

TITLE *News*

JULY - AUGUST 1994



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Volume 73, Number 4

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On the Cover: Epcot Center's Spaceship Earth, shown with the famous monorail that provides transportation for visiting guests, is an internationally prominent landmark at the Walt Disney World Resort, Lake Buena Vista, FL. Those attending the 1994 ALTA Annual Convention based at Disney World will have an opportunity to experience the futuristic dimension of Epcot and the numerous other imaginative achievements that bring excellence to this famous complex. Convention coverage begins on page 11.

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MESSAGE FROM THE PRESIDENT



Title People

Being from a title family, I've been around title people all my life. And in the last four years, while attending over 30 state conventions, I've had the good fortune to meet title people from all over the place. I've made a few observations:

Title people are smart. They don't always dress as well as their banker, or have as many degrees, but title people understand. Don't mess with a title person.

Title people are trusting. If a customer deserves to be trusted, he will be. "Bring in that quitclaim tomorrow. We'll close today." The customer better live by his promise, however, or the game is over.

Title people know their territory. "Oh, that's the old Richardson piece. They split off 40 acres in 1948 to Abercrombie but kept the mineral rights. Then old man Richardson died and . . ." Every town has a great title searcher who's really a local historian.

Title people get things done quietly. Most title people are very active in local charities and local government but usually shun the spotlight. They know their politicians well but usually have the good sense not to be one. Title people don't drive yellow Cadillacs.

Title people treat their title plant like it was a human being. They feed it, nurture it and love it. Some never love the new, computerized plant. Others love it even more. Title people don't leave the old lot books just lying around.

Title people have fun at conventions. If you don't believe me, go to the Texas or Oklahoma convention. At Oklahoma, the incoming President was sworn in wearing a full hula costume. He looked great!

Title people recognize laws that protect them. No one will work harder or bend further to close a deal, but play by the rules. We're softening on this one, unfortunately.

Title people are sports fans. Title people love their local teams. Take most bets offered by title people: they're from the heart, not the mind.

Title people are friendly. Sherry and I have been to lots of conventions and met lots of people. In every case, we've been made to feel welcome. We wouldn't trade the experience for anything.

There are lots of other good things about title people, and I suppose a few not so good, but space is limited. By and large, I'd say we're all very lucky to be in this business. See you in Florida!

Parker S. Kennedy

Equitable Subrogation: Not-So-Secret Defense Weapon

By Lawrence P. Heffernan, Esquire

Every title professional with claims experience has encountered real estate transactions in which a mortgage or lien is missed and is not listed as an exception to the title insurance policy because of misrepresentations by the parties, improper recording, and/or mistakes by the title examiner.

Some time after the transaction is closed, the new mortgagee or owner discovers that it does not hold first position and is junior to the intervening but overlooked lien. (Oftentimes, the insured mortgagee learns of the intervening mortgage when it receives notice of a foreclosure sale or when it is preparing to foreclose its own mortgage.) Worse yet, the new mortgagee might discover that its mortgage is defective because the person who signed the mortgage lacked authority or capacity to execute the mortgage, or, even worse yet, because the mortgagor's signature was forged. The dismayed lender then makes a claim under its title insurance policy and wants to know how the title insurer will handle this predicament.

The insured mortgage can be salvaged in these situations if the new mortgagee satisfied an earlier lien or mortgage that was senior to the intervening lien that now claims first position. In such a scenario, the insured mortgagee has a strong claim that it should take the position of the prior mortgage/lien and should be accorded priority over the intervening lien to the extent that it paid off the superior lien. This is the concept known as legal or equitable "subrogation," which might be better described as "substitution." Under the doctrine of subrogation, when the circumstances are appropriate, one who pays the debt of another steps into the shoes of the creditor

and takes the position, rights and remedies of that creditor -- including its priority over junior creditors and liens.

The courts have a long history of applying the doctrine to sureties or guarantors who satisfy the obligation of the principal upon default. The surety is subrogated to the rights of the creditor whom surety has paid and is entitled to all of the securities

The insured mortgage can be salvaged...if the new mortgagee satisfied an earlier lien or mortgage that was senior to the intervening lien that now claims first position.

and remedies that creditor has for enforcing payment against the principal or others who are liable for the debt. 73 Am. Jur. 2d *Subrogation* §53 (1974).

Traditionally, insurers who reimburse insureds for losses covered by an insurance policy also have been subrogated to whatever rights the insured may have had against the wrongdoer. For example, an automobile insurer who reimburses an insured for personal injury suffered in an automobile collision may then pursue the insured's claims against the third party who caused the collision. *E.g., Calvert First Ins. Co. v. James*, 114 S.E.2d 832 (S.C. 1960).

In the context of real estate transactions, "[o]ne who advances money to pay

off an incumbrance on realty at the instance of *either the owner of the property or the holder of the incumbrance, either on the express understanding, or under circumstances from which an understanding will be implied, that the advance made is to be secured by a first lien on the property ... will be subrogated to the rights of the prior incumbrancer ...*" *Fleetwood v. Med Center Bank*, 786 S.W.2d 550, 554 (Tex.App. 1990). Courts across the country have indicated an increasing willingness to apply the doctrine of equitable subrogation to real estate transactions. In California, the doctrine has grown almost as fast as the state's population:

Equity first applied the doctrine strictly and sparingly. It was later liberalized, and its development has been the natural consequence of a call for the application of justice and equity to particular situations. Since the doctrine was first ingrafted on equity jurisprudence, it has been steadily expanding and growing in importance and extent, and is ... now broad and expansive and has a very liberal application.

In re Estate of Johnson, 50 Cal.Rptr. 147, 149 (1966) (internal quotation omitted).

Grounded in Principles of Equity

Equitable subrogation is distinct from "conventional" subrogation which arises from the agreement of the parties. Legal or equitable subrogation is grounded in the principles of equity and fairness and is not dependent upon a contract. It is invoked to prevent unjust enrichment of the intervening lienholder or to prevent a fraud or a mistake. Why should a junior lienholder vault into first position because another party (the insured mortgagee) satisfied a first mortgage under the mistaken belief that it

would then become first mortgagee? Why should the junior lienholder enjoy such a windfall as a result of another's error or fraud? When the doctrine is applied, justice is served and there is no prejudice to the intervening lienholder because the intervenor is held in the same position that he took originally, i.e., a position junior to another lien.

Although lienholders and their counsel often react to claims of equitable subrogation with skepticism, it is a widely favored doctrine. The expansion and acceptance of equitable subrogation can be measured in the decisions of the Utah appellate courts. *Martin v. Hickenlooper*, 59 P.2d 1139 (Utah, 1936), involved the classic equitable subrogation case in the real estate context, i.e., a lender advancing money to discharge a first mortgage only to discover an intervening lien.

In placing the lender in the position of the earlier mortgage that it had satisfied, the Utah Supreme Court described the doctrine of equitable subrogation as "steadily expanding and growing in importance and extent in its application to various subjects and classes of persons." 59 P.2d at 1140. That was in 1936. By 1993, the Utah Court of Appeals described equitable subrogation as a doctrine that is "widely recognized in American jurisprudence" that "has long been part of Utah law." *Richards v. Security Pacific National Bank*, 849 P.2d 606, 608 (Utah App. 1993).

The doctrine's application is not limited to "classic" cases where an intervening lien has been overlooked. It has been applied to many different situations to prevent injustice including real estate transactions where fraud has been perpetrated.

In *Kuske v. Staley*, 28 P.2d 728 (Kan. 1934), the plaintiff mortgagor sought to foreclose a mortgage on the defendant's real estate but the defendant denied that he had ever executed the promissory note and mortgage in question. At trial, the jury found that the defendant had not signed the note and mortgage and judgment was entered for the defendant.

The plaintiff mortgagee appealed the judgment to the Supreme Court of Kansas. Even though the high court did not overturn the jury's finding of forgery, it did reverse the judgment of the lower court by invoking the doctrine of equitable subrogation. Noting that the concept of equitable or legal subrogation "is founded upon the facts and circumstances of the particular case, and upon principles of natural justice," the Supreme Court of Kansas held that, even though the plaintiff held a forged mortgage, he was subrogated to the rights

of an earlier mortgagee who had been paid with proceeds from the forged mortgage loan. 28 P.2d at 732.

