

TITLE *News*

MAY-JUNE 1995

RESPA

TITLE INSURANCE
AND SELLER PAY

Title Industry Supports Oklahoma Bombing Victims, page

Genesis 1995

Credible

- Dedicated to the title insurance industry.
- Full-featured title and escrow automation.
- Over 5,000 users.
- Flexible, modular design.
- Unsurpassed in product enhancement.
- Top-rated customer support.

Incredible

The first EDI solution developed specifically for the title insurance industry.

Electronic Data Interchange. Few advances in technology can offer more immediate and tangible benefits: Lower costs. Increased revenue. Improved service and customer satisfaction.

Now you can have the power of EDI fully integrated with the industry's leading title automation software. EDI from Genesis Data Systems, Inc., turns your current Genesis system into a powerful communications productivity tool.

- Accept orders electronically.
- Exchange data and documents.
- Provide accurate, electronic status reports and updates.

Like all Genesis products, Genesis/EDI is intuitive and easy to use.



Genesis/EDI. Another innovation from Genesis Data Systems, Inc.

TITLE *News*

MAY-JUNE 1995

RESPA

TITLE INSURANCE
AND SELLER PAY

Title Industry Supports Oklahoma Bombing Victims, page

Genesis 1995

Credible

- Dedicated to the title insurance industry.
- Full-featured title and escrow automation.
- Over 5,000 users.
- Flexible, modular design.
- Unsurpassed in product enhancement.
- Top-rated customer support.

Incredible

The first EDI solution developed specifically for the title insurance industry.

Electronic Data Interchange. Few advances in technology can offer more immediate and tangible benefits: Lower costs. Increased revenue. Improved service and customer satisfaction.

Now you can have the power of EDI fully integrated with the industry's leading title automation software. EDI from Genesis Data Systems, Inc., turns your current Genesis system into a powerful communications productivity tool.

- Accept orders electronically.
- Exchange data and documents.
- Provide accurate, electronic status reports and updates.

Like all Genesis products, Genesis/EDI is intuitive and easy to use.



Genesis/EDI. Another innovation from Genesis Data Systems, Inc.

Volume 74, Number 3

\$5 per issue (member rate) \$8 per issue (non-member rate)

FEATURES

On the cover: Persuasive arguments exist that Section 9 of RESPA does not preclude a seller from selecting the title company if the seller is paying for the owner's title insurance policy in a residential transaction. In general, Section 9 (a) prohibits a seller of real estate from requiring the buyer to purchase title insurance from any particular title company. For a commentary on this matter, please turn to page 10.

2 HUD Bombing Victims, Families Receive Support from ALTA, OLTA

In the nightmarish aftermath of the bombing of the Oklahoma City federal building, the title industry pitches in to help victims and their families from the hard-hit HUD offices there.

7 RESPA Information Highway Snarl Demands Immediate Attention

By Gregory M. Kosin

Unless Congress decides to make badly-needed changes in the settlement act, the measure will be overwhelmed by surging technology. The author presents his view on why RESPA is becoming obsolete.

9 Optical Focuses on One-Day Service

The title operation selecting optical imaging can achieve this turnaround with orders as competitors deciding otherwise struggle with processing time of two or three days.

10 RESPA And Seller Pay

By Sheldon E. Hochberg, Esquire

Besides the aforementioned arguments that RESPA Section 9 does not prohibit the seller paying for owner's title insurance from selecting the title company, no restriction is seen on the buyer choosing to obtain the loan title policy from the same company selected by the seller.

18 Federal Conference Brings Insight

Photographs capture the activity during this event, where title executives from across the nation took a first hand look at leading issues.

21 Legal Division Provides Idea Exchange

By John T. LaJoie, Esquire

Meetings of the ALTA Associate Member Legal Division are open to all types of professionals with something to contribute.

DEPARTMENTS

5 A Message from the Abstractor-Agent Chairman

26 Names in the News

32 Index to Advertisers

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). 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.

Reprints: Apply to the editor for permission to reprint any part of the magazine. Articles reprinted with permission must carry the following credit line: "Reprinted from Title News, the bi-monthly magazine published by the American Land Title Association."

HUD Bombing Victims, Families Receive Support from ALTA, OLTA

It was like a page torn from the script for a nightmare.

ALTA President Mike Currier and his wife, Linnie, recently were traveling to the Oklahoma Land Title Association Convention scheduled for Tulsa. While connecting through Dallas, they noticed large groups of people crowded around available television sets in the airport.

Moving in for a closer look, the Curriers learned for the first time about the bombing of the federal office building in Oklahoma City.

Later, after arriving in Tulsa and checking into their hotel, Mike and Linnie continued to follow the horrifying events. Besides the devastation at the federal building, accounts began to surface of damages sustained at title companies and other buildings in the blast area. Ken McBride, president at Lawyers Title of Oklahoma City, later recalled the effects on his operation located six blocks away.

"We were spared injury from shattering glass by a miracle," he said. "Four large windows fell in on our workplace. By the grace of God, all of the employees in that area were away from the windows at the time. A fifth window did not break. It was the only window under which people were standing."

In the aftermath, employees at the title company understandably carried a heavy mental burden in dealing with the catastrophe.

Back in Tulsa in the hours immediately following the explosion, Mike and Linnie Currier wondered if the Oklahoma state title convention would be held as planned. Soon, the Curriers had their answer. Although shocked and deeply saddened, OLTA members would continue with their meeting.

"As the convention got under way, it became quite

clear the title people in Oklahoma are extremely proud of their state association," Mike said later. "A tremendous amount of work had gone into planning this convention. Like all Americans, the Oklahoma title people were horrified by the bombing. But they knew life must go on."

After that, the convention proceeded as called for in its program—although in a more somber atmosphere than is customary for the normally fun-loving Oklahoma title people at this event. When the time arrived for the ALTA president's speech, Mike proceeded to the lectern

and produced a small shopping bag.

While addressing the OLTA membership, Mike held up the shopping bag and said it contained a contribution he was making to the victims and their families in Oklahoma City. He further suggested to those present that they also consider placing a contribution in the bag. Then he added that ALTA would double the total amount in the bag

before the funds were sent to Oklahoma City.

By the time that day was over, a combined total of \$5,000 had been pledged by the state and national associations.

After conferring with OLTA members based in Oklahoma City, it was determined the collected funds could be meaningfully used to help persons in greatest need and close to the real estate industry if a contribution were made to the newly established Oklahoma Mortgage Bankers Association HUD Victims and Families Relief Fund. The HUD office in the building was destroyed by the bomb. Soon, the OLTA/ALTA contribution to that fund was presented to the state mortgage bankers association.

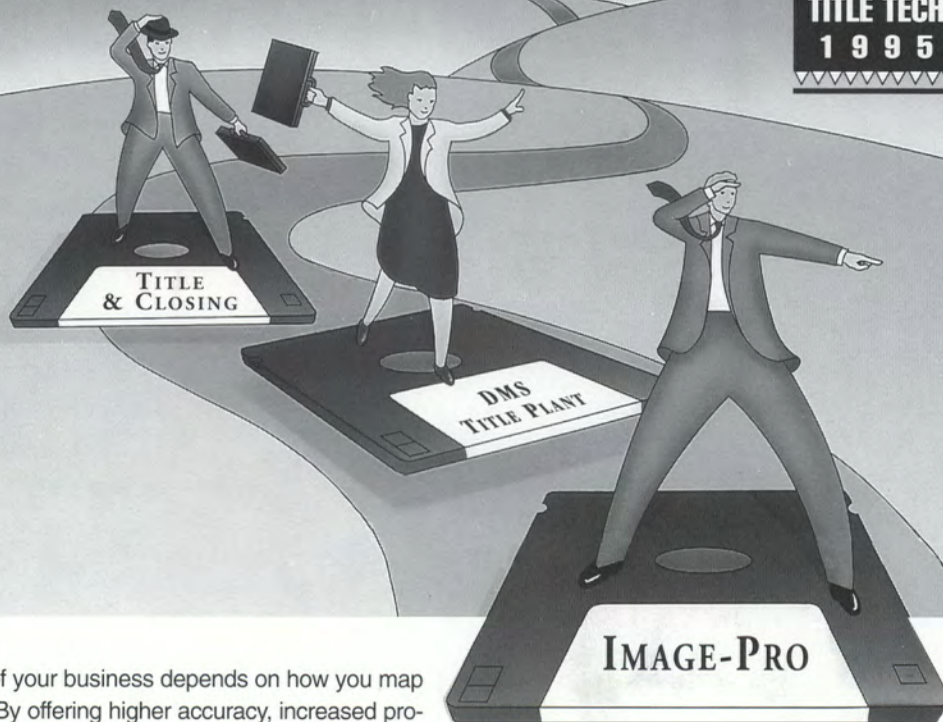
For others in the title industry who may wish to contribute, checks made payable to the fund can be sent to Liberty National Bank and Trust Company, P. O. Box 850237, Oklahoma City, OK 73185-0237.



Oklahoma Land Title Association President Glenda Mittasch presents an ALTA/OLTA check as a contribution to the Oklahoma Mortgage Bankers Association relief fund for HUD victims and families in the Oklahoma City bombing. Also shown, from left, are Marty Askins and Bryan Thomason, respective vice president and president-elect of OLTA; Perry Duncan, OMBA president; Stephen R. Weatherford, HUD Secretary's representative for the southwest; and James C. Hagan, OMBA secretary-treasurer.

If You Travel On The Information Highway, You'd Better Plan For The Trip.

TECHNOLOGY
AWARD
OF
EXCELLENCE
TITLE TECH
1995



The success of your business depends on how you map out your future. By offering higher accuracy, increased productivity and cost savings, SMS Title Works gives you the competitive advantage with Image-Pro, DMS Title Plant and Title & Closing. And Title Works is not proprietary – allowing you to use one or all three software programs in conjunction with your existing systems.

IMAGE-PRO, the latest Title Works addition, is a document imaging system that captures and stores electronic images like Starter Files, Recorded Documents, Maps and more. They can be displayed, printed or faxed anywhere using a standard windows-based PC. Imagine the possibilities:

- Instant records access
- Clean legible copies
- Years of records stored on a disk

SMS Title Works. We'll put you on track for the future.

SMS

TITLE WORKS

The Competitive Advantage

1-800-767-7832 Ext. 2266

IMAGE-PRO
Document Imaging

DMS TITLE PLANT
Name & Property Index

TITLE & CLOSING
Production

NEWS RELEASE

**POWERFUL SOFTWARE
PROGRAMS FOR THE
ESCROW AND TITLE
INDUSTRY SET
STANDARDS
FOR THE 90'S.**

*"TACOMA, WASHINGTON -
Advanced Escrow & Title Systems offers
user-friendly Escrow and Title software far
superior to anything else available today.
Known as a breakthrough in the industry,
President Linda Remsberg explains that
speed and accuracy can increase more than
40%. The Windows version software saves
time and money. FREE Video!"*



**FREE
INTRODUCTORY OFFER**
Request your AET video now
and see a demo of the most
advanced Escrow & Title
software available today!

BREAKTHROUGH PRODUCTIVITY IMPROVEMENT

"Since going with AET, our Order Entry process has improved 100%, File Tracking has eliminated 40 hours of weekly searching, and our word-processing output has doubled, all without adding staff," -- Doug Sage, Computer Operations Manager, First American Title, Portland, OR.



SEE THE FUTURE...NOW!

Discover the advantages of Microsoft Windows, Novell Networks, and The AET Smart System. Use a laptop to provide your services anywhere, anytime with AET's Advanced Connectivity Solutions.

