

September/October 2003

Title NEWS

Official Publication of the American Land Title Association

**WHAT
CONSUMERS
THINK
ABOUT TITLE
INSURANCE**

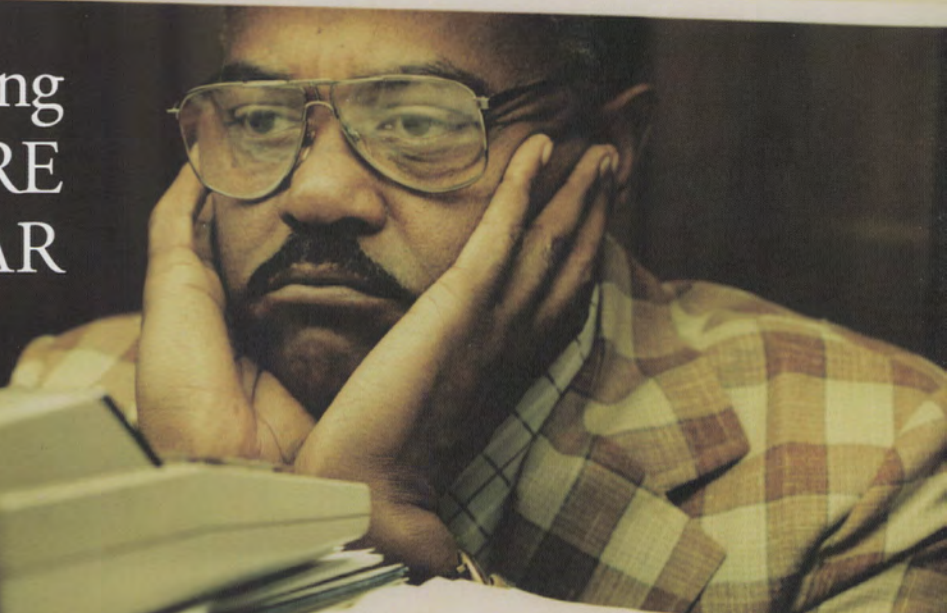
PLUS

- The Ins and Outs of Signing Services
- The Latest in Financial Management & HR Technology
- ALTA's Technology & Business Directory Updates

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Running Your Business

The Ins and Outs of Signing Services

by James L. Gosdin

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The Latest in Financial Management and Human Resources Technology

by Alison Kasper Gareffa

Learn how web-based applications in financial management and human resources can significantly improve your company's productivity and free up staff to devote time to customers.

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ALTA has compiled a list of technology and business vendors who specialize in the title industry. The company names are listed here, but you will find more comprehensive information on ALTA's home page under "Business Partners."

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Event Spotlight

ALTA 2003 Annual Convention

There is still time to register for ALTA's Annual Convention, October 22-25, at the beautiful Arizona Biltmore in Phoenix!

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Cover Story

What Consumers Think of Title Insurance

by Sandra Bell

As part of ALTA's Public Awareness Campaign, ALTA's PR firm, Ervin Bell, conducted focus groups and telephone interviews with consumers who have purchased or refinanced in the last six months. Learn what they know, and, more importantly, what they don't know about title insurance. You'll be surprised! We definitely have our work cut out for us.

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A Message from the
President

2003 – What a Ride!

2003 has been an amazing year, not only for me as president of ALTA but for all of us in the title industry. Who could ever have foreseen the record-breaking low interest rates? Who would ever have predicted that the refinance market would continue at a pace 50% greater than in 2002? Who would ever have thought that while the rest of the country struggled to emerge from a recession, we would be thriving and booming? And in addition to our very busy companies, we as an industry have had to face head-on Radian's mortgage-impairment insurance and the proposed changes to RESPA. "Bold Concepts for Challenging Times," our convention's theme for this year, is surely an understatement.

The Big Issues

I'm pleased to report that as *Title News* goes to press, California Insurance Commissioner John Garamendi has declared that Radian's Lien Protection product is actually title insurance, as ALTA has been stating all along. His ruling upholds the current cease and desist order that prohibits Radian from selling its product anywhere in the U.S. ALTA has been working on this issue for well over a year, and we applaud the commissioner's decision. It is a real victory for the title industry.