The courts have also applied to doctrine of equitable subrogation to many different types of liens. In *Union Trust Co. v. Lessovitz*, 69 199 N.E. 614 (Ohio Ct. App. 1931), a bank was induced through misrepresentation to loan money to pay off first and second mortgages on the assurance that the bank would have a first mortgage lien on the property, only to find that there was also a judgment lien on the property. Applying the doctrine of equitable subrogation, the court leapfrogged the new mortgage over the judgment lien.

Even the IRS is not beyond the reach of the doctrine. *Han v. United States*, 944 F.2d 526 (9th Cir. 1991), arose out of the plaintiffs' purchase of property which, unbeknownst to them, was encumbered by a

...the fact that a title professional may have missed the intervening lien, or that a title insurance policy exists, does not constitute a defense....

\$2.3 million dollar federal tax lien for the seller's delinquent income taxes. As part of the real estate transaction, the plaintiffs, the Hans, satisfied a loan to World Savings & Loan Association, which held a first trust deed on the property. When the IRS levied upon the property to satisfy the tax lien, the Hans filed a complaint for wrongful levy and asked the United States District Court to issue an injunction restraining the IRS from proceeding against the property. The United States District Court entered summary judgment for the IRS, ruling, in effect, that the IRS was entitled to the full value of the property.

However, the United States Court of Appeals for the Ninth Circuit reversed the summary judgment in favor of the IRS and held that the Hans were equitably subrogated to all liens and encumbrances that were recorded prior to the IRS tax lien and were satisfied from the proceeds of the sale to the Hans.

Mechanics' Lien Application

On the other hand, a number of courts have refused to apply equitable subroga-

tion to mechanics' liens. Generally speaking, mechanics' liens are creatures of statute and take effect when the work is commenced or materials are furnished. Consequently, many courts have concluded that the new lienholder or owner has constructive notice of the mechanics' lien when the work is commenced and that such notice defeats the application of equitable subrogation. *See, e.g., Collateral Inv. Co. v. Pilgrim*, 421 So.2d 1274 (Ala.Civ.App. 1982); *Carl H. Peterson Co. v. Zero Estates*, 261 N.W.2d 346 (Minn. 1977); *Cheswick v. Weaver*, 280 S.W.2d 942 (Tex.Civ.App. 1955); *Richards v. Security Pacific National Bank*, 849 P.2d 606 (Utah App. 1993).

Despite its universal appeal and growing acceptance, there are some widely recognized prerequisites to the application of the doctrine. The doctrine will not be applied to a "mere volunteer," i.e., a third person who pays the prior debt without any obligation to do so. However, a party that satisfies and discharges a lien at the request of the debtor with the understanding that it will take the position of first mortgagee or creditor is not a "mere volunteer." *See Burgoon v. Lavezzo*, 92 F.2d 726 (D.C.Cir. 1937); *Smith v. State Savings & Loan Ass'n*, 223 Cal.Rptr. 298 (Cal. Ct. App. 1986); *Fleetwood v. Med Center Bank*, 786 S.W.2d 550 (Tex.App. 1990).

In addition, the whole debt must be paid before the payor will be subrogated to the position of the earlier creditor. You cannot pay part of the prior debt and ask to step into one of the senior creditor's shoes. *See Federal Land Bank of New Orleans v. Henderson, Black & Merrill Co.*, 42 So.2d 829 (Ala. 1949); *Capitol National Bank v. Holmes*, 95 P. 314 (Colo. 1908); *Consolidated Naval Stores Co. v. Wilson*, 90 So. 461 (Fla. 1921).

Claims of equitable subrogation are also subject to a number of defenses. Once intervening lienholders have shaken off their dismay at the prospect of a junior lienholder vaulting over them, they often assert that the claimant should not be afforded



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such relief sought because it was negligent. The intervening lien was on record, the argument goes, and the new mortgagee should have known about it.

While it is true that the negligence of the subrogee will bar the remedy of equitable subrogation, that negligence must be more than ordinary negligence. The claimant must be guilty of "culpable" negligence. Thus, the fact that the junior encumbrance was recorded and the subsequent mortgagee failed to discover it, will not by itself bar equitable subrogation. See *Smith v. State Savings & Loan Assoc.* 175 Cal.App.3d 1092 (1986). The Alabama Supreme Court stated the applicable rule as follows:

The rule established by the weight of authorities, however, is that one who advances money to discharge a prior incumbrance at the instance of the mortgagor need not exercise the highest degree of care to discover an intervening incumbrance of the title, and mere constructive notice, imputed from the existence of recordation, is not sufficient to preclude him from invoking the doctrine of equitable subrogation in the absence of culpable negligence. He must, however, be ignorant of such intervening incumbrance or right, and cannot shut his eyes and ignore facts brought to his knowledge, reasonably sufficient to invite diligence inquiry, which, if followed, would result in actual knowledge.

Whitson, et al. v. Metropolitan Life Ins. Co. 142 So. 564, 567 (Ala. 1932).

For example, if the potential subrogee is aware of the prior mortgage, but negligently fails to determine the amount of that debt and, as a consequence, fails to pay the full amount of that debt, such a claimant will not be entitled to equitable subrogation. *Ticor Title Insurance Company of California v. Graham*, 576 N.E.2d 1332 (Ind. Ct. App. 1991). Thus, if the claimant knows of the prior lien and simply ignores it, it is not entitled to the benefit of equitable subrogation. *Richards v. Security Pacific National Bank*, 84 P.2d 606 (Utah Ct. App. 1993).

Since subrogation is an equitable claim, it is subject to the equitable defense of laches. Once the new owner or mortgagee learns of the intervening lien or defect in title, he must act promptly in asserting his rights. If the new mortgagee delays in asserting its claim of equitable subrogation and that delay prejudices the intervening lienholder, the new mortgagee forfeits its claim. If the new mortgagee "sleeps on its rights," it will lose its claim of subrogation. See, e.g., *Neff v. Elder*, 105 S.W. 260 (Ark. 1907); *Provident Cooperative Bank v. James Talcott, Inc.*, 260 N.E.2d 903 (Mass. 1970); *Landis v. State*, 66 P.2d 519 (Okla. 1937).

The Defense of "Deflection"

In my own experience, I have found it quite common for the intervening lienholder to employ the defense of "deflection," to point the finger of blame at third parties in the hopes of defeating the claim of equitable subrogation. The intervening lienholder will contend that the plaintiff should not be equitably subrogated to the earlier mortgage because it had an attorney, title company or title insurer that certified the priority of the plaintiff's lien and will pay for the oversight. However, the fact that a title professional may have missed the intervening lien, or that a title insurance policy exists, does not constitute a defense to equitable subrogation. See *Union Trust Company v. Lessovitz*, 199 N.E. 614 (Ohio Ct. App. 1931).

Besides, why should an intervening lienholder benefit from professional services or insurance for which it never paid?

...many courts have concluded that the new lienholder or owner has constructive notice of the mechanics' lien when the work is commenced...

With the recent spate of bank failures in various regions of the country, the FDIC and RTC cast a long shadow over the doctrine of equitable subrogation. What happens when the intervening lienholder is a bank which has failed and has been placed in FDIC or RTC receivership? Are the FDIC and RTC, like the IRS, subject to claims of equitable subrogation or are they immune?

The FDIC has taken the position that claims of equitable subrogation fail as a matter of law based upon the Supreme Court holding in *D'Oench, Duhme & Co. v. FDIC*, 315 U.S. 447 (1942), as well as the provisions of 12 United States Code Section 1823(e). The *D'Oench* doctrine protects the FDIC, whether acting in its corporate capacity or as receiver of a failed institution, from claims based upon agreements which are not properly reflected on the books of that institution, so-called "secret side agreements."

This doctrine was later codified in 12 United States Code Section 1823(e), which provides that any agreement which tends to defeat or diminish the interests of the

FDIC in any asset acquired by it, either in its corporate capacity as security for a loan or as receiver of a failed institution, shall not be valid against the FDIC unless the agreement:

1. is in writing;
2. was executed by both the bank and the person claiming an adverse interest thereunder contemporaneously with the acquisition of the asset by the institution;
3. was approved by the board of directors of the institution or its loan committee with such approval reflected in the minutes or that board or committee; and
4. has continuously been an official record of the institution since its execution.

Obviously, these requirements would be formidable obstacles if they were imposed upon an equitable subrogation claimant. However, equitable subrogation is not grounded in secret agreements. The doctrine is based upon fairness and equity and, therefore, it should not be subject to statutory strictures.