EDI Experts

1-800-877-7667



ASSOCIATION OFFICERS

President

Mike Currier, Guaranty Title Co.,
Carlsbad, NM

President-Elect

Herbert Wender, Commonwealth Land Title
Insurance Co., Philadelphia, PA

Treasurer

Richard L. Pollay, Chicago Title Insurance Co.,
Chicago, IL

Chairman, Finance Committee

Charles L. Juhl, Benton County Title Co.,
Vinton, IA

Chairman, Abstracters and Title Insurance Agents Section

Dan R. Wentzel, North American Title Co.,
Walnut Creek, CA

Representatives, Abstracters and Title Insurance Agents Section

Stanley Friedlander, Continental Title
Agency, Cleveland, OH

Cara L. Detring, The St. Francois County
Abstract Co., Farmington, MO

Chairman, Title Insurance Underwriters Section

Malcolm Morris, Stewart Title Guaranty
Co., Houston, TX

Representatives, Title Insurance Underwriters Section

Charles H. Foster, Jr., Lawyers Title
Insurance Corp., Richmond, VA

Harold Piskaln, Jr., Old Republic National
Title Insurance Co., Minneapolis, MN

Immediate Past President

Parker S. Kennedy, First American Title
Insurance Co., Santa Ana, CA

ASSOCIATION STAFF

Executive Vice President

James R. Maher

Vice President - Public Affairs

Gary L. Ganity

Director of Research

Richard W. McCarthy

Vice President-Administration

David R. McLaughlin

Legislative Counsel

Ann vom Eigen

General Counsel

Edmond R. Browne, Jr.

Director of Education

Patricia L. Berman

Director of Meetings and Conferences

Leigh A. Vogelsong

Manager of Membership/Marketing

M. Kathleen Hendrix

Title News Composer

Carol C. Hoston

A Message from the Abstracter-Agent Chairman



Having just returned from this Association's Mid-Year Convention, I thought it would be appropriate to pass along my reflections on a variety of subjects. First of all, congratulations to President Currier on a well-attended meeting and an excellent program. A number of members from the Abstracter-Agent Section commented on the usefulness of this year's educational sessions and expressed appreciation for updates on key issues such as RESPA and the continued development of the NAIC Model Acts.

The Abstracter-Agent Section previously has gone on record as expressing a preference for warm weather Mid-Year locations offering both the option of industry participation and a break away from the business. The Westin Hilton Head facility certainly offered both of those options.

I also was pleased to note a high level of attendance at our Section's Executive Committee meeting. In addition to the committee members, a number of abstracters and agents from around the country both attended and provided valuable input as we reviewed a full agenda.

One of the challenges ahead for the Section Executive Committee is to provide a forum offering ample time for commentary by members attending the meetings of the committee as we work our way through the agenda. Some discussion took place in Hilton Head on using a "town hall" meeting concept as a forum to address issues outside the Executive Committee meetings.

From an agent's perspective, the pending "Title Insurance Agents Model Act" continues to be one of the "hot button" items affecting our industry on both a state and national basis. Work has essentially been completed on both the Agents and the Title Insurer model acts, with final approval at the NAIC committee level now expected at the NAIC June meeting in Denver.

There's no question the proposed Agents Model Act will have an impact on our business. How much depends on how many sections of the Model Act will be introduced and passed in your respective state legislatures, and that in part will be dependent on the accreditation issue. Clearly, however, if you are doing business in a state with little or no agent licensing statutes, this Model Act will have an impact on your business.

The extent to which the Abstracter-Agent Section was able to participate in the NAIC drafting process was encouraging. The final version of the Model Act includes optional controlled business and anti-rebate provisions, both of which are important to the Section.

Also, there is considerable flexibility built into the final version, with room for negotiation and shaping at the state legislative level. I urge you to become familiar with both model acts as now proposed and begin planning your legislative response at the state title association level.

In closing, I want to give a special "thank you" to Rich McCarthy of ALTA staff, who represented the Abstracter-Agent Section during the NAIC Title Insurance Working Group sessions. Rich was a skillful advocate and tried hard to keep a level playing field.

Dan R. Wentzel

Did You Forget?...

Escrow Reports Accounting Utilities Quit Browse

SCHEDULED/UNCOMPLETED ITEMS FROM 03/23/95 TO 03/24/95 FOR RB

Asgn	Due Date	Time	Action	Cmnt	Br	Order#	Cmplt	By
RB	03/23/95		Policies Due	memo	01	95-00003	/	/
RB	03/23/95		Receive Survey	memo	01	95-00004	02/24/95	RB
RB	03/23/95		Receive Survey	memo	01	95-00005	02/24/95	RB
RB	03/23/95		Receive Survey	memo	01	95-00006		
RB	03/23/95		Order Survey	memo	01	95-00014		
RB	03/23/95		Order Tax Cert.	memo	01	95-00014		
RB	03/23/95		Receive Survey	memo	01	95-00007		
RB	03/23/95		Receive Survey	memo	01	95-00008		
RB	03/23/95		Receive Survey	memo	01	95-00001		
RB	03/24/95		Commitment Due	memo		95-00004		
RB	03/24/95	08:30am	Closing Room 2	memo	01	95-00004		
RB	03/24/95	09:30am	Closing Room 1	memo	01	95-00005		
RB	03/24/95	01:00pm	Closing Room 1	memo	01	95-00007		
RB	03/24/95	03:00pm	Closing Room 3	memo	01	95-00008		

F8 Completed F9 Edit

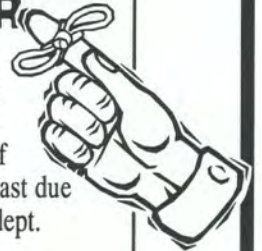
INFORMATION CENTER

Tickler System

- automatic scheduling
- user definable events
- automatic reminder of events due today or past due
- events assignable to dept. or user

Message Center

- record messages/notes for file or user
- alerts user of new messages



INFORMATION CENTER

...Title Solutions™ won't let you forget!

ESCROW CLOSING
Featuring:
On-Screen HUD-1

ESCROW DOCUMENTS
Featuring:
Laser Printing

TITLE INSURANCE
Featuring:
Commitment/Policies

MANAGEMENT REPORTS
Featuring:
Source of Business Report

ESCROW ACCOUNTING
Featuring:
3-Way Bank Reconciliation

IRS 1099-S REPORTING
Featuring:
Magnetic Media Reports

FREE EVALUATION: Call today and receive a no obligation, no cost 60-day evaluation of the complete Title Solutions™ software system with 1-800 telephone support.

Base Escrow Closing or Title Insurance System starting at

\$995

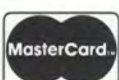
Discount available with upgrade from competitive product*



TITLE SOLUTIONS™

Call today to take a FREE test drive!

1-800-836-9787



RESPA Information Highway Snarl Demands Immediate Attention

By Gregory M. Kosin

(Editor's note: The following represents the views of the author, and does not necessarily reflect those of ALTA.)

Congress is alive with proposals to abolish or restructure HUD—and move responsibility for RESPA to another federal agency. Although controversial, this initiative has at least one immediate benefit: bringing RESPA back under Congressional scrutiny at a time when the settlement procedures act seriously needs an overhaul.

Simply put, RESPA has to be reworked. Soon. Because surging technology is rushing past this well-intentioned consumer protection measure. Unless Congress decides to make badly needed changes in the act, RESPA's current settlement disclosure requirements will fail completely in safeguarding home buyers and other real estate investors. For reasons unforeseen by the drafters of RESPA years ago, this disclosure soon will only bring costly snarls on the information highway.

The Consumer Federation of America has correctly described RESPA disclosure as "an inadequate remedy" for protecting real estate purchasers against market risks. As CFA has pointed out, most consumers poorly understand the settlement process and rely almost totally on real estate professionals to guide them through the maze. For many, routine disclosure statements become part of the document stack that must be attended to in the bothersome details of closing.

Even if a buyer or seller did suspect all was not well at closing, timing often becomes a critical factor. With thousands of dollars on the line, "junk fee" charges probably would not be a last-minute deal breaker unless the amount was highly questionable.

So RESPA disclosure really doesn't help

the public—and isn't likely to do so in the future. As the information revolution gathers momentum, disclosure could well hinder the cost-saving efficiencies of automation. Even now, the settlement industry is fast coming upon an interconnected network of products and services promising revolutionary changes that never were envisioned by the original architects of RESPA. By the turn of the century, these new dy-

RESPA has to be reworked. Soon. Because surging technology is rushing past this well-intentioned consumer protection measure.

namics will have far greater impact on how business is conducted than RESPA or its Regulation X.

Even now, RESPA is creating inefficiencies and barriers that must be overcome if settlement services are to be satisfactorily provided. RESPA rules are becoming more obsolete as companies with foresight are learning to do business in the information age. As consumers become more sophisticated and expect more settlement options, new ideas will continue to be developed by business and offered through unique delivery systems. As this happens, the technological tangle can be expected to intensify.

The delivery of information products and services will take many forms. Technological innovation and process re-engineering already are leading to dramatic

reductions in costs and improvements in service. The entire process of transferring real property—and financing the transaction—is being compressed from days into minutes.

As technology progresses, shared systems, jointly developed software and controlled access to proprietary data bases will make controlled business disclosures virtually impossible to deliver and track in settlements. This development will result from numerous settlement service providers contributing to various parts of the information highway.

Scenario Profiles Need for Change

Consider this scenario: A loan application is taken by a loan originator on a laptop computer—or maybe the borrower inputs the information directly into the lender's central processing system—utilizing a jointly developed processing inter-

continued on page 16



The author is a member of the ALTA Government Affairs Committee and has served two terms as president of the Illinois Land Title Association. He has been a member of an ALTA task group on RESPA, and was a witness for the Association at HUD hearings on regulation under the settlement procedures act. Currently a member of the ILTA Board of Directors, he is president of Greater Illinois Title Company, with offices in Chicago. The author is a former director of the Illinois Association of Mortgage Brokers, the Illinois Mortgage Bankers Association and the Society of Mortgage Professionals. He is a Realtor member of the Chicago Association of Realtors—where he holds membership on the Legislative Issues and FHA/VA committees—and is a member of the Illinois Association of Realtors Government Regulation and Real Estate Law committees. In addition, he was appointed to the State of Illinois Department of Financial Institutions Title Insurance Task Force which drafted the Illinois Title Insurance Act of 1990.

Why is TitleSCAN the Nation's Leader in Title Plant Software?



Performance • Price
Flexibility • Support

Need we say more?
It's no wonder that title and abstract
companies nationwide are choosing TitleSCAN.
Call us and see for yourself why the leader is also the best.

TitleSCAN

1-800-44-TSCAN

Optical Focuses on One-Day Service

One-day turnaround for orders is attainable for a local title operation investing in optical imaging. Competitors lacking this electronic capability will continue to struggle with a processing time of two or three days.

That assessment for the future of title industry imaging was presented during a 1995 ALTA Mid-Year Convention discussion led by three members of the ALTA Land Title Systems Committee's Optical Imaging Subcommittee. Sharing the dias were Subcommittee Chairman Kirk Knott (Old Republic National Title Insurance Company), and Members Turner Coad (Attorneys' Title Insurance Fund, Inc., Florida) and David Morris (Nations Title, Inc.).

Major advantages that can result in a significant saving in time and money for the title company implementing optical capability were specified by panel members as:

- Securing a basis for streamlining of office work flow without major disruption during the changeover; the pace can be determined by management
- Improved quality and service, which includes significant reduction of work errors
- Reducing fluctuations in staff size during the business cycle because fewer employees are needed initially in an optical environment
- Providing immediate access to title documents
- Reducing office space requirements because of the compact size and large storage capacity of optical disks
- Reducing the need for paper in a title operation

Optical conversion improves but does not substantially change the typical line of processing already in place at a title company, Morris said. With imaging, customer order information can be entered into an electronic folder with an electronic data interchange title services ordering environ-

ment secured by a trading partner agreement with a customer. The Systems Committee previously has developed Transaction Set 265 designed for EDI ordering, which has been approved by the American National Standards Institute as an industry standard. A copy of Set 265 is available from the ALTA office on written request.

"This is the ultimate title work flow.... That's going to happen. It's not if - it's when."

If an optical data base is present, the system will conduct the search and copy starter files where available. The system allows documents to be pulled and available for immediate access by the examiner, who will review them and do the write-up, making changes and adding the annotations directly. After that, the commitment is electronically prepared for printing and delivery. Later, after the date-down search and final write-up, the title policy is prepared and the file goes back to electronic

storage.