Changes to RESPA will present us with probably the most formidable task we have faced in decades. But as history has demonstrated, we will find a way to meet the challenges of packaging and not only serve the consumer but also find new ways to prosper.

We are also off to a great start in our public relations campaign. As we implement the suggestions of our consultants, we will be expanding our visibility, and our target audiences will know who we are and what we do. It has been very satisfying to be part of this grass roots effort that I believe will help us better serve the homebuyers of this great country.

A Special Thank You

I want to thank all of you for the honor of being your president. It has been an exciting and challenging year. It has also been a hectic year, but I have loved every minute of it. I must say that appearing before Congress to testify on your behalf has been one of the high points of my career! I have enjoyed my visits to your state conventions and seeing my old friends and making many new ones. I cannot think of a better group of people than title people. Thank you for making this year so special for my wife Cheryl, and for me.

Stanley Friedlander



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Title NEWS

Publisher: James R. Maher
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Layout/Production Manager: Christina Rizzoni
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Title News is published bi-monthly by the American Land Title Association, 1828 L Street, N.W., Suite 705, Washington, DC 20036. U.S. and Canadian subscription rates are \$30 a year (member rate); \$48 a year (nonmember 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.

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ALTA Launches First Virtual Seminar

The Land Title Institute, ALTA's educational subsidiary, has developed its first virtual seminar, allowing ALTA members to view a taped presentation meshed with PowerPoint slides. Five 50-minute sessions deliver marketing topics presented earlier this year at ALTA's Tech Forum. Topics include: (1) How To Increase Title Sales Effectiveness; (2) Technology Trends in Title Sales and Sales Management; (3) Marketing Today: The Online Way; (4) Customer Relationship Management... Not Just a Passing Fad; and (5) Does Advertising Work? Three Questions to Ask Before you Spend.

The price for full access to all five seminars is \$225. To find more information on the seminars or to order, go to ALTA's Home Page and look under Meetings Information.

Title Insurance Regulatory Survey Available

ALTA, in cooperation with the law firm of Kirkpatrick and Lockhart LLP, has published a six volume Title



Insurance Regulatory Survey. The survey summarizes state laws, regulations and customs relating to title insurers, title agents, abstracters and escrow/closing personnel in each of the fifty states and the District of Columbia. The survey also reviews market and real estate practices concerning the title insurance business.

Each of the six volumes contains information on states in a certain region. The surveys are in binders with access to the surveys also provided on CD-ROM. Each volume, including the binder and CD-ROM, is \$300 for ALTA members; \$400 for nonmembers. The cost for all six volumes is \$1,500 for ALTA members; \$2,000 for nonmembers.

Updates of both the hard copy and CD-ROM will be available for purchase at appropriate intervals.

To order your copy, go to the Publications page on ALTA's Web site and look for ALTA Title Insurance Regulatory Survey. For questions on the survey, contact Jim Maher at ALTA headquarters at 1-800-787-2582.

calendar

ALTA Coming Events

October

22 - 25
ALTA Annual Convention
Phoenix, AZ

Affiliated Association Conventions

September

16-19 Nebraska
18-20 Indiana

September, cont.

18-20 Missouri
25-27 Oregon /Washington

October

7-8 Kentucky
9-10 Wisconsin

November

12-14 Florida
TBA Dixie

December

3-5 Louisiana

Thanks to Two State Associations

ALTA would like to thank the Maryland Land Title Association and the Tennessee Land Title Association for their generous donations to the ALTA public awareness campaign.

Contact Lorri Ragan at lorri_ragan@alta.org, or 1-800-787-2582 for more information on the campaign and how you can help.

The Winner is....

Congratulations to Jeanne Johnson, owner of Jeanne Johnson & Associates, St. Paul, MN, winner of a free registration to ALTA's Tech Forum 2004 in New Orleans. Jeanne answered a question on ALTA's Web site. You can win too. Click on the "ALTA Wants to Know" button on the ALTA Web site answer the question, and your name will be entered in the next prize drawing.



A Close Shave for the PAC

ALTA President Stanley Friedlander protects his own hair as Bob Meredith (First American Title Insurance Co., Grand Rapids, MI) donates his to the Michigan Land Title Association PAC, which raised \$10,000 during the MLTA Annual Convention in July.