That was the rationale advanced by Judge William G. Young of the United States District Court for the District of Massachusetts in denying the FDIC's motion for summary judgment in *Lawlor Corp. v. FDIC*, No. 91-10352-WGY, slip. op. (D.Mass. March 29, 1994). In *Lawlor*, a construction company sought to subordinate a bank's construction loan mortgage to its mechanics' lien on a condominium conversion project. The lender bank was placed in FDIC receivership and the FDIC moved for summary judgment, asserting that the action was barred by the *D'Oench* doctrine and 12 United States Code Section 1823(e). In response to this argument, Judge Young stated:

Equitable subrogation is a well established doctrine in Massachusetts law. Its very purpose is to prevent unjust enrichment by equitably adjusting record title in the absence of any agreement between the parties. In contrast, D'Oench and its statutory counterpart are applicable to actions to enforce unrecorded agreements against a failed bank. The doctrine is not applicable to a claim seeking equitable subrogation based on the alleged bad acts or inequitable conduct of the bank officers.

Id. at 9-10.

Judge Young went on to distinguish the *Lawlor Corporation* case from other cases in which equitable subrogation claims against the FDIC were barred under *D'Oench*

continued on page 16



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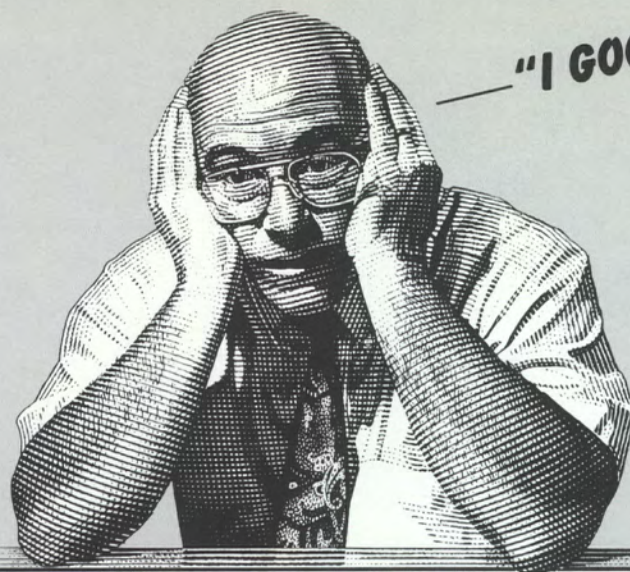
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Convention Magic Awaits in Florida

By Leigh A. Vogelsong
ALTA Director of Meetings and Conferences

A wide-ranging perspective on advances in management will receive program emphasis during the 88th ALTA Annual Convention September 21-24 in Central Florida. Headquartered at the Walt Disney World Dolphin, the event will provide an opportunity to enjoy the many well known attractions of that surrounding resort complex and other regional points of interest as well.

Throughout two days of general sessions and another day of educational presentations, the agenda will provide a comprehensive look into topics and issues concerning title managers nationwide. Here are some leading examples.

- "Service, Disney Style," a program that showcases research techniques, operational procedures and technical support used by The Walt Disney Co. in delivering superior guest service (September 22 General Session)
- "The Wonderful World of Commercial Leasing," sponsored by the Lender and Life counsel groups, will focus primarily on lease rejection rights under Section 365(h) of the Bankruptcy Code, and issues related to enforcement of lease remedies (September 23 Educational Session)
- "EDI: New Magic for Title Ordering," presented by the Land Title Systems Committee, will feature the sharing of experience by a title agent and a lender customer in the actual implementation of electronic data interchange ordering of land title services (September 23 Educational Session)
- "Managing Your Most Valuable Asset—Employee Performance Evaluations,"



An opportunity to visit the Kennedy Space Center is among Convention highlights.

a discussion by legal and human resource experts on the implications of this important management tool (September 23 Educational Session)

- "Flirting with Disaster—Can Your Business Survive the Seven Plagues?," featuring first-hand accounts from title managers who have successfully continued operations after natural disasters. (September 23 Educational Session)
- "Claims Awareness," a discussion of strategies for minimizing title claims through sound examination and underwriting practices. (September 23 Educational Session)
- "Parent Companies and the Importance of Title Insurance Subsidiaries," a discussion moderated by ALTA President Parker Kennedy, in which two presidents of parent companies owning large title insurance underwriters present their views on involvement in the title industry by their respective organizations. The guest panelists: John L. Burns, Jr., president and chief executive officer, Alleghany Corporation, owner of Chicago Title and Trust Company, and Robert M. Steinberg, president and chief operating officer, Reliance Group Holdings, Inc., owner of Commonwealth Land Title Insurance Company. (September 24 General Session)

For an overview of Convention activity, please see the calendar accompanying this article.

Guest Speaker Roster Outstanding

Additional guest speakers for the Convention round out a lineup that is truly out-

standing. On September 23, Tom DeFrank, who has covered the White House for *Newsweek* magazine for 23 years, shares his perspective on the presidency during the Title Industry Political Action Committee breakfast.

On September 24, Curly Neal, former Harlem Globetrotters basketball star, will entertain at the golf and tennis awards breakfast.

During the General Session the morning of September 24, Frank Abagnale, who has served a prison term after being brought to justice as a top-level con artist, will discuss white collar crime from an insider's viewpoint. He currently is a highly respected consultant on the subject and later in the day will offer a technical seminar geared to title industry concerns.

Anchoring the September 24 General Session will be former Congressman and HUD Secretary Jack Kemp, who will discuss his plan to encourage economic growth and job creation for the nation.

Special Events Sparkle

On September 21, the Convention's opening Ice-Breaker reception will feature an appropriate magical theme as attendees move through an underwater world featuring King Neptune and other marine denizens. The magic continues the following morning as Convention attendees and their children breakfast with their favorite Disney characters before heading for the various attractions.

Bringing sparkle to the September 23 Spouse/Guest Brunch will be World Champion Magician Giovanni, who offers an inspirational message—anything is possible if you think like a magician. Golf and tennis tournaments are on the docket that afternoon.

Tours and other leisure activities offer appealing options throughout the Florida stay.

On September 20, there will be a visit to the Kennedy Space Center, including the shuttle assembly building, actual launch pads, astronaut training facilities, rocket museums, and the breath-taking Astronauts' Memorial.

September 21 offers a morning of bass fishing at a promising nearby lake, along with a separate trip to the world's most famous water show at Cypress Gardens.

On September 22, there will be an opportunity for an airboat ride among Florida's natural beauty and a visit with alligators and their trainers—along with a separate and fascinating "behind the scenes" tour featuring the technologies and systems that drive the Walt Disney

1994 ALTA Annual

MONDAY, SEPTEMBER 19

3:00 p.m.-5:00 p.m. Convention Registration

TUESDAY, SEPTEMBER 20

8:00 a.m.-7:00 p.m. Convention Registration

9:00 a.m.-5:00 p.m. Title Insurance Forms Committee Meeting

12:00 noon-5:00 p.m. Affiliate Association Seminar, Luncheon

1:00 p.m.-5:00 p.m. Education Committee Meeting

2:30 p.m.-4:00 p.m. Government Affairs Committee Meeting

WEDNESDAY, SEPTEMBER 21

8:00 a.m.-7:00 p.m. Convention Registration

9:00 a.m.-12:00 p.m. Title Insurance Forms Committee Meeting

9:00 a.m.-11:00 a.m. Abstracter/Agent Section Executive Committee Meeting

9:00 a.m.-11:00 a.m. Underwriter Section Executive Committee Meeting

9:00 a.m.-12:00 p.m. Directory Rules Committee Meeting

9:00 a.m.-5:00 p.m. Associate Members, Legal Division Meeting

9:00 a.m.-5:00 p.m. Lender and Life Counsel Meetings

11:00 a.m.-1:00 p.m. Membership and Organization/ Recruitment and Retention Committees Meeting

