we rise to meet the challenges of the day, never considering that the land on which we are seemingly grounded might suddenly crumble to dust, obliterating our lives and the lives of those around us.

That is what happened on October 17, 1989, at 5:04 p.m. Pacific time. In San Francisco, a city known for its beauty and charm, the earth showed us it is indeed a living thing—subtle and shifting in its restlessness, causing a 7.1 earthquake. On that day, the earth proved that no one is immune from its fury. As seismographic needles jumped, so did the hearts of those around the nation.

The following is an editor's account of those 26 hours.

It was a magnificent October day in San Francisco. The sun was out, the fog had lifted from the bay, and the temperature was in the 60s. It was perfect weather for what one imagined to be an altogether perfect day. "Sunglazed" at noon was the headline word.

The ALTA had selected San Francisco as the site for its 1989 Annual Convention. As **Title News** editor, I was looking forward to spending time with members and interviewing our guest speaker, former CIA Director Admiral Stanford Turner and Working on political committee and register on **Title News Work Desk**.

Breakfast, including Carter, I was also looking forward to walking in all the sights, sounds, smells, and coziness of San Francisco.

**2:30 PM** I have just returned from a wonderful lunch at Tom McEvoy's. We have discussed the afternoon talk that has scheduled with our Association during our convention. October 18th was accompanied by the stock market crash. The West had ended and the fall of the stock market had proved to cause our arrival in San Francisco on Friday the 13th. What else could go wrong?

**4:00 PM** Upon returning to the hotel, I chat briefly with several members in the lobby, then excuse myself to go to dinner and converse privately to the other morning's interview with Admiral Turner.

They finish my room on the 13th floor. I find my suitcase, and call up on a service chair with Bob Woodward's book on the CIA, **1600**. I cannot find the reading to prove my parents in Dubai. While on the phone, a hand had been taken down by the door.

**5:04 PM** There is a eerie hush. The room seems vibrating. I calmly say to my father, "I can't talk to you right now. I think it's a warning." My father had and remains unshaken as we move from the lobby across the street. She screams "Oh my God, it's no more, it's no more!"

I am being pulled by Mary Beth to the door. I drop the phone, leaving it to vibrate in a state of limbo. That call to the last communication I will have with my family for almost five hours. At this moment, for some ill-fated persons begins their grief.

## Wesley Ashcroft Dies in Two-Car Collision

Services and burial were in Springfield, Missouri, for C. Wesley (Wes) Ashcroft, 43, a leader in ALTA government affairs activity and past president of the Missouri Land Title Association who died there November 16, 1991, in a two-car collision.

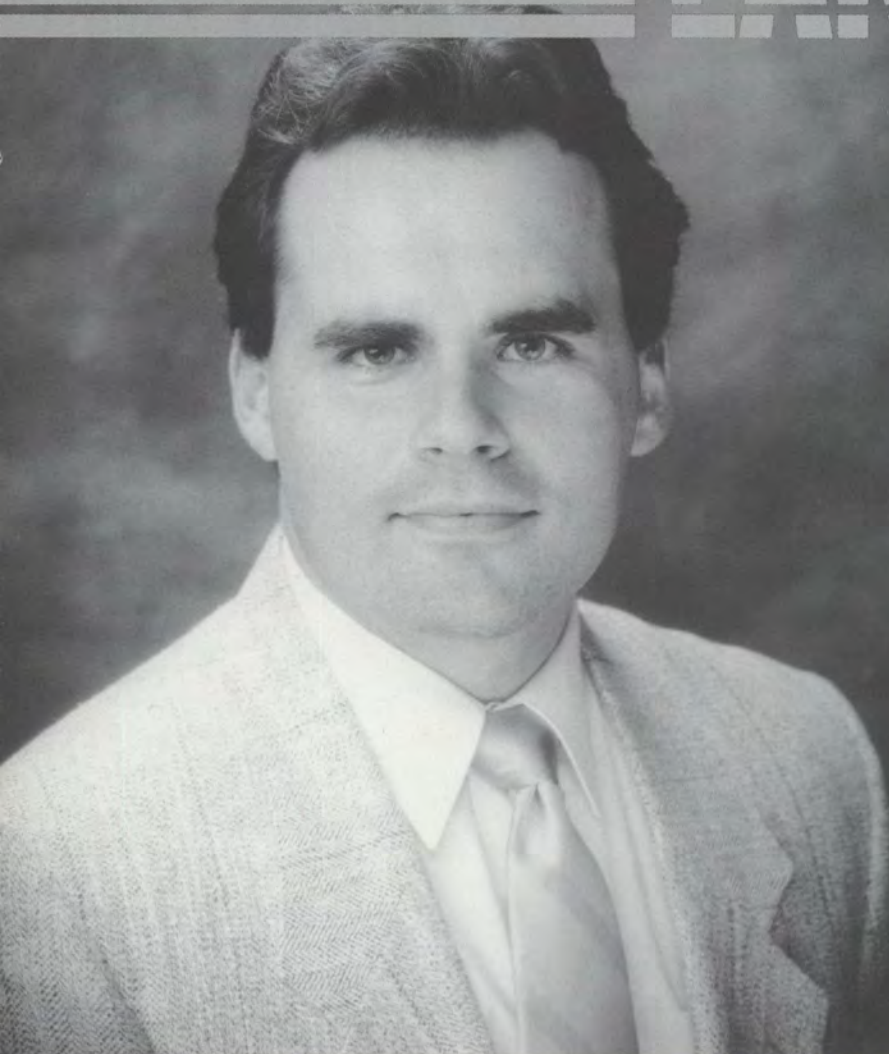
He was the younger brother of Missouri Governor John Ashcroft and at the time of his death was employed as a vice president of Hogan Land Title Company, Springfield. In recent years, he served as a member of the ALTA Government Affairs Committee and was Missouri state trustee for the Title Industry Political Action Committee (TIPAC).

A native of Hartford, Connecticut, Ashcroft had been a resident of Springfield for almost his entire life. He was a graduate of Evangel College and was an active churchman, serving on the board of deacons at Evangel Temple, Springfield, and working over the past five years with a team constructing new churches in Mexico.

Other survivors include his wife, Denise Lillian; a daughter; two sons; his father and the wife of his father; and one additional brother.

The family suggests memorial contributions to Evangel Graduate Fund or Evangel Mission Field, Evangel Temple, 2020 East Battlefield Road, Springfield, MO 65804.





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