Board Game Promotes Fun While Learning

The ALTA Education Committee will introduce a new, challenging, employee-training product at ALTA's Annual Convention, October 22-25, in Phoenix. "Title Triumph™ The Game of Land Title Knowledge," is an interactive board game that will test your knowledge on title industry topics – closing & escrow, search & exam, and commitments & policies. The game is designed for individuals or teams to play in 45 to 60 minutes – perfect for lunchtime or short training sessions. With 199 question cards and 50 entertaining and unique scenario cards, Title Triumph™ can be played multiple times before you encounter a repeat question. And the game includes blank cards to allow you to customize questions for your state.

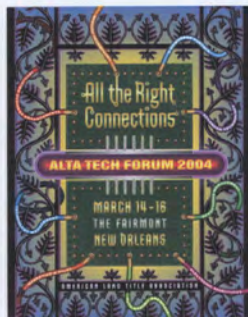
A Title Triumph™ Tournament and ice cream social will be held during the convention. Prizes will be awarded to the winning player or team.

Title Triumph™ will be available for sale in mid-October. Check the ALTA Web site for an order form. The ALTA member price for one board game is \$135. Discounts will be available when purchasing multiple games.



Calling All Title Professionals!

The Call for Presentations for ALTA's Tech Forum 2004 is now open! This is your opportunity to share your knowledge and expertise in technology and general management in the title insurance industry. The ALTA Technology Committee has identified more than 30 important topics that will be part of the educational program, but we want your ideas too. The deadline for submissions is Friday, October 10, 2003, so act fast! Visit the Meetings Information section on ALTA Web site for more details.



ALTA Public Awareness Campaign Update

During the months of May and June, Ervin Bell, ALTA's public relations firm, made a variety of presentations to large underwriters groups and state land title associations across the country. Ervin Bell updated the groups on campaign progress, sought buy-in for future activities, and enlisted help in spreading campaign messages.

In July, CA Insurance Commissioner John Garamendi upheld the previous cease and desist order against Radian Guaranty. Ervin Bell then developed a strategy for talking to the media about our position. After the decision was handed down, Ervin Bell sent a press release to national real estate reporters indicating that ALTA commended the commissioner on his decision.

On the issue of HUD's proposed changes to RESPA, Ervin Bell mailed a press kit with our talking points on the proposed changes to reporters who had covered the issue in the last six months. They followed up with phone calls and discussions on the press kit. They also wrote an op-ed piece that was distributed to the top 150 national opinion editors and editors at real estate industry trade publications.

Telephone interviews were conducted in July with consumers who had either purchased or refinanced their homes in the last six months. The comments are the subject of the cover story of this issue of *Title News*. The surveys indicate we have a long way to go to educate consumers about the value of our product.

Next, Ervin Bell will create a Title Industry Marketing Kit, which will be free to all ALTA members. The kit will contain a video and PowerPoint presentation that can be shown to consumers or local groups; a sample brochure that can be given to consumers at closing, explaining the due diligence title companies perform; and sample ads that can be run in local consumer or trade publications. The kit will be debuted during the ALTA Annual Convention, October 22-25 in Phoenix. If you are unable to attend the convention, but would like a copy of the free Marketing Kit, e-mail lorri_ragan@alta.org and she will mail you a copy.

government & agency news

Victory For Title Insurance

California Insurance Commissioner John Garamendi has now upheld the cease and desist order against Radian Guaranty, Inc. issued by the California Department of Insurance in June 2002. The order, issued July 14, 2003, which has been obtained by ALTA, requires Radian Guaranty, Inc., Amerin Guaranty Corporation, and Radianexpress.com, Inc. to “stop selling title insurance in California or anywhere else in the United States.”

As reported previously, ALTA has been working on this issue for well over a year, providing testimony, amicus briefs, and other information supporting ALTA’s position that Radian’s product was in fact title insurance and needs to be regulated like title insurance. ALTA applauds the commissioner’s decision affirming the appropriateness and legality of the cease and desist order against Radian, which protects consumers against unregulated, unlicensed title insurance products. You can read the full decision on ALTA’s Home Page under the Government News section.