11:30 a.m.-1:30 p.m. Past Presidents Luncheon

12:00 noon-5:00 p.m. Indian Land Claims Committee Meeting

1:30 p.m.-5:00 p.m. Land Title Systems Committee Meeting

1:30 p.m.-5:00 p.m. ALTA Board of Governors Meeting

5:30 p.m.-6:30 p.m. First Time Convention Attendee Mixer

6:30 p.m.-8:00 p.m. Ice-Breaker Reception/Exhibits Open

THURSDAY, SEPTEMBER 22

7:00 a.m.-8:15 a.m. All about ALTA—Orientation Session

7:00 a.m.-8:15 a.m. Continental Breakfast with the Exhibitors

7:00 a.m.-8:30 a.m. Character Breakfast

7:30 a.m.-8:30 a.m. TIPAC Board of Trustees Meeting

8:00 a.m.-1:00 p.m. Convention Registration

Convention Calendar

8:00 a.m.-12:00 p.m.	AUTOMATION SYMBIOSIS 11 Exhibits Open
8:30 a.m.-11:30 a.m.	General Session
11:35 a.m.-12:00 p.m.	Section Meetings including Nomination and Election of Officers
12:00 p.m.-2:00 p.m.	SLRAC Meeting & Luncheon
2:00 p.m.-3:30 p.m.	Claims Administration Committee Meeting
2:00 p.m.-5:00 p.m.	TIAC Shareholder and Board of Directors Meetings
2:00 p.m.-5:00 p.m.	Land Title Systems Committee Meeting

FRIDAY, SEPTEMBER 23

7:00 a.m.-8:30 a.m.	TIPAC Breakfast
8:00 a.m.-11:15 a.m.	Educational Sessions
8:00 a.m.-12:00 noon	AUTOMATION SYMBIOSIS 11 Exhibits Open
8:00 a.m.-1:00 p.m.	Convention Registration
9:30 a.m.-11:30 a.m.	Spouse/Guest Brunch
12:30 p.m.-6:00 p.m.	Golf and Tennis Tournaments
12:00 p.m.	Cut-off for Banquet Coupon Exchange

SATURDAY, SEPTEMBER 24

7:00 a.m.-8:15 a.m.	Public Relations Committee Breakfast Meeting
7:30 a.m.-8:30 a.m.	Golf and Tennis Tournament Awards Breakfast
7:30 a.m.-8:30 a.m.	Abstracter-Agents Research Subcommittee Breakfast
8:00 a.m.-1:00 p.m.	Convention Registration
8:00 a.m.-12:00 noon	AUTOMATION SYMBIOSIS 11 Exhibits Open
8:30 a.m.-11:25 a.m.	General Session
11:30 a.m.-12:00 noon	Executive Session
1:00 p.m.-3:30 p.m.	Fraud Seminar for Title Insurance Executives
2:15 p.m.-4:00 p.m.	1994-95 Board of Governors Meeting
6:15 p.m.-11:00 p.m.	Children's Banquet
6:15 p.m.-7:00 p.m.	Pre-Banquet Reception
7:00 p.m.-11:00 p.m.	Annual Banquet

World Resort "show" throughout the 43-square-mile property.

And, on September 23, there will be an opportunity to tour historic Winter Park, considered by many to be the most exclusive residential area in Central Florida.

Concluding the proceedings will be the traditional Annual Banquet the evening of September 24, with black tie attire optional. There will be a separate banquet for children 12 years of age and under at the same time—featuring surprise games, movies and other adventures, and with adult supervision.

Casual Attire Prevails

Since Central Florida temperatures can be expected to reach the 90s in late September with late afternoon showers a possibility, casual attire will prevail through Convention functions.

Those who have questions after receiving the pre-Convention mailing earlier in the summer may call the ALTA meetings department at 1-800-787-ALTA. Now is definitely the time to make sure arrangements are in order for this singular event. Highly informative and enjoyable in the unique Disney atmosphere, the Convention truly suggests its theme: Magic in the Making. ✪

McDonald Elected Honorary Member



Members of the ALTA Board of Governors have elected Thomas S. McDonald to Honorary membership in the Association.

Presentation of the award, which is the highest honor bestowed by ALTA, will take place on September 22 at the opening General Session of the Association's 1994 Annual Convention, Walt Disney World Dolphin, Lake Buena Vista, FL.

Tom served as president of ALTA in 1982-83, and also has been chairman of the ALTA Group Insurance Trust and the Land Title Institute. His father, the late Morton McDonald, was ALTA president in 1955-56 and also was elected to Honorary Membership in the Association. Morton McDonald was the founder of the Group Insurance Trust, serving as its first chairman.

A graduate of Stetson University, Tom is the retired president of The Title Group, Inc., Sanford, FL, and is a past president of the Florida Land Title Association. He formerly served as mayor of Sanford and as a

continued on page 15

Disney Blends Color, Creativity

Spectacular color accents a myriad of imagination-stretching attractions, set among sightings of the world's most famous mouse.

This is Walt Disney World, an oasis of perpetual creativity where those attending the 1994 ALTA Annual Convention will encounter nonstop fun and fascination.

Located at Lake Buena Vista, the giant complex links together 43 acres of fun by monorail, ferryboat, launch and shuttle service. There are theme parks, water parks, resorts, fantasy and evening entertainment.

Major centers of interest are Epcot, Magic Kingdom, Disney-MGM Studios and Pleasure Island—along with two water parks and a certified zoological park. Brief profiles of each follow.

Epcot

An international showcase including Future World and World Showcase. Major attractions of Future World focusing on discovery and scientific advancement are Spaceship Earth (AT&T), Universe of Energy (Exxon), World of Motion (General Motors), Journey into Imagination (Eastman Kodak), The Land (Nestle U.S.A.), Horizons, The Living Seas (United Technologies Corp.), and Wonders of Life (Met Life). Surrounding the World Showcase Lagoon are centers of interest from Canada, the United Kingdom, France, Japan, American Adventure (Coca-Cola and American Express), Italy, Germany, China, Mexico, Morocco and Norway.

Magic Kingdom

There are seven "lands" with attractions, restaurants and shops based on favorite Disney themes of yesterday, tomorrow and fantasy: Adventureland; Liberty Square; Frontierland; Main Street, U.S.A.; Fantasyland; Tomorrowland, and Mickey's Starland. Among the numerous highlights are Splash Mountain, Pirates of

the Caribbean, Big Thunder Mountain Railroad, Haunted Mansion and Space Mountain. Mickey Mouse and other Disney characters make frequent appearances, joining bands, singers, daily parades and street corner performers.

Disney-MGM Studios

Combining a working television and film studio with a theme park, the facility includes Star Tours, The Great Movie Ride, SuperStar Television, Monster Sound Show, Jim Henson's Muppet* Vision 3D, Indiana Jones Epic Stunt Spectacular, Shuttle Tour, Catastrophe Canyon, Production Center Tour, Animation Building, Jim Henson's Muppets on Location, Beauty and the Beast—Live on Stage, Special Effects Workshop and Shooting Stage, Post Production Editing and Audio, Teenage Mutant Ninja Turtles and Voyage of the Little Mermaid.

Pleasure Island

Located adjacent to the Disney Village Marketplace, this six-acre nightclub theme park features seven nightclubs in addition to shops and restaurants, and includes a 10-screen AMC theater complex.

The Parks

River Country. Flume rides, tubes for white water rapids and a sparking pool for swimming accent this old-fashioned swimming hole tucked in a cove off Bay Lake.

Typhoon Lagoon. A variety of splashing streams and slippery slides cascades down from a 95-foot-high watershed toward a lagoon where the surf's up with 6-foot breaking waves. There are tube rides through caves and over waterfalls, and tube drifting down a picturesque creek.

Discovery Island. Accessible by a boat ride from River Country, the island is a certified zoological park with bamboo forests and lush tropical foliage that shelter and support 100 species of creature. Rare scarlet ibis, trumpeter swans, ring-tailed lemurs

and alligators are among the inhabitants.

Colorfully Resourceful

Following a tradition clearly in evidence since its opening in 1971, Walt Disney World combines color with creativity for spectacular results. A recently opened attraction that exemplifies this ongoing resourcefulness is the 13-story Twilight Zone Tower of Terror.

The Tower is part of a major expansion of the Disney-MGM Studios park, which involves adding Sunset Boulevard adjacent to the previously existing Hollywood Boulevard. Shops and restaurants evocative of Hollywood in its heyday line the new thoroughfare, near the "deserted" Tower Hotel with its spine-tingling lift ride. Guests making their way through the hotel's deceptive rooms to board the ride vehicle pass through the Twilight Zone, a "supernatural" series of twists, turns and drops, while encountering thematic and breathtaking optical illusions. Finally, they rise 13 floors before their vehicle suddenly plunges—to the delight of thrill seekers on board.