"With optical, you are not receiving documents at the mercy of someone at the court house or in the title plant," Morris commented. "You can pull them up and process the order when needed."

Although optical is not a new technology, its appearance in the title industry is relatively recent, the panelists noted. Running parallel to the focus on imaging by title professionals is a growing trend by county recorders and clerks toward bringing optical storage and retrieval of records to their individual offices.

Morris said he does not foresee a need for great concern among title professionals over county clerks/recorders installing optical systems that may differ from what is set up in individual title offices. He believes that conversion capability will become available so records in such a county office can be placed in formats a title company can use.

Coad said future developments could include more optical transmission of take-off information directly from the court house to the title office. He said his company at present indexes some 20,000 documents daily in Florida, which have to be manually retrieved and taken to reader-printers to acquire copies for fax transmis-

continued on page 14



From left, optical imaging panelists Turner Coad, David Morris, Kirk Knott.



RESPA

TITLE INSURANCE AND SELLER PAY

*By Sheldon E. Hochberg,
Esquire*

While most persons engaged in real estate settlement activities are likely to be aware of Section 8 of RESPA, the provisions of Section 9 of the act have received relatively little attention. In general, Section 9(a) prohibits a seller of real estate from requiring the buyer to purchase title insurance from any particular title company. Because of several HUD staff interpretive letters issued in the 1988-1990 period, questions appear to have arisen regarding how Section 9 applies in so-called "seller-pay" jurisdictions, where the seller of the property pays for the buyer's title insurance policy and the buyer pays for the loan title insurance policy at a simultaneous issue rate.

As will be discussed in this article, persuasive arguments exist that Section 9 does not preclude a seller from selecting the title company if the seller is paying for the owner's title insurance policy, and that Section 9 is not violated by the fact that the buyer decides to obtain the loan policy from the title company selected by the seller because of the savings involved in obtaining a simultaneous issue rate. Indeed, a relatively recent unpublished letter written by a senior staff attorney at the Department of Housing and Urban Development appears to confirm this conclusion.

A. The Relevant Statutory and Regulatory Provisions

1. Section 9 and Its Legislative History

Section 9(a) of the Real Estate Settlement Procedures Act of 1974, as amended, 12 U.S.C. Sec. 2608(a) (1988) ("RESPA"), provides that:

No seller of property that will be purchased with the assistance of a federally related mortgage loan shall require directly or indirectly, as a condition to selling the property, that title insurance

covering the property be purchased by the buyer from any particular title company.

"Title company" is defined in Section 3(4) of RESPA, 12 U.S.C. Sec. 2602(4), to include both title insurance companies and duly authorized agents of such companies. A seller who violates Section 9(a) may be liable to the buyer in an amount equal to three times all charges made for such title insurance. 12 U.S.C. Sec. 2608(b).

The legislative history of RESPA provides very little guidance on the purpose behind Section 9. The derivation of Section 9 appears to be section 912(b) of the Housing and Urban Development Act, a bill approved in the form of a Subcommittee Print (with no bill number) by the Housing Subcommittee of the House Committee on Banking and Currency on May 9, 1972.¹ Section 912(b) provided that no title company could directly or indirectly issue a title insurance policy in a federally-related mortgage transaction if "the seller directly or indirectly owns or controls the insuring title company."² Thus, as initially drafted, Section 9 was directed at real estate developers (and other sellers of real estate) who owned title companies, and imposed an absolute prohibition on a title company providing title insurance in a transaction in which the owner of the company was the seller of the property.³

After the bill was reported out of the Housing Subcommittee and was being considered by the full Banking Committee, Rep. Robert G. Stephens, Jr. (D-GA) offered the so-called "Stephens Substitute" as an alternative to the provisions of Title IX that had been approved by the Subcommittee. While the Stephens Substitute made a number of changes in the bill as approved by the subcommittee (including deleting the provisions for federal rate regulation of the charges for real estate settlement services), it included the language of Section 912(b) as adopted by the subcommittee. This bill died in the 92nd Congress.

When the 93rd Congress began in 1973, Rep. Stephens along with 16 co-sponsors introduced a further revised version of the Stephens Substitute as H.R. 9989, the Real Estate Settlement Procedures Act of 1973. Section 111 of H.R. 9989 substantially revised the language of section 912(b) of the previous year's bill and was virtually identical to the language of Section 9 as ultimately enacted -- except for one critical difference.

Whereas Section 9 as enacted refers to a seller requiring that title insurance covering the property "be purchased by the buyer" from any particular title company,

Section 111 of H.R. 9989 referred to a seller requiring that title insurance covering the property "be obtained" from any particular title company. In other words, the original bill as introduced by Rep. Stephens, by prohibiting a seller from designating the title company from which title insurance would "be obtained," would not have allowed a seller to require the use of a particular title company even if the seller was paying for the policy. The final version of Section 9, which reflects an amendment made in the House-Senate Conference Committee on RESPA, made clear that the seller was prohibited from requiring the use of a particular title company only if the purchaser was paying for the title insurance. While the fact of this change was noted in the Joint Explanatory Statement of the Committee on Conference, no further explanation was provided for the change. H. Rept. No. 93-1526 to accompany S. 3164, 93d Cong. 2d Sess. (1974) at 13-14.

...persuasive arguments exist that Section 9 does not preclude a seller from selecting the title company if the seller is paying for the owner's title insurance policy...

2. Guidance on Section 9 Provided by HUD

Neither the initial regulations issued by the Department of Housing and Urban Development (HUD) after the enactment of RESPA (Regulation X, codified at 24 C.F.R. Part 3500), nor the revised regulations issued on November 2, 1992 (57 Fed. Reg. 49600), provide any substantive guidance on the meaning of Section 9 or how it should be interpreted in the context of a seller-pay transaction. However, between 1975 and 1992, the HUD staff issued several informal advisory opinions on Section 9 that are reproduced in Barron, *Federal Regulation of Real Estate and Mortgage Lending* (Third Ed. 1992) (hereafter "Barron"). While all informal counsel opinions and staff interpretations issued before the November 2, 1992 publication of the revised regulations have been officially withdrawn, see 24 CFR Sec. 3500.4(d) (1994), the advice provided in prior informal staff opinions may still be relevant under the



The author is a partner in the Washington, DC, law firm of Steptoe & Johnson. For over 20 years, he has represented and counseled ALTA, state land title associations, and individual title insurers and agents on a wide variety of regulatory, litigation and legislative matters. He represented the title insurance industry in connection with enactment of RESPA and the 1983 controlled business amendments, and has counseled ALTA in connection with HUD's implementation of RESPA.

new regulations.

There are six informal opinions on Section 9 that are particularly noteworthy. In Opinion No. 148 (December 28, 1981) (Barron, *Federal Regulation of Real Estate* (Rev. Ed. 1983) at App. 82), Fred Pfander, director of the Office of Single Family Housing, stated that HUD:

had consistently interpreted the statute to exclude [seller-pay] transactions from the coverage of Section 9. It is our view that the statute was intended to assure the person bearing the cost of the service the opportunity to shop among settlement service providers to select the best value. Thus, where the seller is bearing all or the major portion of the costs of title insurance, it is HUD's view that RESPA Section 9 does not apply.

Where the seller requires the buyer to pay a fee for closing costs and that fee includes the title insurance charges, the HUD staff has indicated that Section 9 would be applicable and the seller may not require the buyer to use a particular title company. Opinion No. 101 (July 1, 1980) (Barron, at App. 2-57). On the other hand, where the seller charges the buyer a closing cost fee that includes owner's title insurance, but allows the buyer to choose his own title company and, in such event, provides the buyer with a credit in the amount the seller would have paid for the title insurance, there is no violation of Section 9. Opinion No. 149 (October 5, 1983) (Barron, at App. 2-66).

In 1988, the HUD staff concluded that a seller who requires a purchaser to reimburse the seller for attorney's fees incurred in clearing exceptions to title when the purchaser selects a title company other than the one designated by the seller violates Section 9 because the seller "has engaged in economic coercion and effectively requires the purchaser to use a particular title company." Opinion No. 251 (December 28, 1988) (Barron, at App.2-95). According to the opinion, if the seller insists that the purchaser use a designated company, the seller "must absorb all costs of the title in-

insurance without passing on the costs to the purchaser."

All of the foregoing opinions are consistent with the position that a seller who pays for the cost of owner's title insurance for the buyer may require the use of a particular title company. Two informal opinions issued in 1990, however, appear to suggest some caution with regard to how HUD might view the application of Section 9 in a seller-pay jurisdiction.

In Opinion No. 274 (June 15, 1990) (Barron, at App. 2-100), Grant Mitchell, a senior attorney who is still actively involved in RESPA matters today, indicated that he was unwilling to endorse the views expressed in the 1981 opinion (Opinion No. 148 discussed above) that, if the seller pays for a "major portion of the costs of title insurance," the transaction would be exempt from Section 9. Mr. Mitchell's letter provides no explanation for why he declined to endorse the earlier opinion.

Finally, Opinion No. 281, issued three months later (Barron, at App. 2-101) suggests that Section 9 may be violated where (a) the purchaser is penalized for choosing another title insurance company or rewarded for choosing the original title company that issued a master policy to the seller (who presumably was the developer of a subdivision), and (b) the original title company has provided something of value to the seller (such as a reduced charge for issuing the master policy). Because the facts addressed by the opinion are not provided, it is difficult to evaluate the correctness or scope of the opinion. In any event, the opinion suggests that, absent some payment or thing of value provided by the title company to the seller, the mere fact that the purchaser may be "rewarded" for selecting the company chosen by the seller or "penalized" if he chooses a different company does not, in and of itself, result in a Section 9 violation.

B. Analysis of Section 9 As Applied To Seller-Pay Transactions

In jurisdictions where it is customary for the seller of the property to pay for the owner's title insurance policy to be issued to the buyer, it may also be customary for the buyer to pay the additional costs for the issuance of a loan title insurance policy. In many such jurisdictions, the loan policy can be obtained by the buyer on a simultaneous issue basis for some nominal additional amount (perhaps \$25-\$50). In such circumstances, I believe that Section 9 is properly interpreted as not prohibiting the seller from designating the use of a particular title company for the issuance of the

owner's title insurance policy.

The change made in the conference committee to the language of Section 9 -- making clear that the seller cannot require the use of a particular title company where the title insurance is "purchased by the buyer" -- reflects an intention by the Congress to limit the ability of sellers to select the title company only if the purchaser is going to pay for the title insurance policy. The HUD staff persons who wrote the various informal opinions discussed above may not have been aware of this legislative history. Accordingly, if the seller is paying for the entire cost of title insurance in the transaction, the seller may require the use of a particular title company without violating Section 9.

This assumes that the seller is not in a controlled business relationship with the title company. If there is such a relationship, the seller may not require the use of the

T*he fact that the buyer may decide to purchase the loan policy from the title company selected by the seller would not...mean that the seller was "requiring" the buyer to purchase title insurance from a particular title company...*

controlled title company without violating one of the three conditions for the controlled business exemption from the anti-kick-back prohibitions of RESPA. See RESPA Sec. 8(c)(4)(B), 12 U.S.C. Sec. 2607(c)(4)(B); 24 C.F.R. Sec. 3500.15(b)(2).

It also assumes that the seller does not directly recoup the title insurance charges in any separate fee or charge to the consumer. In such event, the buyer would, in effect, be "purchasing" the title insurance. See Informal Opinions Nos. 101 and 149, discussed above.

If no additional charge for the owner's title insurance premium is imposed on the buyer by the seller, there is no basis for concluding that the owner's policy was "purchased by the buyer" because the title insurance costs incurred by the seller may in some way be reflected in the sales price of the property.