Faxing OK For Now

The Federal Communications Commission (FCC) has issued a stay on its regulation governing fax advertisements until January 1, 2005. The FCC had announced in July that beginning August 25, 2003 companies would need to obtain written approval before sending a fax that was commercial in nature. Businesses in violation could face penalties of up to \$11,000 per violation. The new regulation did away with an existing business relationship exemption that many businesses had counted on in the past in order to be in compliance.

This regulation affects a majority of businesses, including the real estate industry and ALTA joined a coalition of associations opposing this rule. The National Association of Realtors filed a stay request with the FCC, which asked for a one-year stay to allow for further review and compliance time. ALTA will continue to ask that the existing business relationship exemption language be reinstated. Please contact Charlene Nieman at charlene_nieman@alta.org for further information.



Representative Stephanie-Tubbs Jones (D-OH) spoke to the ALTA Planning and Finance Committee when they met in Washington, D.C., in late July. Representative Jones updated the committees on the congressional reaction to Freddie Mac restatement issues, including the outlook for GSE reform in the context of possible changes of their federal regulator, the Office of Housing Enterprise Oversight Board. She also reviewed the congressional reaction to the proposed changes to RESPA, indicating that members were waiting for HUD to act before undertaking additional efforts.

ALTA Leadership Flies-In for Washington Meetings

ALTA President Stanley Friedlander, president, Continental Title Agency Corp., Cleveland, OH and TIPAC Chair Mike Wille, president, The Title Company, LaCrosse, WI, continued ongoing efforts in July to educate members of Congress about the impact of the proposed RESPA rule on our industry. In addition to meeting with Senate Appropriations VA-HUD Subcommittee Chair Kit Bond (R-MO), the leadership met with the Office of Advocacy of the Small Business Administration and the National Association of Realtors.

ALTA Urges Department of Labor to Treat Closers as Professionals

ALTA submitted comments in June on a rule proposed by the Department of Labor to revise the white-collar exemptions under the Fair Labor Standards Act. ALTA’s comments focused on the confusion and burden created by the state of the current white-collar regulations, and recommended clarification of the proposed rule to recategorize escrow officers and closers. ALTA pointed out that these closers are not administrative personnel but “knowledge” workers who have substantial training and expertise to coordinate these property settlements.

government & agency news

Fair Credit Reporting Act

During the last six months the House and Senate have held a series of committee hearings on the Fair Credit Reporting Act (FCRA). FCRA is a bipartisan piece of legislation that provides consumers with greater identity theft protection. The legislation also is important to financial service firms, who would gain a victory with a permanent extension of a key provision blocking states from promulgating conflicting state rules on how businesses report, share, and use consumer credit histories.

The House Committee on Financial Services approved the legislation before breaking for August recess. House Financial Services Chairman Mike Oxley (R-OH) said after a 61-3 vote, "Today's vote marks an extraordinary moment for our nation's consumers. This landmark legislation strikes the appropriate balance between consumers' access to vibrant credit markets and the protections they need to fight identity theft and to ensure the accuracy of their credit reports." In the House the next step for the legislation is to go before the full House. The Senate Committee on Banking will continue with hearings after recess. ALTA will continue to monitor this issue for potential actions affecting title companies' ability to share information among affiliates. Contact Charlene Nieman at charlene_nieman@alta.org for further information.

Banks Barred from Real Estate Brokerage Business

Since the passage of the Gramm-Leach-Bliley Act in 1999, financial holding companies have technically been allowed to enter the real estate brokerage business. The Federal Reserve Board proposed a rule to allow this, but passage of a spending bill delayed action until the fall of 2003. It may happen again as the House Appropriations Committee passed a spending bill that would further delay the rule until fall 2004.

Currently, both the House and Senate have legislation that would prohibit banks from entering the market, but the legislation is not moving. Opponents of the banking industry must again try to delay the issuing of the rule as the original fall 2003 deadline approaches. Contact Charlene Nieman at charlene_nieman@alta.org for further information.

ALTA Responds to FTC on Collection Activities

ALTA sent a letter to the secretary of the Federal Trade Commission who, requested comments regarding the agency's desire to collect consumer information. It is the FTC's intention to conduct qualitative and quantitative research concerning consumer understanding of the terms of their mortgages and whether existing disclosure and other information adequately inform them in this area.