An additional Epcot headliner of recent vintage is "The Magical World of Barbie," a 30-minute musical tour of four continents starring the world-famous doll come to life. Life-size settings are inspired by doll playsets of comparable scale, and are transformed into elaborate scenes from many lands.

A new face in the dramatic Hall of Presidents presentation in the Magic Kingdom is President Bill Clinton, who joins 40 former chief executives on stage and is the first living president with a speaking role there. The Clinton figure is brought to life by the Disney "Audio-Animatronics" system.

Advance Information Available

Information on discounted Walt Disney World tickets is being provided to ALTA members through the Association's pre-



Convention mailing. Information on the facility also is available by calling (407) 824-4321, and by writing Guest Letters, Walt Disney World, P.O. Box 10,040, Lake Buena Vista, FL 32830-0040. ✉

McDONALD

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member of the Florida State Legislature.

Besides serving as a member of the ALTA Board of Governors prior to his election as ALTA president, Tom was a member of the Association Government Affairs Committee, Bylaws Committee and Liaison Committee with the National Association of Bar-Related Title Insurers.

Criteria for ALTA Honorary membership include "a history of active participation in a broad range of Association activities and programs exhibiting a strong commitment to ALTA and its purposes." Also, the criteria state that a candidate should have served in the leadership or chaired a significant committee or other unit of the Association, making a substantial contribution to the efforts of such a unit.

Rice New Leader In Pennsylvania

William W. Rice, III, recently was installed as president of the Pennsylvania Land Title Association at the recent convention of that organization. He is the first title insurance agent elected to the PLTA helm.

Previously, he has served as a member of the ALTA Board of Governors—as representative from the Association's Abstracters and Title Insurance Agents Section Executive Committee.

He presently is a member of the ALTA Government Affairs Committee and serves as Pennsylvania state trustee for the Title Industry Political Action Committee. In addition, he is president of Title Industry Assurance Company, the errors and omissions insurance risk retention group designed exclusively for ALTA members.

Walt Disney World entertainers join favorite characters including Pluto and Goofy in a Mickey Mania Parade that is a regular part of the lively proceedings. For those in need of special excitement, there is a ride down a Splash Mountain waterfall.



Annual Convention Guest Speaker Lineup



Jack Kemp

Former Congressman and Former HUD Secretary
(September 24 General Session)



John J. Burns, Jr.

Alleghany Corporation
(September 24 General Session)



Robert M. Steinberg

Reliance Group Holdings, Inc.
(September 24 General Session)



Frank Abagnale

Consultant-White Collar Crime
(September 24 General Session)



Tom DeFrank

Newsweek White House Correspondent
(September 23 TIPAC Breakfast)

SUBROGATION

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because such cases sought the enforcement of unrecorded contracts. *Id.* at note 3. Thus, if the potential subrogee does not rely upon a specific agreement with the intervening lienholder, but simply relies upon the equities of the situation, *D'Oench* and its statutory progeny should not bar the application of equitable subrogation.

The final limitation in the application of equitable subrogation lies in the fact that the claimant's lien is accorded priority over an intervening lien only in the amount advanced to discharge the prior lien. *E.g.*, *Griffin v. Griffin*, 55 S.E. 317 (S.C. 1906). In other words, the entire amount of the new mortgage will not be placed ahead of the intervening lien, only the amount advanced to satisfy the prior lien.

That is a brief summary of the doctrine of equitable subrogation and its application to real estate transactions. The doctrine's value has been enhanced when local economies and real estate values have declined and creditors have found themselves fighting for their respective slices of a shrinking real estate pie. Although equitable subrogation is not a panacea for frauds perpetrated upon innocent lenders and buyers or for errors in title searches and recordings, it certainly is an invaluable weapon for title insurers and their insureds for defense of the insureds' interests. ♣

ALTA Proposals Approved by ANSI

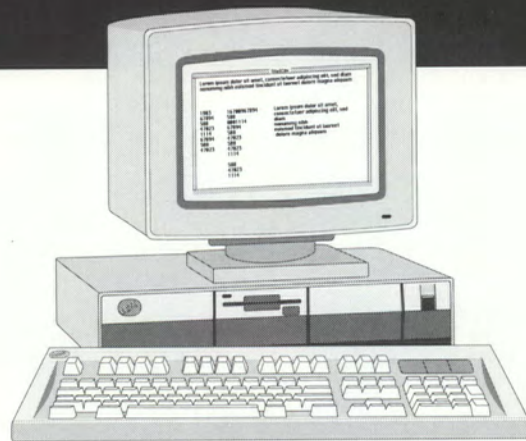
The American National Standards Institute X12 (electronic data interchange) Finance Subcommittee has approved two project proposals submitted by the ALTA Land Title Systems Committee EDI Subcommittee, according to Frederick H. Hemphill, Jr., Commonwealth Land Title Insurance Company, ALTA subcommittee chairman.

They are the X12.360 Real Estate Title Evidence Transaction Set (197) and the X12.358 Mortgage Settlement Information Transaction Set (199).

X12.360 pertains to work by the subcommittee to adapt the existing ALTA title insurance commitment forms to EDI, a task being pursued in conjunction with the Association Title Insurance Forms Committee.

X12.358 is pointed toward developing EDI capability for transferring mortgage settlement information among lenders, closing agents and others.

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Pat Stumpf: Dual Excellence

The axiom that employee performance can be enhanced through pursuit of a favorite leisure time activity requires some redefinition at Lawyers Title of North Carolina in Raleigh.

Anyone familiar with the work of Pat Stumpf in that title office will readily agree that her on-the-job activity is characterized by excellence. Besides assisting President Joe Parker, she serves as national accounts coordinator and handles the general trust account and escrow files. In the approved attorney North Carolina market, those parameters add up to a very active desk.

Now for the redefinition. Although Pat finds her title company work outlook refreshed by the challenge of her "other calling"--creative involvement as an artist--that particular interest extends far beyond what might be envisioned in a typical weekend association with sculpture, painting and the like. In point of fact, this soft-spoken wife and mother manages what amounts to dual careers--the title business and a highly regarded standing as an artist in batik and stained glass.

For her, the title profession and working in art energize each other.

Although beginning with the medium of stained glass more recently, Pat has spent more than three decades in development of the precise, hard-edged style that characterizes her work in batik. For those needing background, batik was invented in Indonesia and involves a method of placing images or patterns on textiles by coating parts of the fabric with wax to resist dye. After the fabric is dipped in a cold dye solution, it then is boiled to remove the wax. Each color requires a repetition of this process.

As Steven Litt, art critic, wrote in the *Raleigh News and Observer*, her colors through batik attain a "crystalline" quality not possible with oils, acrylics or watercolors.

He further described her textile work as "haptic"--as opposed to "optic"--meaning conveyance of the way something would

feel to the touch, rather than as it appears. Commenting on a batik exhibit where she included images of the aftermath of a tornado and a hurricane, as well as seashore views, the critic wrote, "When she paints a wave, you can almost feel the lift of water and foam as if you were in a boat....When she paints a swampy thicket, the tangled bracken looks as if the branches would scrape your cheek and tear at your clothing."

Writer Litt concluded that her "images have enormous power, dignity and resonance," noting, "They have something to say, and the message is worthwhile."

After beginning as an art major in college and later taking advanced studies at The School of Art Institute of Chicago, Pat has been featured in solo exhibitions around the nation for nearly two decades,

receiving numerous awards. Her corporate and institutional commissions have ranged from Price Waterhouse offices to Wake Forest University to COTTON, INCORPORATED. In the realm of stained glass, her most ambitious work to date has been designing 28 and 26 windows, respectively, in two areas of St. Michael's Episcopal church, Raleigh, along with a larger window for a separate chapel.

A native of Missouri, Pat wanted to be an artist from her childhood days. College later proved to be a transitional step. She received a four-year teacher's scholarship from Southern Illinois University but, part of the way through, Pat realized teaching art was not for her. She then left her studies, moving to Washington, DC, where she took a secretarial job and painted.