The fact that all sellers of real estate (or,

indeed, all sellers of goods and services) try to recoup all of their costs in their sales prices does not mean that, as a matter of law or economics, the buyer should always be deemed to be the "purchaser" of everything that has been paid for by the seller in connection with the property or the transaction. Indeed, a reading of Section 9 that would automatically apply its prohibitions to any seller who paid for the title insurance charges because of the view that all buyers always pay for all charges incurred by sellers would, in essence, read the "purchased by the buyer" amendment made by the House-Senate Conferees out of the statute.

The fact that the buyer may decide to purchase the loan policy from the title company selected by the seller because of the availability of the simultaneous issue rate would not, in my view, mean that the seller was "requiring" the buyer to purchase title insurance from a particular title company in violation of Section 9. There are several reasons that support this conclusion.

First, the amount paid for the loan title insurance policy by the purchaser on a simultaneous issue basis is relatively small in comparison to the amount paid for the owner's policy by the seller. To the extent that the purpose of Section 9 is to encourage shopping for settlement services, the seller who is going to pay for the owner's policy has a far greater interest in deciding which title company to use than the buyer, since the premium for the owner's policy will generally be five times (or more) greater than the simultaneous issue premium for the loan policy.

Second, the fact that it is in the buyer's financial interest to obtain the loan policy from the title company selected by the seller, rather than obtaining a separate loan policy from a title company of the buyer's choosing (which could not be provided on a simultaneous-issue basis), does not mean that the buyer is being "required" to purchase the loan policy from the title company selected by the seller *in violation of Section 9*. Section 9 only prohibits a seller from requiring the buyer to purchase title insurance from a particular title company "as a condition to selling the property." So long as the seller does not say to the buyer (in effect) "you must purchase the loan policy from the company I have selected to provide the owner's policy or I will not sell you the property," there is no violation of Section 9.

The 1988 informal advisory opinion and the two 1990 opinions discussed above (Nos. 251, 274, and 281) may appear to suggest that if it is financially disadvantageous for the buyer to select a title company for

“We know what it looks like from your side of the keyboard.”

The **TITLEPRO** system was designed for title people... by title people.

Take Bob Dean, our president, for example. Before he founded Titlepro, Bob ran a small underwriting company and several successful title agencies ... and he developed the Titlepro software to help run his businesses more efficiently. Titlepro allows you to enter data just once—for automatic use throughout the system without retyping. To perform predefined calculations automatically. To do what needs to be done *when* it needs to be done—in the order you receive the information. And the Titlepro system offers exceptional flexibility to meet your agency's specific needs—no matter where you're located, no matter who your underwriter is.

The results? Titlepro saves time, reduces errors, and improves your productivity. In fact, the typical agency shows a 50% productivity gain and recovers nearly the entire system cost within a year after it is installed.

Titlepro is designed to help the independent title office *maintain* its independence. Efficiently. Productively. Profitably.

Titlepro is DOS and network compatible. And when Windows™ is ready for a professional environment, we'll be ready for Windows—with an easy upgrade path at minimal cost for Titlepro customers.

Titlepro offers a full range of capabilities:

- Closings, disbursements, and escrow accounting
- Binder, policy, and forms production
- Indexing and scheduling
- Task tracking
- Management reports
- Remittance reports
- Laser typeset forms printing

TITLEPRO™
1-800-786-8776

Titlepro provides installation and training at your office or ours for all your people ... and courteous, dependable service and support.

TITLEPRO. The system of preference for independent title agents. Because we've been where you are.

the issuance of the loan policy other than the company selected by the seller, the seller has, in essence, "required" the buyer to purchase the loan policy from the company selected by the seller. Apart from the fact that this kind of economic incentive would not appear to constitute a requirement imposed by the seller as a "condition to selling the property," there is reason to believe that the views expressed by the HUD staff in 1988 and 1990 on this issue would not necessarily be the agency's views today.

At the time the three opinions were written, HUD had under consideration revised regulations under RESPA that contained a broad definition of the term, "required use." See *Real Estate Settlement Procedures Act: Controlled Business Provisions and Miscellaneous Changes (Proposed Rule)*, 53 Fed. Reg. 17424, 17434 (proposing 3500.2(i)) (May 16, 1988). Under this proposed definition, which was intended to apply to the term "required" as used in Section 9, a person could be viewed as having been required to use a particular settlement service provider in a broad range of circumstances beyond what might commonly be understood by the word, "required." Thus, the concept that a buyer was "required" to use a particular title company if he would incur greater costs in using a title company other than the one selected by the seller (a concept referred to in Opinion No. 251 and that may also be reflected in the other two opinions as well) was consonant with the expansive concept of "required use" that HUD had under consideration in the rulemaking proceeding initiated in May, 1988.

The final regulations adopted by HUD in 1992, however, did not adopt the expansive definition of "required use" proposed by HUD in 1988. Rather, the final regulations state that a person is "required" to use a particular settlement service provider only "whenever use of such a provider is a condition of the availability to such person of some distinct service . . ." 24 C.F.R. Sec. 3500.2(11) (1994). Accordingly, to the extent the views expressed in the 1988 and 1990 letters reflected the expansive view of the term "required" that was embodied in the then-outstanding proposed regulations, HUD's view today may not be the same because of the language contained in the final regulations as adopted.

A July 18, 1994, letter written by Mr. Mitchell that has not yet been published in Barron's clearly appears to support the conclusion of this article. That letter states that "so long as the sale documents do not specifically require the buyer to purchase

title insurance from a specific insurer," the fact that the buyer elects to purchase the loan policy from the title company selected by the seller because such a policy can be purchased "at no more than a nominal amount, as is generally the case in a simultaneous issuance" would not result in a violation of Section 9.

In sum, there are strong arguments to support the view that, despite the confusion that may have been generated by earlier HUD staff interpretive opinions, Section 9 does not prohibit a seller from using a title company of his choice in circumstances where (a) the seller pays for the owner's title insurance policy for the buyer, (b) the buyer is able to obtain a loan policy from that company at a simultaneous issue charge that is relatively small in relation to the premium for the owner's policy, and

The fact that all sellers try to recoup all of their costs in their sales prices does not mean that...the "buyer" should always be deemed to be the "purchaser" of everything that has been paid for by the seller...

(c) because of the substantial savings involved, the buyer elects to purchase the loan policy from the company selected by the seller. ➤

1 The text of the bill is reproduced in the Hearings on the Housing and Urban Development Act of 1972, House Committee on Banking and Currency, 92d Cong., 2d Sess. (June 8, 9, 12, and 13, 1972) at 223.

2 Section 912(a) provided that any title company or agent qualified to issue title insurance was authorized to perform any and all title services in connection with the issuance of title insurance. This provision appears to have been intended to override state limitations on the activities of title companies, such as unauthorized practice of law restrictions on the handling of closings.

3 In his testimony on behalf of ALTA at the House Banking Committee hearings on the bill, James G. Schmidt, who was then Chairman of the Board of Commonwealth Land Title Insurance Company, commented that "the purpose of Section 912(b) appears unclear to us" and urged that the section be eliminated. Hearings on the Housing

and Urban Development Act of 1972, House Committee on Banking and Currency, 92d Cong., 2d Sess. (June 8, 9, 12, and 13, 1972) at 576.

OPTICAL

continued from page 9

sion or delivery.

"With optical, you start with a digitized image so there's no paper," he added. "You're able to interpret it through optical character recognition (OCR) software, allowing you to automatically index portions of it. You don't need the reader-printer machines, you don't need to pull and store the film. There's a lot of manual intervention this technology can allow you to remove. And you can do automated delivery, computer to computer."

Although a main disadvantage of an optical system is its relatively high cost, Morris said he looks for this to be overcome by the positives. Primary drawbacks, in addition to cost, were listed by the panel as follows:

- With the exception of CD ROM optical, there are no industry standards for storage-- meaning the only upgrade path for the user is remaining with the same manufacturer. But this condition was said to be changing rapidly.
- Vendors have been known to abandon the field, leaving their customers without support.
- Optical reproduction can be a problem if a document is of poor physical quality-- although available software does facilitate image enhancement.
- The life of an optical disk is not expected to extend beyond 10 years or so, at which time it needs to be recopied. This problem can be eased somewhat by duplicates stored off premises for security backup-- a step recommended by the panel. And disk life is expected to be extended as the technology advances.

Knott said a major cost consideration for an optical system is the selection of application software for functions desired-- such as claims processing or work flow allowing more than one person to visually access the same file simultaneously.

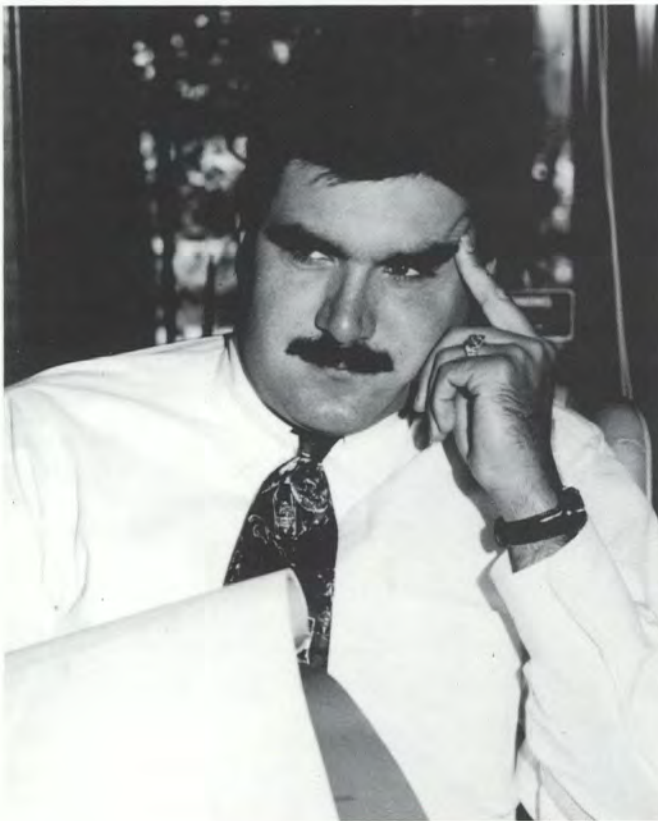
Coad pointed out that the two basic available options in a disk are the previously mentioned CD-ROM, where a large amount of data typically is acquired simul-

“To err is human...
To omit is human, too.”

TitlePac[®]

Errors & Omissions Specialists

I Missed *WHAT?*



**Toll Free
800-331-9759**

**FAX
918-683-6842**

An honest mistake
can destroy your
business reputation
and financial well-
being.

Protect your
business and
personal finances
with E & O
coverage from
TitlePac[®],
E & O specialists
for over 20 years.

BACKPLANT SERVICES

Save time, effort and money by using SMS Backplant Services. Our specialists can build your plant "from scratch," research and create map edits or simply provide additional keying services for any computerized title plant.

WE PROVIDE:

- Land Title Expertise
- Personal Consultation
- Go-Forward Keying Guidelines
- Training & Support
- Off-site Back-up
- All Keying Done In U.S.
- Conversion From Any Media
- DMS Title Plant Software (optional)

By utilizing SMS Backplant Services, your personnel worries, extra hardware costs, and extra space requirements will be a thing of the past. You'll enjoy a combination of lower expenses, quicker searches and computer accuracy!

**No job is too big
or too small.**

Call us...

"The Backplant Experts"



800 767-7832 ext. 2266


taneously, and the optical disk, where additional items can be added over a period of time. He said a system with optical character recognition (OCR) software makes it possible to remove part of the data from an imaged document and place it in an application, such as a title policy or commitment, through electronic "cut and paste."

Coad said other available features include "electronic sticky notes" that allow a particular annotation to be placed on an electronic file without altering the basic document, and which can be kept confidential if desired. Morris added that voice annotation also is possible in optical systems, and that video annotation will be available as soon as enabling software is written.

O*ptical conversion improves but does not substantially change the typical line of processing already in place...*

Morris said the cost of an optical "starter" system could run in the neighborhood of \$50,000—and listed the following as typical components.