ALTA recommended that the FTC differentiate between those who obtain a mortgage as part of a purchase/sale transaction and those who are refinancing when selecting consumers for interviews and reporting the findings. It is ALTA's view that those in the purchase/sale transaction tend to have the assistance of a real estate professional to aid them in the process. For refinancers, no real estate professional, other than the mortgage lender itself, assists the consumer.

Therefore, the answers to the interview questions would be vastly different. For more information on ALTA's letter, contact Jim Maher, ALTA executive vice president, at jim_maher@alta.org or 1-800-787-2582.

New IRS Rules for Foreign Transferors

The IRS has just issued final regulations, effective November 2, 2003, which will require closers to include Taxpayer Information Numbers of foreign transferors on withholding tax returns, applications for withholding certificates, and others notices and elections for all transfers of real property. The final rule also states that while a foreign transferor can provide a notice of nonrecognition in most simultaneous like-kind exchanges, they cannot do so in deferred like-kind exchanges. To link to the IRS regulations, go to www.alta.org/govt/issues/03/irs.pdf

TIPAC Starts Presidential Effort

In order to facilitate ALTA lobbying efforts, ALTA has established an industry tracking number for the Bush-Cheney 2004 Presidential Campaign and for the Democratic Campaigns. If you write a check to those campaigns, you can put our industry code on your check.

The logo for TIPAC (Title Industry Political Action Committee) features the letters "TIPAC" in a bold, black, sans-serif font. The letters are stacked vertically, with "TI" on the top line, "PA" on the second line, and "C" on the third line. The letters are set against a white background.

Unless otherwise noted, for more information on these issues, contact Ann vom Eigen, ALTA's legislative and regulatory counsel, at ann_vomeigen@alta.org or 1-800-787-ALTA.

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What Consumers Think About Title Insurance

by Sandra Bell

As part of ALTA's public awareness campaign designed to educate various audiences about the value of title insurance, a series of focus groups and telephone interviews was done with consumers who had recently purchased or refinanced a home. The research findings were critical in determining not only what consumers know and don't know about the title process, but also what messages will most resonate with them as we move forward with various ways to reach consumers with our messages. The results of these studies have already played key roles in the determination of message points being integrated into ALTA marketing materials.

Qualitative Survey

A series of focus groups was held among consumers who had purchased a home or refinanced within the last six months. Respondents ranged from young first-time buyers to retirees who had purchased several homes over their lifetime. The participants came from 21 different states across all four time zones.

The study was carried out as a moderated, open-ended question forum. It was designed to find out the following:

- Consumer knowledge and perceptions about title insurance;
- Who the key influencers are in recommending title insurance, and what advice they give;
- Concerns that homebuyers have about getting clean title;
- Features that most strongly motivate homebuyers to buy title

insurance;

- Consumer perceptions of the closing process; and
- Reactions to the concept of a flat fee covering all closing costs.

Consumer Knowledge and Perceptions About Title Insurance

As anticipated, participants generally had little awareness or understanding of title insurance. When asked about their perceptions, most tended to think of title companies and the title search process only in terms of the insurance that is issued. Some did have a basic understanding of the insurance component and agreed that its purpose is to protect homeowners from challenges to their right of ownership that are not discovered during the title search.

Most participants had little or no awareness of the potential problems that title insurance covers. In fact, many saw title insurance as just another fee they have to pay to purchase or refinance a home.

As a result of their participation in the focus groups, many of the consumers are now more aware of the risks of not having title insurance and indicated that, in the future, they'll be likely to ask more questions about title insurance and shop around to ensure that they are getting the best price.

Key Influencers in the Recommendation of Title Insurance

Given that many consumers don't have a lot of experience in buying a



home, most participants indicated that they relied on a number of advisers to help them through the financial and legal maze surrounding a home purchase.

The real estate agent remains the most frequently mentioned of the advisers. We know that while the primary role of the real estate agent is to help the buyer select and make an offer on a home, many also provide guidance throughout the homebuying process. Of those queried, most were satisfied with the performance of their real estate agent.

"I used the realtor and relied on her. The realtor was able to guide us to find the right locations that fit our price range. Additionally, she did all the things I expected her to do. She was enormously helpful."