After being married to Dale Stumpf, she



Photograph by Harriet Tomlinson Hill

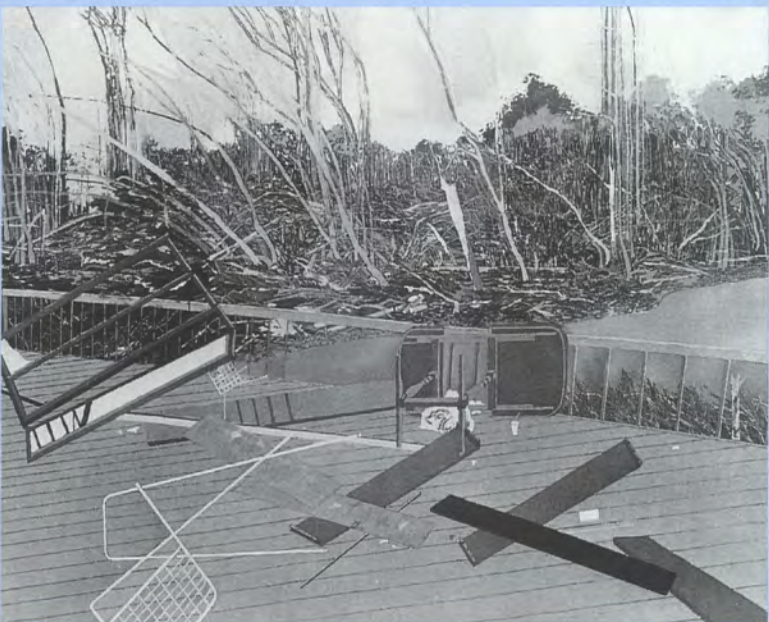
Pat Stumpf with stained glass chapel window created for St. Michael's Episcopal Church



At left, Pat works in the studio with a stained glass window design. Below, she is shown with batik on cotton completed for COTTON, INCORPORATED, Raleigh. Her batik view of a hurricane's aftermath is in the photograph at the bottom of the page.



Photograph by Patricia O'Leary



and her husband moved to St. Louis, where he worked as a corporate controller and she continued as a secretary. Later, his work took them to Chicago, Cleveland, Charlotte, Richmond, Raleigh and Tampa. In 1981, they moved back to North Carolina for good, responding to a strong preference for the Tar Heel state.

Two Careers—Symbiotic Fit

Although a symbiotic relationship between working for a title company and creating as an artist may seem unlikely to some, Pat finds the two fit together well. As common threads for both, she singles out these three areas in particular.

Patience. As an artist, it takes many hours of advancement from one step to another until, after weeks of thought and labor, the desired end result is reached. Each step requires careful planning; one small error can ruin weeks of work. At Lawyers Title, patience is equally important. As an order for title insurance is received, there is an immediate need for coordination (usually on a tight time frame). Information is forwarded to an approved attorney for evaluation and response. After the response is received, the information is passed along to the client for consideration and a reply, setting in motion the procedure for securing title insurance. According to Pat, following through on this title procedure requires patience, planning and problem solving skills not unlike those required of an artist.

Communication. Although emphasizing the visual in art, and verbal/written form in the title business, facility with the spoken and written word also is needed when attending art-related public functions and taking on teaching assignments (two examples for Pat: participation in the North Carolina Arts Council grant program and teaching in the public schools).

Tenacity. Pat's experience in art and in title work has convinced her that, with so many aspects of significant responsibility in both fields, anyone unwilling to tackle serious responsibility and follow a problem through to satisfactory resolution would not be happy in either pursuit.

It is hardly surprising, then, that the more difficult the design challenge for Pat, the more exciting and aesthetically pleasing will be the art piece that results.

"I find working at Lawyers Title of North Carolina creates that aesthetic tension which adds another dimension to my art," she says. "And I like to believe that my art and community activities contribute to the total standard of excellence required as a title insurance employee." 🐦

Restructuring ALTA Group Insurance

By Kathleen August

ALTA's insurance programs are very different today than they were just a year ago. The programs are different because Mack and Parker, the ALTA Group Insurance Trustees, and ALTA Board of Governors came to recognize the ALTA insurance program had become limited in the number of members it could serve. Dramatic change was needed for the Trust to once again be a viable insurance service to the abstracters, guaranty offices, and title insurance agencies for whom the Trust was formed.

Over the last few years, the Trust's size diminished as the insurance market for small employer groups evolved. A number of insurance companies opened up insurance arrangements where small employers could choose from many plans, including lower cost Preferred Provider Organizations (PPO) and Health Maintenance Organizations (HMO).

To respond to the changing marketplace, the Trust's master policy was transferred to John Hancock Mutual Life Insurance Company. Although many changes were made, the Trust's structure of one-master-policy-covering-all was still limited. Hancock would only allow a few plan design and rating options. For many, the rates became uncompetitive, and the more mobile, healthier firms found other coverage. Our rates were too high, our options too few.

Another factor began to emerge in 1993. Although national health care reform is still simply a concept, state-by-state small group health insurance reform is actually taking place. Many states have passed legislation. As of May, 1994, 28 states have bills pending. In fact, very few states have not taken some kind of action. The relative inflexibility of the Trust's master policy made it difficult to comply with each state's small group insurance reform laws. In the event of national health care reform, the Trust's

master policy would not survive.

Mack and Parker surveyed the national insurance marketplace for the best benefit arrangements, and, in our opinion, The Travelers offers the best arrangement to ALTA's members. The Board agreed, and, earlier this year, ALTA endorsed The Travelers as the underwriting carrier for ALTA's life and health program. The new, improved ALTA Group Insurance program already has 69 firms with approximately 450 employees.

The Travelers

The Travelers has been in the insurance business for over 125 years, and 77 of those

D*ramatic change was needed for the Trust to once again be a viable insurance service...*

years have been devoted to providing life and health insurance to employees of businesses of all sizes. The Travelers is the No. 1 insurer of Americas' small employer groups and one of the top five employee benefits and managed care providers in the U.S. While writing this article, The Travelers and Metropolitan Life Insurance Company signed a letter of intent to jointly create one of the nation's largest health insurance and managed care operations.

Financial Strength

As of March 1994, The Travelers Inc. held assets of approximately \$108 billion.

Since December, 1993, Moody's, Standard & Poor's, and A.M. Best have upgraded The Travelers' ratings. Their life industry

ratings are: Moody's 'A2' (Good), Standard & Poor A+ (Strong), A.M. Best 'A-' (Excellent). Duff & Phelps reaffirmed The Travelers' A+ rating, which shows that The Travelers has a "High" claims paying ability. These rating actions reflected the positives associated with the Primerica Corporation and The Travelers Corporation merging into one company, The Travelers Inc., in 1993.

Technology Shows Personal Touch

The Travelers is the only insurance carrier known to invest in a totally integrated family of systems (known as Local Customer Administration or LCA) that exclusively supports the small group marketplace. The LCA system allows The Travelers to offer a comprehensive variety of benefit plans designed to fit the needs of small employers nationwide. All the plans have automated claim payment and certificate production.

Because of these technological capabilities, employers and their employees alike can call a toll-free number during business hours of each work day, talk to a customer service representative, and resolve almost any inquiry within a few minutes. No forms, no written correspondence are required, just one toll-free call. Those at The Travelers pride themselves on having a



The author has been program manager for the ALTA Group Insurance Trust since 1986 and has over 21 years experience in life/health coverage. She is a broker licensed for all lines of coverage by the State of Illinois and earned her degree in business management at Elmhurst College. Before joining Mack and Parker, Inc., Chicago-based all lines insurance brokerage firm, in 1979, she was employed by Zurich Insurance Company.

state-of-the-art Customer Service Center.

Benefit Plans

The Travelers understands the varying benefit needs of small business owners across the United States and offers products that allow choice. The Travelers frequently reviews their plan designs to ensure that current needs are being met. For example, the merger with Metropolitan Life is expected to increase the number and location of PPO networks across the United States.

Whether an employer prefers a traditional comprehensive plan or a managed care plan, The Travelers has over 35 health plans, with optional plan deductibles ranging from \$100 to \$3,000. Their product choices include:

- Preferred Provider Options (PPO) Plans,
- Managed Indemnity Plans,
- Basic & Major Medical Plan,
- Term Life Plans with or without Dependent Life Options, and a variety of optional medical coverages add-ons such as Maternity Care, Prescription Drug Card, and Dental with or without Orthodontia Coverage

The Travelers recently introduced several improvements. A Prescription Drug Card is now automatically part of their PPO and Managed Indemnity Health plans. Now you can purchase your prescription drugs with a co-pay, rather than having to first satisfy a large calendar year deductible. Generic and mail order drugs have a \$5 co-pay, and brand name drugs have a \$8 plus 20 percent co-pay.