- Optical scanner to record an image on a disk
- Computer server
- Computer work station
- Fax board allowing multiple transmissions directly from the server
- "Jukebox" for disk storage (for example, 100 CD ROM disks hold roughly what can be placed in 200 four-drawer cabinets of paper files)
- High resolution monitor for document examination
- Laser printer for hard copies when desired
- Work flow software

"This is the ultimate title work flow," Morris said of optical. "The customer enters the information, it's in the system, it goes to the examiner, and it goes to CD ROM or optical disk for file archive. That's going to happen. It's not if-it's when." 

RESPA INFORMATION HIGHWAY *continued from page 7*

face. This information is then down-loaded into an underwriting system utilizing artificial intelligence, which was jointly developed by a national wholesale mortgage lender and individual loan origination companies.

Next, credit information is accessed on-line through a jointly developed clearing house and the information is down-loaded. As this occurs, the system accesses comparative sales data and property characteristics via a proprietary data base provided by a strategic partner for appraisal purposes. This particular partner also has consulted with the mortgage originator and with national wholesalers, negotiating a direct link into their data base for continuous on-line access.

Through a business alliance with a private mortgage insurer, borrower data is automatically transmitted and evaluated and, within minutes, an approval is down-loaded in the system's electronic file. With a single keystroke, title order information is electronically transmitted via EDI to the partially owned subsidiary title company. Within minutes, a written commitment letter begins to print off the laptop. Meanwhile, property data from the title company's data base is down-loaded into the document preparation software package and prints out the closing package complete with mortgage, note and truth-in-lending statement.

As all this is unfolding, electronic confirmation that a loan registration meets the wholesaler's requirements is produced, eliminating the need for duplicate registrations. The real-time price is automatically locked in and noted in the electronic file and commitment letter.

The question is, in this scenario, how will relationships that produce "something of value" be disclosed to consumers as required by RESPA? In the integrated and interconnected world of settlement services that is rapidly approaching, can anyone hope to follow all of the relational elements?

This scenario demonstrates that the tedious, highly technical and industry specific RESPA regulations are inadequate to deal with the new realities of the information age.

Therefore, with input from all industry groups, RESPA and its regulations should be re-evaluated, reworked and rewritten to reach the desired end result, to conform to the realities of the information revolution. The future is being created before our very eyes and we must confront the change,

break with the past, and embrace it.

Current law and regulations deliberately restrain competitive market forces and have stifled innovation. They have led to anti-consumer and anti-competitive steering, which in turn lead to price-inflating kickback schemes that continue to proliferate. They are part of an antiquated bureaucratic process that hinders business. Over the years, we have allowed the regulatory abyss to fundamentally invert the way the settlement process should and must work.

Eventually, those players who bring no value to the transaction, those who are surviving on the fluff and living off the fat, will be put out of business. As technology advances the delivery of settlement services, only innovative players who demonstrate the ability to provide a higher level of performance and value will be around. As those firms gain competitive momentum,

As the information revolution gathers momentum, disclosure could hinder the cost-saving efficiencies of automation.

the foundation of the new structure of the settlement services industry will begin to develop. Superior delivery systems—as well as innovative distribution channels that focus on speed, services, and flexibility—are emerging as the new, sustainable forces of competitive advantage.

Cultural shifts and revision in legal form and the regulatory environment must follow. These changes will help transform the industry into a broad and interactive process which will benefit consumers with efficiencies and speed.

As the inefficiencies are slowly squeezed out of the system, consumers will reap the benefits of a revolutionized industry. Then and only then will the interests of consumers take center stage as the drafters of RESPA envisioned.

We in the settlement industry must create change and shape the future. Our future will be a reflection of our ability to work together to attain the objective of fair and flexible settlement services legislation that promotes innovation and creativity in the industry. Until this occurs, the industry is playing the game with one hand tied be-

hind its back.

The only solution to these regulatory problems is Congressional action to rewrite RESPA and bring the act into the new realities of the information age. With a revitalized Congress now in Washington that is open to new ideas, the time is at hand to pursue such an objective. 🐾

This commentary is based on remarks presented at a National Real Estate Development Center seminar on RESPA, which was held in Washington.

Kennedy Selected For Honor by ADL

ALTA Immediate Past President and Government Affairs Committee Chairman Parker S. Kennedy has been selected to receive a Jurisprudence Award from the Anti-Defamation League, Orange County/Long Beach Region.

The honor reflects high professional ideals and dedicated community service. Kennedy has been active in philanthropic causes including service as a board member for the Fletcher Jones Foundation and the Independent Colleges of Southern California. He is a past chairman of the board for the Santa Ana, CA, Chamber of Commerce, and the Bowers Museum.

Kennedy is president of First American Title Insurance Company and its parent, The First American Financial Corporation.

Land Descriptions Video Now Ready

An introductory price of \$100 has been established for the Land Title Institute's new land descriptions employee training video kit. This price will be increased in 1996, according to LTI sources.

In addition, there is a \$7.50 postage and handling charge for each order.

The kit offers a concise explanation and overview of land descriptions, and contains a 40-minute video in two parts, along with two workbooks and drafting tools.

Part 1 covers the historical background of metes and bounds, the rectangular method of surveying and subdivision descriptions. Part 2 further explains concepts including bearings, quadrants and courses—as well as quarters, irregular parcels and curves.

Also in Part 2 are training exercises using the kit drafting tools—protractor, compass and triangle.

Orders accompanied by checks made

payable to Land Title Institute may be sent to LTI at 1828 L Street, N. W., Washington, DC 20036.

Flood Information Unit for Chicago

Chicago Title and Trust Company has announced a definitive agreement calling for acquisition of National Flood Information Services, Inc., Arlington, TX, described in the communique as the nation's largest independent flood certification company.

In disclosing the acquisition, Chicago Title Insurance Company President and Chief Executive Officer Richard L. Pollay pointed to Congressional requirements beginning this year for lender flood zone status monitoring and new tighter enforcement standards for the life of a loan. In turn, Fannie Mae and Freddie Mac are requiring life-of-the-loan monitoring from their lenders and servicers. He said Chicago Title and National Flood can provide the level of flood certification services needed to meet the requirements.

Current National Flood management will remain with the company, according to the announcement. Michael E. Buchanan is chief executive officer of the Texas-based operation.

1995 'Fact Book' Printing Date Near

The 1995 edition of *Title Industry Statistics*, also known as the "ALTA Fact Book," is slated for publication this summer as a project of the Association Underwriter Research Subcommittee. Industry figures in the publication are based on underwriter statutory reports filed with the National Association of Insurance Commissioners.

In addition to an explanation of the economic role of title insurance in the real estate market, the "Fact Book" contains title industry operating data extending back to 1968.

Each ALTA Active and Associate member will receive a copy of the publication as part of their membership. Additional copies are available for purchase.

Monroe Expands

Monroe Title Insurance Corporation, Rochester, NY, has announced the opening of new offices in the New York communities of Oswego and Lockport.

The new operations will serve Oswego and Niagra counties, respectively.

Federal Conference Brings Insight

Title executives from across the nation took advantage of an opportunity to gain important insight into leading federal issues of concern to their industry during the ALTA Federal Conference held earlier this year in Washington. Besides hearing from Capitol Hill leaders and other insiders on the program, industry members found time for constituent visits with their Senators and Representatives and staff, expressing their views regarding legislation that would allow bank entry into the title insurance business and other matters.

Highlighting the Conference agenda were commentaries on

the federal budget and bank powers legislation by Senate Budget Committee Chairman Pete Domenici (R-NM), and a perspective on the new Republican leadership in the House, presented in remarks delivered by Congressman Jim Nussle (R-IA), a member of the House Banking Committee who has been a key player in the Republican transition.

Adding substantially to the event were a legislative outlook panel featuring professionals from Capitol Hill staff, and additional panels on developments regarding HUD and changes in mortgage finance.



Conference views include (top, left) Ken McKay, right, a constituent, with House Banking Committee Member Richard Baker (R-LA). At top, center, Chuck Juhl, right, greets another member of that committee, Iowa Republican Congressman Jim Nussle. ALTA President Mike Currier, right, is shown with Senate Budget Committee Chairman Pete Domenici (R-NM), at top, right, and asks the Senator a question from the floor following his Conference commentary (immediately below).



Among title executives calling on their members of Congress while in Washington for the Conference was Dick Toft, shown here with Representative Cardiss Collins (R-IL), who serves on the House Energy and Commerce Committee. The Chicago Congresswoman currently is in her eleventh term on Capitol Hill.

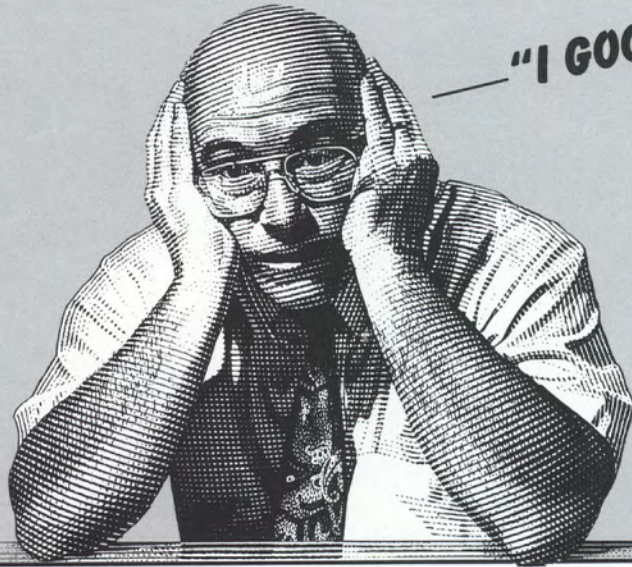


Presenting views on developments concerning HUD were, from left, Richard Patterson, title industry moderator; Sarah Rosen, HUD attorney; Roy DeLoach, National Association of Realtors; and Brian Chapelle, Mortgage Bankers Association of America.



Title Industry Political Action Committee Chairman Mike Wille addresses the Conference at center, left, while, to the right, ALTA's Dan Wentzel, left, talks with Stu Rothenberg, national political commentator. Bob Philo listens at center, right, while Dale Astle,

right, and Chuck Juhl confer during a break (bottom, left). Shown during a Conference session at bottom, right, are, from left, Mark Holmes, Donna DeVine, and Alan Brickley. Seated immediately behind them, from left, are Dan Wentzel and Pat Ritz.



"I GOOFED!"

**A mistake could cost you
everything. That's why there's
E & O Insurance from TAM.**

Choose the program designed especially for the Title Industry.
The Program that offers proven protection with features like these:

- ▶ The best coverage form available
- ▶ Limits up to and exceeding \$2 million
- ▶ Defense costs OUTSIDE the limits
- ▶ Full prior acts available
- ▶ Title Opinions coverage
- ▶ Competitive rates.
- ▶ National carrier rated A+ (Superior)



Discover the TAM difference.

Call us toll-free at 1-800-637-8979.



820 Gessner, #900 • Houston, Texas 77024
(713) 984-8884 • Fax (713) 984-8808

Legal Division Provides Idea Exchange

By John T. LaJoie, Esquire

During the October, 1992, ALTA Board of Governors meeting, the Association Membership and Organization Committee proposed the creation of a subcategory of Associate member to be called, "ALTA Associate Member, Legal Division." This proposal reflected a need expressed by the Membership and Organization Committee, its Recruitment and Retention Subcommittee, and others in the Association membership, for an attorney membership category.

The Board approved the proposal. Since that time, the Legal Division has been organized and has held two successful meetings.

The structure of meetings and membership requirements are somewhat informal. A Legal Division Associate member is a non-voting member of ALTA and must be a licensed attorney who possesses expertise relating to real estate practice. Division meetings, however, are open to all types of professionals with something to contribute. An agenda is proposed and distributed prior to the meetings, which are conducted in a symposium format.

Meetings of the Division have been approved for Continuing Legal Education credit in some states. Those persons who would like to attend should notify Kathleen Hendrix, ALTA staff manager of membership and marketing (toll free number 1-800-787-ALTA) well in advance of the next Division meeting so materials can be sent to an attendee's state bar association for credit approval. The next meeting will be held during the 1995 ALTA Annual Convention, which is scheduled for Dallas October 18-21.