The Travelers recognized the need for Wellness Benefits and now covers reasonable charges for certain routine services. Routine pediatric care and immunizations up to age 6 are covered at 100 percent. Well-woman exams, such as breast and pelvic exams, mammograms, and pap smears, are covered at 100 percent. Annual physicals for an employee and spouse are covered up to \$150 subject to the plan's co-pay.

The Travelers also improved their life product by adding a Living Benefit, which allows a terminally ill employee to collect 50 percent of their life benefit, up to \$50,000.

The Travelers also monitors their rates, and will modify a plan's rates, or a certain geographical area's rates, if the rates no longer seem to be appropriate. Especially important to small business owners, when you purchase a Travelers plan in 1994, the

rates will be guaranteed for 18 months in most states (you can call our office to see if this applies to you).

The Travelers has a strategy: to make sure their insureds feel comfortable when making a decision on medical care and understand the value of their benefit plan. Travelers believes employee support and educational programs are crucial to making well informed medical decisions and lifestyle choices, which in turn control health care costs.

Their "Taking Care Program" provides an assortment of easy-to-read communication materials designed to promote employee health and self-care. Currently, a copy of the American Medical Association's "Guide To Your Family's Symptoms" and a monthly newsletter is sent to each employee enrolled in a medical plan.

"Patient Advocate" is The Travelers Utilization Review Program, whose staff

The new, improved ALTA Group Insurance program already has 69 firms with approximately 450 employees.

philosophy is to act as an advocate for employees and their dependents. By using a case-by-case management approach to focus on the most appropriate, cost-effective health care setting, this program helps control medical costs while ensuring quality care.

Mack and Parker's Role

While The Travelers has a grasp on the small business owners' needs, Mack and Parker knows ALTA members. We have worked with ALTA and the Group Insurance Board of Trustees for 37 years, and together we started the ALTA group insurance program.

We understand that your employees' benefit concerns are extremely important to you, yet, you may not have the time, nor the resources, to comparison shop. We can do the job for you, and do it well.

If you provide us with your census and benefit information, we will show you what The Travelers has to offer. We will order the appropriate proposals from The Travelers based on your requirements. Many proposals are actually produced in Mack and Parker's office, which shortens proposal


turnaround time. Once the proposals are generated, our staff puts together a package which explains the differences between the plans you selected. Our sales representatives are easily accessible to answer your questions.

After your decision to enroll with The Travelers, we will review your submission to ensure it is complete, which expedites the approval process. Mack and Parker also follows up with The Travelers to make sure the submission is moving along as quickly as possible. If there are any problems during the approval process, or even after coverage has been issued, Mack and Parker will be your advocate, using our expertise to facilitate solutions.

As part of our continuing services to you, Mack and Parker's staff analyzes the components The Travelers uses for rate renewals, and will present your firm with recommendations. We automatically show you alternatives, so you can evaluate if the time has come for a change in plan design. Plus, when our analysis indicates, we will ask The Travelers to review their findings and consider giving you some rate adjustment relief.

Mack and Parker will be sending out mailings and doing phone surveys throughout the summer. If you are interested today in receiving more information, including rates, on ALTA's plans, call 1-800-346-2582 and ask to speak to Lita Clark or me.

We would enjoy meeting more ALTA members, and we will have a booth at ALTA's Annual Convention in September. If you bring us your plan design ideas and census information, we will be able to prepare a proposal for you on-site.

A future article will have more on ALTA's endorsed insurance programs, featuring UNUM's Disability (Income Replacement) plans and Long Term Care insurance. 

Fidelity Stockholder In Micro General

Fidelity National Financial, Inc., parent of Fidelity National Title Insurance Company and other companies, has announced its acquisition of 578,716 shares of Micro General Corporation for \$868,000 in cash—which is reported to represent an ownership interest of approximately 31 percent.

Micro General, based in Santa Ana, CA, reported 1993 revenue of \$5,072,369. The company develops, manufactures and markets automated equipment for shipping and mailing operations.

- Titlepro is a network computer system developed by title people for title people.

- Titlepro is modular, so you may select the modules you need for your binder, policy, and forms production; for closings, disbursements, and escrow accounting; for indexing, scheduling, and more.

- Titlepro provides management reports, as well as laser type-set form printing.

- Titlepro saves time, because title information is entered just once, and used throughout the system without retyping.

- Titlepro is fully IBM-PC/386/486/PS2 compatible, and is provided on Novell Netware for the ultimate in multi-station performance.

- Titlepro provides installation and training at your office, and courteous, dependable, follow-up assistance.

We at Titlepro extend our sincere thanks to all of our customers for the confidence you have shown in us. We look forward to keeping your trust by continued improvements in our product, training, service, and support.



Happy 10th Anniversary TITLEPRO and Professional Abstract.

Ten years ago, Frank Card, owner of Professional Abstract in Camp Hill, PA, ordered the very first Titlepro system. Frank started with an old, pre-PC, multi-user system with two workstations. Over the years, we've helped him stay current with the most cost-effective technology and software. Today, Frank has a successful title firm

with the newest, fastest Titlepro system, and eight workstations. We know that Frank's success is due to his industriousness, and to the hard work of manager Holly Keller and her staff. But they are gracious enough to insist that credit also be given to

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NAMES IN THE NEWS



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Rehak



Bame



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Janet A. Alpert, president and chief operating officer, Lawyers Title Insurance Corporation, has been elected to the company's board of directors. She is a member of the ALTA Title Insurance Underwriters Section Executive Committee.

Elsewhere at Lawyers Title, **John M. Carter** has been named vice president-general corporate counsel, Richmond, VA, and **Edward Janczur** vice president-branch manager, Chicago. **Nicholas M. Moroz** is now vice president-branch manager, Cleveland, and **Charles Y. Caldwell, III**, has been named vice president-regional claims counsel, **Phil B. Gardner** vice president-regional under-

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writing counsel, and **David K. Lanier** vice president-regional sales manager, all Memphis, TN.

Newly appointed as assistant vice president-branch manager in Ohio are **Linda J. Rehak**, Dayton; **Karen S. Bame**, Marion; and **Barbara E. Wright**, Medina. **Saunsia R. Risinger** is now branch manager, Mansfield, OH. In Westerville, OH, **J. Brent Wilson** has been named assistant vice president-area sales manager and **Deborah S. Moore** assistant vice president-office manager.

Douglas S. McDougal has been named assistant vice president-assistant regional counsel for Lawyers Title, Troy, MI. In Boston, **Sandra Paige** has been named assistant vice president-senior national accounts executive, National division, and **David A. Miller** has been appointed regional claims counsel.

Joseph A. Soane, Jr., is now quality assurance manager for Lawyers Title, Dallas, and **Susan Carter SooHoo** and **Julia C. Kim** have been named assistant claims counsel, Pasadena, CA.



Risinger



Wilson



Moore



McDougal



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At Datatrace Information Services Company, wholly owned subsidiary of Lawyers Title, new vice presidents are **Robert L. Bradshaw, Jr.** (sales and marketing), **Tamara S. Meyer** (customer service)

and **Penny Shiflett** (1099 services). Named vice president for Old Republic National Title Insurance Company are **Martin R. Haller**, New England states counsel, and **Lawrence F. Scofield**, New



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England states manager, both Boston, and **Roberta M. Harris**, Southwest regional claims counsel, Houston.

Newly appointed assistant vice presidents for the company are **Richard L. Helms**, Nashville, TN (also named claims counsel); **Penny Gabrielsen-Cullen**, Milwaukee, business development officer; **Kathy A. Howes**, regional controller, and **David W. Rhodes**, regional underwriting counsel, both Houston; **Susan C. Riley** and **Sandra M. Sichak**, both Minneapolis, title supervisor; **James C. Rus-sick**, Tampa, Florida state underwriting counsel; **Julie A. Susik**, Deerfield Beach, FL, southeast Florida operations manager; and **Kristine L. Turnbull**, Minneapolis, National Service Center manager.

James J. Ryan has been appointed senior vice president and director of strategic business development for Chicago Title Insurance Company, with offices in Chicago. Also in Chicago, **William E. Narr, Sr.**, National Business Unit manager, and **Bob Raffa**, National Mortgage Services, have been named vice presi-dents.

Frank Catomer, vice president and manager, Contra Costa, CA, assumes re-sponsibility for the reconfigured Bay area territory and **Thomas Murrell**, vice presi-



Dering



Rose



Schmidt



Miles

dent and manager, San Luis Obispo, CA, has been assigned responsibility for the newly created Coastal area territory.

David Conrad has been named vice president and regional administrative manager, Rosemead, CA, and **J. J. Scott Immel**, vice president and Santa Clara County manager, has been appointed Los Angeles County manager. **Jim DeWeese** is the new resident vice president, regional claims counsel and manager, McLean, VA, Claims Center, and **Mark Waninger** has been named Virginia state manager with offices in McLean. **Bruce Hawley** has been appointed North-eastern regional claims counsel, New York City; new associate regional counsel are **Kathleen Mitchell**, Boston, and **Tim Whitsitt**, Baltimore.

Newly designated assistant vice presidents are **Craig Johnson** (also marketing manager), **Trisha Skidmore** (remains title operations officer and branch manager), and **Janice Wellington** (also branch manager), all Washington, DC.

John P. Rapp, senior vice president, has been appointed chief title counsel, Commonwealth Land Title Insurance Company and Transamerica Title Insurance Company, with offices at Philadelphia headquarters. **Edward L. McLaughlin** has been named manager of training and development there, and **Robert L. Nagy** and **Brian P. Jensen** have been appointed assistant vice president and senior coordinator for the National Title Services division, and manager of recruitment and employee relations, respectively.

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opened an office in Atlanta, where **Linda R. Thurman** has been named vice president and manager, and **Margaret E. Kirbabas** has been appointed coordinator. **Michael J. Starrett** has joined Commonwealth as vice president and underwriting counsel, St. Louis, and **Richard R. Peters** has been named Transamerica vice president and county manager, Greeley, CO. Also for Commonwealth, **Linda L. Weaver** has been named marketing manager, Baltimore; **Jacquelin L. Weitzel** has been appointed commercial account executive, Pittsburgh; **Ella M. Dering** has been named settlement administrator, Lancaster, PA; and **Martha Steele** is new sales representative, Indianapolis.

Glendon W. Rose has been named president of a subsidiary operation, Commonwealth Land Title Company of Fort Worth. Other appointees at the Texas concern are **Jerold L. Schmidt**, senior vice president and chief counsel; **Mac Miles**, vice president of commercial development; and **Philip H. Trew**, escrow officer.

David B. Stanfield, Jr., has been appointed senior vice president, Commercial Closing division, Commonwealth Land Title Company of El Paso, TX, another subsidiary.

Brinkley K. Gaia has been named vice president—Arkansas state manager,

First American Title Insurance Company, with offices in Memphis, TN.

Rattikin Title Company, Fort Worth, has named **Robert C. Stroup** vice president and examination department manager, and **Rae Hyatt** escrow officer/closer in its Southwest branch office.

Terry Hamer has been named closing officer and office manager and **Kathy Jones** closing assistant, in the new Security Abstract and Title Co., Inc., South branch, Derby, KS.

Jeffrey S. Harlan has been appointed chief title examiner and counsel, First Land Title Company, Fort Wayne, IN.

Seminar Scheduled For Boston Area

ALTA's Land Title Institute, in conjunction with the New England Land Title Association and the Massachusetts Conveyancers Association, will present a regional seminar for title professionals, conveyancers and attorneys in suburban Boston on October 6.

Site for the event will be the Boston Marriott Hotel Newton, located at the intersection of Route 128/I-95 and the Massachusetts Turnpike.

Featured topics and discussion leaders will include controlled business—Melville R. Bois, Universal Title Division, First American Title Insurance Company, Edina, MN; the insured closing letter—Lawrence P. Heffernan, partner, Robinson & Cole, P.C., Boston; and RESPA and NAIC updates—Harold Piskaln, Jr., Old Republic National Title Insurance Company, Minneapolis.

Steve Johnston has been named vice president of Fiesta Title & Escrow Agency, a division of Title Reporting of Arizona, Inc., with offices in Phoenix.

James Kramer, a title industry veteran, has been appointed president of the Strategic Mortgage Services (SMS) Property Title Division, Costa Mesa, CA. **Phyllis Klein** and **Chris Canedy** have been appointed Great Lakes and Western regional sales vice president, respectively, for the organization's Home Equity Services group and Appraisal and Credit Information division.

1994 AFFILIATED ASSOCIATION CONVENTIONS

July

14-16 **Utah**, Deer Valley Resort, Park City, UT

24-26 **Michigan**, Shanty Creek, Bellaire, MI

August

4-6 **Idaho**, The Coeur d'Alene Resort, Coeur d'Alene, ID

10-13 **North Carolina**, Grove Park Inn, Asheville, NC

11-13 **Minnesota**, Izatys Golf & Yacht Club, Lake Mille Lacs; Onamia, MN

12-14 **Indiana**, Westin Hotel, Indianapolis, IN

18-20 **Montana**, Kwa Tag Nuk Resort, Polson, MT

19-20 **Kansas**, Marriott, Wichita, KS

21-24 **New York**, Site unannounced, Newport, RI

September

8-10 **North Dakota**, Site unannounced, Devil's Lake, ND

9-10 **Missouri**, Adams Mark Hotel, St. Louis, MO

15-17 **Dixie**, The Sandestin Beach Hilton, Destin, FL

18-20 **Ohio**, Dayton Marriott, Dayton, OH

21-23 **Nevada**, Harvey's Hotel, South Lake Tahoe, NV

October

12-14 **Nebraska**, Midtown Holiday Inn, Grand Island, NE

13-14 **Wisconsin**, Holiday Inn East Towne, Madison, WI

23-26 **Florida**, Lake Buena Vista Hilton, Orlando, FL

November

2-4 **Arizona**, Site unannounced, Lawson, NE



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CALENDAR OF MEETINGS

1994

- June 9 **ALTA Board of Governors**, Dallas, TX
- August 7-9 **Title Insurance Accountants Meeting**, Hotel del Coronado, San Diego, CA
- August 28-30 **Reinsurance Group Meeting**, La Fonda, Santa Fe, NM
- September 21-24 **ALTA Annual Convention**, Walt Disney World Dolphin, Orlando, FL
- October 23-25 **Title Counsel Meeting**, Silverado, Napa, CA

1995

- April 5 - 7 **ALTA Mid-Year Convention**, The Westin Resort, Hilton Head, SC
- October 18-21 **ALTA Annual Convention**, Loews Anatole Hotel, Dallas, TX

1996

- March 18-20 **ALTA Mid-Year Convention**, Stouffer Mayflower Hotel, Washington, DC
- October 16-19 **ALTA Annual Convention**, Westin Century Plaza Hotel, Century City, CA

1997

- September 24-27 **ALTA Annual Convention**, Westin Hotel, Seattle, WA

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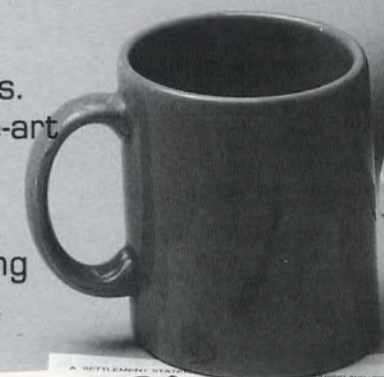
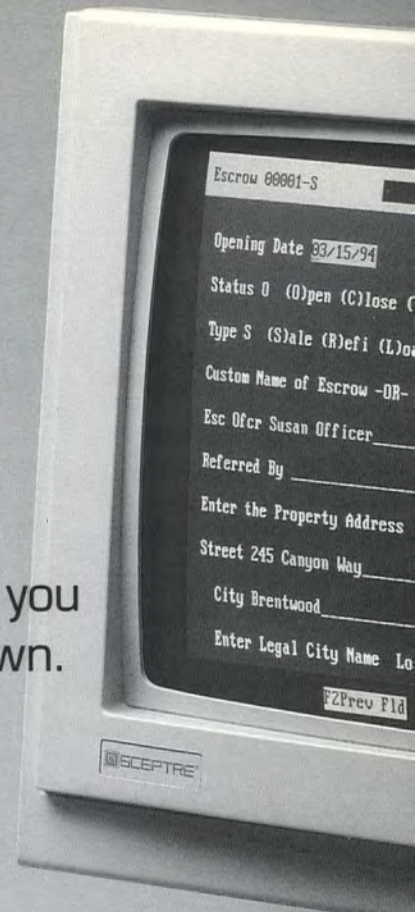
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