Non-attorneys who desire continuing education credit for licensure also should contact Ms. Hendrix so an appropriate application can be submitted to their respective insurance departments.

The Division encourages attendance at its meetings by anyone interested. Readers are asked to pass along this invitation to

others in the title industry and elsewhere who may have something to contribute.

Primary Purpose: Idea Exchange

The Division has a number of purposes. Primarily, its structure is to provide a forum for attorneys and other professionals around the country to exchange ideas relating to issues which are important to the title industry. Meetings have been organized and directed by Kenneth R. Jannen, vice president and senior regional counsel

Division proceedings...are open to all types of professionals with something to contribute....The next meeting will be held during the 1995 ALTA Annual Convention.

for First American Title Insurance Company, Plantation, FL. He has kept the meetings "open" by soliciting comments from all participants on each topic. The result has been a series of discussions on the issues described below, from the perspective of persons in different markets all over the country.

Often, valuable insight on problem resolution is received through hearing how issues are dealt with in other states or markets. Some attendees serve on bar committees or know people who do so, and can share the title industry's view and special concerns with state bar groups.

By way of example, Thomas R. Tatum of Brinkley, McNeerney, Morgan, Solomon & Tatum, Fort Lauderdale, raised many inter-

esting issues for discussion in his presentation entitled, "Recognition and Resolution of Conflicts of Interest for the Real Estate Practitioner." There was a discussion of various states' ethical rules and considerations relating to the representation of the client (buyer, seller and/or lender) and of the title underwriter as agent simultaneously in a real estate transaction. Certain pitfalls were identified, helping create an awareness in the minds of those present for avoiding future conflict problems.

At one meeting, existing "good funds" legislation/rules were discussed state by state, with an emphasis on the need for better laws and regulations. Marsha Rydberg of Rydberg, Goldstein & Bolves, Tampa, made informative comments regarding the Florida Bar's review of title company checks. She is a member of the Disciplinary Procedures Committee of the Florida State Bar, and also is a member of the Florida Bar board of governors.

R. J. "Jim" Sewell, Jr., of the Smith Law Firm, PC, Helena, MT, gave an interesting presentation called, "Vesting Title in a Recognized Entity." The discussion addressed issues arising as a result of title transfers by partnerships merged with other partnerships and corporations, and also focused on issues related to limited liability companies.

Bruce P. Cohen of Cohen, David & Associates, PA, Atlanta, delivered a presentation appropriately entitled, "Change,



The author has been active in the development of the ALTA Associate Member Legal Division. He is vice president and state counsel-Florida, for First American Title Insurance Company, with offices in Tallahassee. He is a member of the Florida Bar and its Real Property, Probate and Trust Law Section--and of the American Bar Association. A past chairman of The Florida Title Underwriters Bureau, he received his law degree from the Nova University Law Center.

Change, Change- the Byword for the 90s." There was much discussion relative to issues and problems facing the real estate practitioner today, including RESPA, the role of NAIC, and the effect of technology.

These topics are but a small sample of the issues presented and discussed at the Division meetings. All of the people who regularly attend feel the meetings are worthwhile from an educational point of view. As stated earlier, education is only one purpose of the Division. In addition, the meetings provide a forum for lawyers and other professionals to network with others from around the country.

The Division membership directory is published at the end of the existing ALTA Directory, to facilitate communication to

Often, valuable insight on problem resolution is received through hearing how issues are dealt with in other states or markets.

and among members. The Division also is seeking new members and attendees at meetings in furtherance of this goal.

As previously mentioned, Division members are Associate, non-voting members of ALTA. The Division membership hopes to contribute toward improvement of the Association as a whole through its meetings- such as the upcoming seminar during the Dallas ALTA Annual Convention this fall. Those with an interest in the Dallas seminar should contact Ms. Hendrix in the ALTA Washington office.

Those participating in activities of the Division thus far have found it worthwhile. Our goal is to help the Division become even more beneficial through involving more Associate members, the ALTA at large and other professionals. ✉

Recent New Associate Members, Legal Division

California

Matthew J. Fermelia, Sullivan, McDonald, Middendorf, Brody & Brot, San Diego, CA (Recruited by Joe Reinhardt, Nations Title Insurance of NY, Overland Park, KS)

Florida

Kevin D. Cowen, Shutts & Bowen, Miami, FL

Thomas V. Eagan, Steel, Hector & Davis, Miami, FL (Recruited by Floyd Krause, Chicago Title, Miami, FL)

Louisiana

Lawrence Russo, III, Wiener, Weiss, Madison & Howell, Shreveport, LA (Recruited by Richard A. Cecchetti, Old Republic Title Insurance Co., Minneapolis, MN)

Massachusetts

Charles Ball, Ahalt, Ball & Brodeur, P.C., Worcester, MA (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

William E. Crowell, Jr., Hyannis, MA (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

Brian M. Hurley, Rackemann, Sawyer & Brewster, Boston, MA (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

Gary Lilienthal, Bernkopf, Goodman & Baseman, Boston, MA (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

Alan Lynch, II, Roche, Garens & DeGiacomo (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

Theodore Mariolis, Fitchburg, MA (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

John Pollis, John P. Pollis & Associates, North Attleboro, MA

Christian S. Zouzas, Zouzas Attorneys' at Law, Chelmsford, MA (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

Michigan

James N. Candler, Dickinson, Wright, Moon, Van Dusen & Freeman, Detroit, MI (Recruited by

Carl Hasselwander, First American Title Insurance Co., Troy, MI)

Robert Nix, II, Kerr, Russel and Weber, Detroit, MI

New Hampshire

Richard H. Hubbard, Hubbard & Quinn Title Services, Amherst, NH (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

Daniel W. Jones, Exeter, NH (Recruited by Peter Norden, First American Title Insurance Co., Boston, MA)

Barry C. Schuster, McNamara, Schuster, Wheeler, Buttrey & Wing, P.A., Lebanon, NH (Recruited by Richard Dickson, First American Title Insurance Co., Concord, NH)

North Carolina

John R. Barlow, II, Tuggle, Duggins & Meschan, P.A., Greensboro, NC (Recruited by Joseph Ritter, Jefferson-Pilot Title Co., Greensboro, NC)

M. Jay DeVaney, Adams, Keemeier, Hagan, Hannah & Fouts, I.L.P., Greensboro, NC (Recruited by Joseph Ritter, Jefferson-Pilot Title

Co., Greensboro, NC)

South Carolina

William McElveen, Jr., Ellis, Lawhorne, Davidson & Simms, P.A., Columbia, SC (Recruited Ken Jannen, First American Title Insurance, Plantation, FL)

Michael Tighe, Callison, Tighe, Robinson & Anastasion, LLP, Columbia, SC

Two Acquisitions For T. A. Title

T. A. Title Insurance Company has expanded its operations in the mid-Atlantic region through the acquisition of two Pennsylvania agencies, Woodland Abstract, Collegeville, and Settlement Services, Inc., Lansdowne.

Charlene Ostroski, manager, and Susan Umstead, administrative assistant, continue at the Collegeville location now bearing T. A. Title's name. The Lansdowne facility has been closed and employees there transferred to the parent's newly-expanded Havertown office.

Fidelity Purchases Unit in Washington

Fidelity National Financial, Inc., has announced the acquisition of Western Title Company of Washington, an underwritten company with operations in King and Snohomish counties in that state.

Fidelity also has an option to purchase a title plant in Pierce County, according to the announcement.

Chet Hodgson has been named president of the newly-acquired subsidiary, now operating as Fidelity National Title Company of Washington.

Old Republic Adds Company in Florida

Central Florida Title Company, Winter Park, has been acquired by Old Republic National Holding Company, parent of Old Republic National Title Insurance Company. The newly-acquired operation will continue to do business under its original name and will continue to be managed by J. Price Butler, president, and Gary DeChellis, executive vice president.

A company with five offices in the Orlando area, Central Florida Title had been an agent for Old Republic Title since its founding in 1983.

Proud Past, Promising Future

Sponsored by
American Land Title Association
Washington, DC

April 5-7, 1995
Westin Hilton Head
Hilton Head, SC

Audio Cassette Order Form

HEAR WHAT YOU MISSED ... REVIEW WHAT YOU HEARD

- ___ 1 Adjusting to Optical Disk Imaging
Moderator: Kirk L. Knott, Vice President, Old Republic National Title Insurance Company, Minneapolis, MN
P. Turner Coad, Senior Vice President, Attorney's Title Insurance Fund, Inc., Orlando, Florida
David R. Morris, Vice President, Nations Title, Inc., Irvine California
- ___ 2 Feathering Your Nest: Retirement Planning for Small Businesses
Jeanne M. Branson, Vice President of Life and Financial Consulting, Mack and Parker, Inc., Chicago, IL
- ___ 3 Real Property Issues -- "This Land is My Land, Sort of ..."
Moderator: Oscar Beasley, Senior Vice President and Senior Title Counsel, First American Title Insurance Co., Santa Ana, CA
Theodore Taub, Partner, Broad and Cassel, Tampa, Florida
Ralph Holman, Senior Counsel, National Association of Realtors, Chicago, IL
- ___ 4 SOLD! Getting the Highest Bidder to Buy Your Business
Moderator: Janet A. Alpert, President & Chief Operating Officer, Lawyers Title Insurance Corporation, Richmond, VA
John H. Duncan, Jr., Chairman and Chief Executive Officer, Charter Title Company, Houston, Texas
Edward R. Schmidt, Chairman, National Escrow Title Company, Greenwood, Indiana
- ___ 5 The NAIC -- Where Do We Go From Here?
Moderator: Richard McCarthy, Director of Research, American Land Title Association, Washington, D.C.
Robert Lange, Director, Nebraska Department of Insurance, Lincoln, Nebraska
David B. Cox, Actuarial Consultant, Santa Fe, New Mexico
- ___ 6 TOP This: Some Perspectives on the Future of Controlled Business
Sheldon Hochberg, Steptoe and Johnson, Washington, D.C.

___ Total tapes x \$9.00	\$ _____
___ SPECIAL Full Set in FREE Album	\$ <u>54.00</u>
Florida Sales Tax • 6% in Florida only	\$ _____
Postage & Handling: \$1.00/tape, \$6.00 Max.	\$ _____
Total	\$ _____

Payment to Magnemedia, Inc. Must Accompany Order
Cash • Check • AMEX • MasterCard • Visa

Magnemedia, Inc. Federal ID # 59-2879018

PLEASE PRINT OR ATTACH BUSINESS CARD • thank you!

Name _____

Business _____

Street _____

City, State, Zip _____

Phone (_____) _____

For Mail or FAX Orders only • FAX # 407-351-9556

Credit Card# _____ exp. _____

Title Agents & Abstracters E&O Insurance Program



Gotcha!

An E&O claim can take a *big bite* out of your *bottom line*, so it's more important than ever to have the best errors and omissions protection around.

Designed *exclusively* for members of the American Land Title Association (ALTA), Title Industry Assurance Company, a Risk Retention Group (TIAC), was created to provide a *stable, long-term* market for title professionals across the country.

Call us *today* for more information!

**For service *and* protection call
1-800-628-5136**

TITLE INDUSTRY ASSURANCE COMPANY, A Risk Retention Group

2 Wisconsin Circle, Suite 650, Chevy Chase, MD 20815-7011 • 301-913-5901 • Fax: 301-913-5905

Fidelity Announces Repurchase Plan

Fidelity National Financial, Inc., parent of Fidelity National Title Insurance Company and other organizations, has announced plans to repurchase up to two million shares of its common stock or a comparable amount of its zero coupon Liquid Yield Option Notes (LYONs).

The notes are due 2009 and are convertible into 19.177 shares of common stock per \$1,000 maturity of LYONs. This is in addition to the five million shares previously authorized for repurchase by the company's board of directors.

Since announcement of its initial program in 1994, the company said, Fidelity has repurchased 4,079,504 shares of common stock at an average purchase price per share of \$11.99, and \$48 million principal amount at maturity of its LYONs at an average price of \$366.51 per LYON.

Hubbard Retires After 45 Years

Carleton L. Hubbard, chairman of the board and chief executive officer of Stewart Title of Glenwood Springs (CO), has announced his retirement after 45 years with the organization. He is a past president of the Land Title Association of Colorado and his ALTA involvement has included serving as chairman of the Education Committee and Abstractor-Agent Research Subcommittee.

His family title holdings began when his father purchased the Garfield County company in 1919. He joined in the business in 1950; title operations in Eagle County and Pitkin County were added to the organization in the following decade. Subsequently, control of the organization was purchased by Stewart Title Guaranty Company.

Merger Extends Document Operation

Strategic Mortgage Services, Inc., a major provider of services to the mortgage industry, has merged its mortgage document division with Nationwide Document Corporation to form a new organization, SMS Nationwide Documents, headquartered in Houston.

RESPA Account Service Offered

Document Processing Systems, Inc., Farmington Hills, MI, has announced the capability for providing the aggregate escrow account disclosure required for RESPA compliance effective May 24, 1995.

Further information is available from Dick Chapin of DPS at (800) 526-2255.

DON'T LIVE IN THE PAST!

"Get Future Power, Today"

- Escrow Closing & Title Policy production software
- On-screen HUD statement for simplified data entry
- Fully integrated for true one-time data entry
- Un-matched flexibility and control
- Ability to design and add new data prompts, screens, reports and documents
- Graphic look and feel with full mouse support



Move your PC out of BC
Call for more information
1-800-597-1421

613 N.W. Loop 410, Suite 540 San Antonio, Texas 78216



NAMES IN THE NEWS



Currie



Hendrickson



Tempest



Cooper



Furlong



Glassberg



LaGace



Veltri

James B. Currie has been named executive vice president and general counsel, Chicago Title and Trust Company and Chicago Title Insurance Company. Previously, he served as senior vice president, general counsel and secretary of Heller Financial, Inc., and before that he spent 18 years with Sears, Roebuck and Company—most recently as senior vice president, general counsel and secretary for the organization's Coldwell Banker Real Estate Group.

Recently appointed vice presidents at Chicago Title Insurance include **Terry R. Henderson**, coordinator of the Strategic Implementation Program; and **Susan Tempest** and **Gary Cooper**, respective Houston and San Antonio area managers.

Everyone is talking about EDI...



BANCNET®

...One company is a step beyond.

A technical consultant to the title industry, specializing in:
EDI (electronic data interchange) implementation
System re-engineering
Software/hardware evaluation

If you are interested in EDI Today, call 1-800-922-6563.

1370 West Sixth Street • Suite 310 • Cleveland, Ohio 44113



Salter



Daniels



Hyatt



Moser



Antcliff



O'Driscoll



Dresser



Landry

Janet R. Seligman has joined the company's UniSource Real Estate Services unit, Conshohocken, PA, as underwriting counsel.

Donald M. Koll has been named to the Fidelity National Financial, Inc., board of directors; he is chairman of the board and chief executive officer, The Koll Company, a commercial real estate invest-

ment, development, management and construction concern based in Newport Beach, CA. Former Seminole County Commissioner **Larry Furlong** has joined Fidelity National Title Insurance Company as vice president, with offices in Longwood, FL.

David E. Glassberg has joined Commonwealth Land Title Insurance Com-

CORPORATE DEVELOPMENT SERVICES, INC.

Valuations of title company corporate stock and/or assets, title plants, corporate goodwill. Acquisition or divestiture planning and assistance. Market analysis. Compensation studies.

Lawrence E. Kirwin, Esq., President
Accredited Senior Appraiser
American Society of Appraisers

996 Old Eagle School Road, Ste 1112
Wayne, PA 19087

(800) 296-1540

Fax (610) 688-5174

Member: American, Ohio, Pennsylvania, California
and Texas Land Title Associations

BACKPLANTS AUTOMATED

Finally there's an easy way to computerize your title plant. HDEP International will deliver a completely automated backplant and give you the tools to maintain it day-forward.

IF YOU HAVE:

- Film or Fiche Source Documents
- Lot/Tract Books
- Aperture Cards
- Geo Slips
- Grantor/Grantee Books
- 3 x 5 Cards

WE WILL:

- Organize the source documents
- Develop a manual suitable for day-forward use
- Computerize the plat edit lists and subdivision indices
- Key and verify documents with 99.95% accuracy guaranteed
- Arb and research non-postable legals
- Run completeness checks and validations
- Deliver the backplant per your specs, quickly and economically

SO YOU CAN:

- Speed up title searches
- Reduce manual searching errors
- Eliminate trips to the courthouse
- Lower your expenses

We have processed more than 60 million real estate transactions. Call us today to discuss your plant.



HDEP INTERNATIONAL

1314 S King St #950, Honolulu, HI 96814
Tel: (808) 591-2600 Fax: (808) 591-2900



Haynes



Elston



Mollica



Perreault



Branson



Orphanides



Long



Shield



O'Rourke



Bushnell



Brisette



Ward

RESPA COMPLIANCE REQUIREMENT

MANDATORY DISCLOSURE AT CLOSING OF INITIAL
AGGREGATE ESCROW ACCOUNT DETAIL

CAN YOU COMPLETE THIS FORM?

IF NOT, let us provide this critical Completed Document in Precise
Detail* within minutes of your request



The Nation's Premier Document Preparation Service

For more details call:
1-800-526-2255

* Including the required information for accurately completing the
HUD Settlement Statement with the escrow modification.



pany and Transamerica Title Insurance Company as senior vice president and general counsel, with offices in Philadelphia. He has 20 years experience in corporate and real estate law, most recently being in private practice in New York City. His previous background includes serving as assistant counsel to the speaker of the New York State Assembly.

Elsewhere, **Raymond C. LaGace** has joined the companies as senior vice president-marketing for the Commonwealth OneStop network of residential real estate services, with offices in Devon, PA; **Stephen P. Veltri** has been promoted to senior vice president and western regional manager, Los Angeles; **Eric B. Salter** now is vice president and western regional underwriting counsel, with offices in that location; and **M. Gordon Daniels**, underwriting counsel for Commonwealth's National Title Services Division, Philadelphia, has been promoted to vice president. **John F. Beretzki** has been promoted to assistant vice president-financial reporting and compliance, and **Paul W. Knittel** is new manager, benefits, both Philadelphia.

Also at Commonwealth, **Leland E. Antcliff** is new vice president and Los Angeles branch manager with offices in Glendale, CA; Vice President **John J. O'Driscoll**, Philadelphia, has been promoted to eastern Pennsylvania and Delaware agency manager; **James D. Hewitt** has joined the company as vice president and Cleveland area manager in the new branch office and **Gordon (Pete) Cox** is vice president and branch manager in the newly opened Albany, NY, office. Other new additions in the Cleveland office are



Shumaker



Randolph



Hewitt



Cox



Beretzi



Knittel

Carl M. Hyatt, escrow and closing manager; **Kellee Moser**, production manager; and **Angela R. Dresser**, administrative manager. **Francis W. Landry** has joined the Albany office as vice president and area counsel. **Thomas J. Haynes** is now assistant vice president and branch manager, Tampa, FL; **Linda D. Elston** has been promoted to manager, National Title Services Division office, Washington, DC; and **Dorie G. Mollica** and **Dennis N. Perreault** have been named branch manager and counsel in the newly opened Bedford, NH, office.

Philip B. Branson, **James M. Orphanides** and **John W. Long** have been named to the First American Title Insurance Company board of directors. They are, respectively, president of First American Home Buyers Protection Corporation; executive vice president, First American Title Insurance Company of New York; and president, First American Real Estate Information Services, Inc. **Eric G. Shield** has been named vice president-builder services for the company, with offices in Santa Ana, CA.

Chuck O'Rourke has been named president, Oregon operations, First Ameri-

can Title Insurance Company of Oregon, succeeding **Larry Feagans**, who has retired. **John Bushnell** has been promoted to sales manager for the operation in the Portland area.

Old Republic National Title Insurance Company has announced the following elections: Minneapolis-**Chris Lieser**, senior tax and financial analyst, to assistant vice president; **Elise Reed**, to assistant secretary and associate counsel, corporate legal department. Kansas City, MO-**C. J. Nitschke**, executive vice president, Old Republic Title of Kansas City, Inc., to the additional office of assistant vice president of the parent company; **Richard Reedy**, associate counsel for the aforementioned subsidiary, to the additional office of assistant vice president for the parent. Tampa, FL-**Robin Stein** and **Debbie Whittaker**, agency operations and branch operations manager, respectively, to assistant vice president. Winston-Salem, NC-**J. C. Hedgpeth**, senior vice president and counsel, The Title Company of North Carolina, to the additional office of assistant vice president for the parent. St. Louis-**Doris Osborne**, senior vice president and co-manager, Old Re-



We're putting in some new additions

Sulcus's new Series V software now offers you the widest range of real estate closing programs under one roof.

When you're building your business, it's important to know that your automation can grow with you. When you choose Sulcus, that's not simply a possibility; it's a certainty!

Every software package that comes from Sulcus is a product of researching industry trends, anticipating tomorrow's needs, and rigorously constructing a solution that fits.

Our original products are still around (although much improved) after 15 years! Today, we still develop our products with that same care and attention to detail.

So, if you want automation that you can feel at home with now, and plan to build onto as your needs grow, look to Sulcus.

Call 1-800-245-7900 now to learn more about how Sulcus can help you build your business.



public Title Company of St. Louis, Inc., to the additional office of assistant vice president for the parent. Sarasota, FL - **Gale Thomas**, Southwest Florida operations manager, to the additional office of assistant vice president. Nashville, TN - **William L. Rosenberg** to assistant vice president and state counsel, Tennessee state operations.

Martha B. Brissette has been named vice president-regulatory counsel for Lawyers Title Insurance Corporation, Richmond, VA. Also at Lawyers Title, **Cynthia M. Ward** and **Thomas M. Shumaker** have been appointed respective managers of the company's new branches in Trenton, NJ, and Reading, PA. **Deborah Randolph** now is sales representative-lender services and central residential services, Richmond.

Dakota County Abstract Company, Hastings, MN, announces the appointment of **Norman H. Johnson** and **David Snoeyenbos** to vice president. **Johnson** remains Apple Valley branch manager

and **Snoeyenbos** is responsible for underwriting issues.

Michael J. Maddix has been named business development officer for Fort Dearborn Land Title Company, Wilmette, IL.

Rattikin Title Company, Fort Worth, TX, has appointed **Melissa Courtney** and **Allyson Rattikin Grona** to assistant vice president/business development.

E-Mail Ordering At Commonwealth

Commonwealth Land Title Insurance Company and Transamerica Title Insurance Company have announced the introduction of COSMOS (tm), an E-mail ordering system for appraisals and title insurance. According to the announcement, COSMOS (Commonwealth OneStop (tm) Mail Order System) offers lenders an opportunity to instantly send orders for appraisals and title insurance to Commonwealth OneStop, a multifaceted

nationwide network of residential real estate services for mortgage companies.

Spencer Software Brings 'Live' View

Spencer Systems, Inc., Alto, NM, announces version 5.0 (for DOS or WINDOWS) of the Spencer Real Estate Closing System and Title Plant System software for IBM compatible PCs and networks. According to the producer, this release adds a new "Quicken" style escrow reconciliation program tied "live" to escrows in order to reflect new checks and deposits as they occur.

Landata Redesign

AIM (r) for WINDOWS, Title Version 1.0 software is now available from Landata Systems, Inc., and includes a newly redesigned PC/MICROSOFT (r) WINDOWS (tm) version of the AIM (Automated Information Management) system for VAX computers.



**Searching For
Premium Savings On Your
Errors & Omissions
Insurance?**

PLUS
**0% INTEREST
PREMIUM FINANCING!**

- CLAIM-FREE PREMIUM CREDITS
- RETROACTIVE COVERAGE AVAILABLE
- LOSS PREVENTION SUPPORT SERVICES
Risk Management Manual • Quarterly Newsletter
- TAILOR YOUR PREMIUM - COVERAGE \$100,000 TO \$500,000 - FOUR DEDUCTIBLE OPTIONS



NORTH AMERICAN TITLE ORGANIZATION

1-800-992-9652

210 University Drive • Suite 900 • Coral Springs, FL 33071

1995 AFFILIATED ASSOCIATION CONVENTIONS

May

4-7 **New Mexico**, The Inn at Loretto, Santa Fe, NM

7-9 **Iowa**, Gateway Gateway Convention Center, Ames, IA

9-12 **California**, LaCosta Resort, LaCosta, CA

19-20 **Palmetto**, Hilton Head Island Resort, Hilton Head Island, SC

June

1-2 **South Dakota**, Ramkota Inn, Sioux Falls, SD

1-4 **Texas**, Intercontinental Hotel, New Orleans, LA

2-4 **Virginia**, Lansdowne Convention & Conference Center, Leesburg, VA

3-6 **New Jersey**, Kiawah Island Resort, Kiawah Island, SC

9-10 **Arkansas**, Holiday Inn, Fayetteville, AR

11-13 **Pennsylvania**, Toftrees Resort & Conference Center, State College, PA

1-3 **Colorado**, Sheraton Steamboat Resort, Steamboat Springs, CO

22-25 **New England**, Wequassett Inn, Chatham-Cape Cod, MA

25-27 **Oregon**, Salishan Lodge, Glen Eden Beach, OR

July

13-15 **Illinois**, The Grand Geneva Resort, Lake Geneva, WI

13-15 **Utah**, Sun Valley Lodge, Sun Valley, ID

23-25 **Michigan**, Boyne Highlands, Harbor Springs, MI

August

3-6 **Idaho**, Sun Valley Lodge, Sun Valley, ID

10-11 **Indiana**, Omni-Severin Hotel, Indianapolis, IN

10-12 **Montana**, Heritage Inn, Great Falls, MT

10-12 **North Carolina**, Omni Hotel, Charleston, SC

17-19 **Minnesota**, Canterbury Inn, Shakopee, MN

18-19 **Kansas**, Marriott Hotel, Overland



SOMETIMES THE SIMPLEST IDEAS ARE THE MOST AMAZING.



Most closing software is either too complicated or too expensive. Not ProForm. It's the classic real estate closing and title forms tool.

What makes ProForm amazing is that it's so easy to learn and use, with expert support only a toll-free phone call away. You enter the data only once, and ProForm does all the calculations automatically and generates the closing and title documents, including the HUD-1, Title Commitments and Policies, Disbursements Summary, checks and more.

You can also add any of your own documents such as Notes, Mortgages and Deeds using the WordPerfect integration feature and ProScan, SoftPro's optional document image automation program.

But perhaps the most amazing thing about ProForm is its \$995 price tag for one license. Plus, all SoftPro software comes with a 30-day money back guarantee. To receive more information and a free demo disk, call SoftPro today at 1-800-848-0143.

SoftPro
CORPORATION

Title News Offering Classified Ads

Title News now offers "Marketplace," a classified advertising section for reaching the nationwide land title industry audience. The department features placements on situations wanted, help wanted, for sale and wanted to buy.

Basic format for the section is single column, text advertising placements. A box may be placed around an ad for an extra charge, and there is a discounted rate for three or more consecutive placements in the magazine. **Made-up** examples are shown below to provide an idea of style.

Rates for situations wanted or help wanted ads are \$80 for first 50 words, \$1 for each additional word, 130 words maximum (per insertion rate drops to \$70 for first 50 words plus \$1 for each additional word, for 3 or more consecutive placements). For sale or wanted to buy ads have a rate of \$250 for 50 words, 130 words maximum (per insertion rate drops to \$225 for 50 words, \$1 for each additional word for 3 or more consecutive placements).

Placing a box around an ad costs an extra \$20 per insertion for help wanted or situations wanted, \$50 per insertion for sale or wanted to buy.

Those desiring to place classified advertising in the new "Marketplace" department should send ad copy and check made payable to American Land Title Association to "Marketplace--Title News" care of the Association at Suite 705, 1828 L Street, N. W., Washington, DC 20036.

Sample: Help Wanted

LEAD ABTRACTER wanted for three-county Kansas operation. Must be certified or comparably qualified. Send resume to *Title News* Box H-326

Sample: Situations Wanted

COUNTY MANAGER for northwestern title underwriter branch seeks competitive opportunity with improved growth potential. Excellent fast track record, references. Write *Title News* Box E-418.

Sample: Sale

TITLE PLANT for sale, Florida location. Microfilm, documents and tract books cover county for over 50 years. Computerized posting. *Title News* Box S-135

Sample: Wanted to Buy

WANTED TO BUY: Used SOUNDEX system, needed by Indiana title agency. Particulars in first letter. *Title News* Box B-247.

Park, KS

20-23 **New York**, The Sagamore, Lake George, NY

24-26 **Wyoming**, Holiday Inn, Gillette, WY

September

6-8 **Nebraska**, Ramada Inn, Kearney, NE

7-9 **Missouri**, Holiday Inn Executive Center, Columbia, MO

7-10 **Nevada**, Hilton, Reno, NV

8-10 **DC-MD-VA**, Hilton, Williamsburg, VA

14-15 **Wisconsin**, Lake Lawn Lodge, Delavan, WI

14-16 **Dixie**, Eola Hotel, Natchez, MS

14-16 **North Dakota**, Site to be announced, Watford City, ND

17-19 **Ohio**, Marriott Society Center, Cleveland, OH

21-24 **Washington**, Chateau Whistler Resort, Whistler, British Columbia, Canada

October

29-Nov. 1 **Florida**, PGA National Resort, West Palm Beach, FL

December

3-4 **Louisiana**, Omni Royal Orleans Hotel, New Orleans, LA

1995 CALENDAR OF MEETINGS

May

7-9 **Title Counsel Meeting**, The Reach Resort, Key West, FL

18-19 **ALTA Regional Seminar** (co-sponsored by Montana Land Title Assn.), Sheraton Hotel, Billings, MT

19 **Group Insurance Trust Meeting**, Eagle Ridge Inn, Galena, IL

June

8 **ALTA Board of Governors**, The Broadmoor, Colorado Springs, CO

8-9 **Title Insurance Executives Meeting**, The Broadmoor, Colorado Springs, CO

September

26 **ALTA Regional Seminar** (co-sponsored by Missouri Land Title Assn.), Adam's Mark Hotel, Kansas City, MO

October

18-21 **ALTA Annual Convention**, Loews Anatole Hotel, Dallas, TX

TITLE NEWS ADVERTISERS

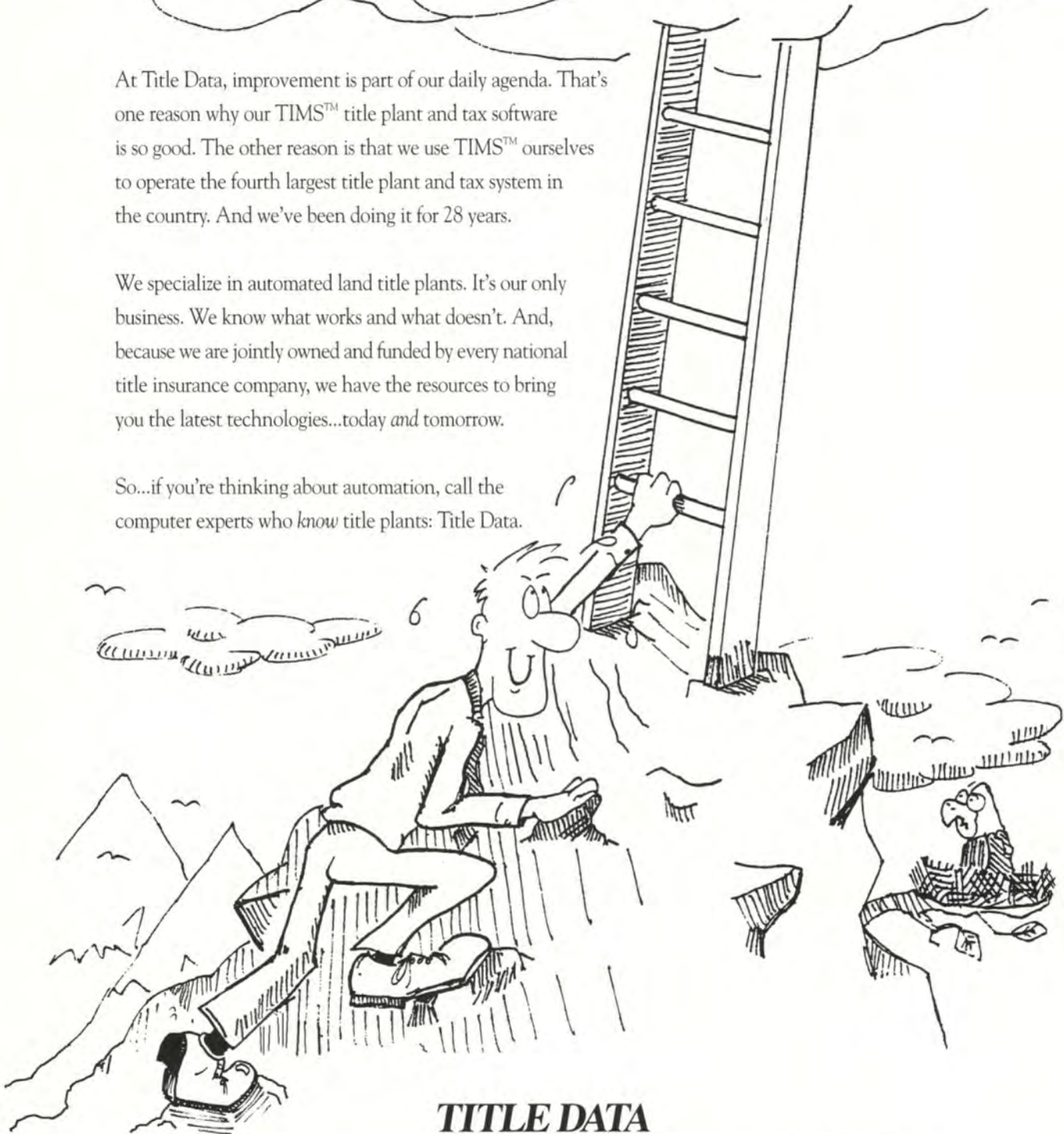
Advanced Escrow	..... page 4
Advantage Software	..... page 25
BancNet	..... page 26
Corporate Development Services	..... page 27
Document Processing Systems	..... page 28
Genesis	..... cover 2
HDEP International	..... page 27
Magnemedia, Inc.	..... page 23
North American Title Organization	..... page 30
SMS Real Estate Information Services	..... page 3, 16
SoftPro Corporation	..... page 31
Sulcus	..... page 29
Title Agents of America	..... page 20
Title Data	..... cover 3
Title Industry Assurance Co.	..... page 24
Title Pac, Inc.	..... page 15
Title Pro	..... page 13
Title Scan Systems	..... page 8
Title Solutions	..... page 6

You don't stay on top by standing still. At Title Data, the sky is the limit.

At Title Data, improvement is part of our daily agenda. That's one reason why our TIMS™ title plant and tax software is so good. The other reason is that we use TIMS™ ourselves to operate the fourth largest title plant and tax system in the country. And we've been doing it for 28 years.

We specialize in automated land title plants. It's our only business. We know what works and what doesn't. And, because we are jointly owned and funded by every national title insurance company, we have the resources to bring you the latest technologies...today *and* tomorrow.

So...if you're thinking about automation, call the computer experts who *know* title plants: Title Data.



TITLE DATA

2600 Citadel Plaza Drive, Suite 200

Houston, Texas 77008-1358

(713) 880-2600

Fax (713) 880-2660

© 1995 Title Data, Inc.

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

**BULK RATE
U.S. POSTAGE
PAID
Rockville, Md.
Permit No. 800**