"We relied upon our realtor. He was very conscientious. While we had some problems with this house, he shepherded us through."

Lenders were also a frequently mentioned adviser. Similarly, a few reported that a mortgage broker helped guide them through the homebuying process.

"Most of my help came from my lender. It's a credit union that I've dealt with for many years. First thing I did

when I was deciding to buy a home was get preapproval, and I just let her walk through the system."

"My mortgage broker really helped me out....she took care of everything, and said these are the options that you have."

Attorneys were found to play a much bigger role in the homebuying process on the East Coast than throughout the rest of the country. The attitudes toward the value of attorneys in the transaction process varied, however.

"I did buy my first home using an attorney. And by the time the title search was done months later, I almost didn't want the house. They really cannot do anything more than a real estate agent can or another service."

"We were mostly guided by our legal adviser. In terms of the selection of the site, the realtor was excellent and got us in contact with the title folk. But any questions we had, we worked through our legal adviser."

"We've owned houses on the East Coast, and there it's mandatory that you have an attorney. You sit down at a long table, and you go through all this stuff. That is not so on the West Coast."

Few participants reported using the Web to find information to help them with their home purchase. While some expressed interest in finding information on what is required in buying a home, most participants only use the Web to locate property or loans.

"On the Web I looked around and got a lot of information. I was looking at houses here in Florida. Also, I was looking for information on what is required to buy a home in Florida. I went to Realtor.com, and I think I branched off into other ones."

"We built this house so we dabbled with Lending Tree for a while. For me personally, it was a little too on the strange side to wait for the offers and deal with people that were three or four or seven states away from me."

Concerns That Homebuyers Have About Getting Clean Title

Most of the participants did not have much awareness of the types of legal ownership problems that homeowners can incur when they purchase a home. Similarly, they didn't have much knowledge of the financial consequences of not having clear title to their property.

"Legally, I believe that if the title company gives you title and something comes back to bite you, that's their headache, not yours. If you have a legal battle, it isn't your battle; it's their battle."

"I have always pretty much trusted that when they did the title search and say the title was clear, that it was. I haven't worried a whole lot about it. Maybe I should have."

Of those that did have concerns about title, the most common problems discussed were disputes over easements and shared property, third-party liens, and the presence of

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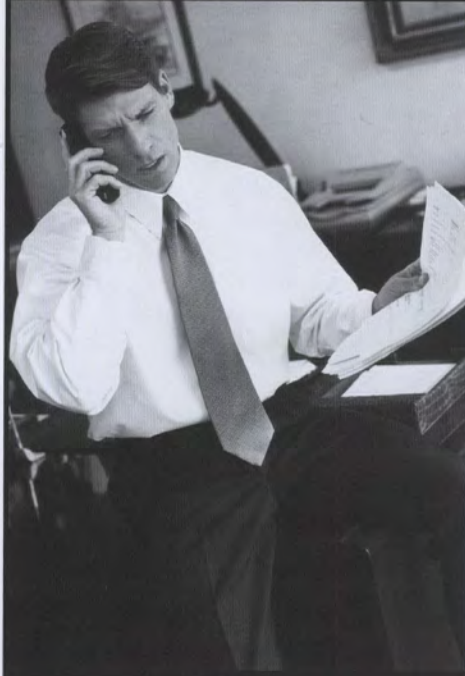
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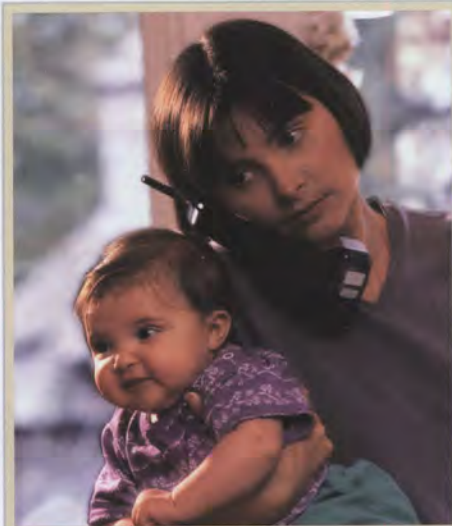
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Consumers who has purchased or refinanced a home in the last six months were asked their perceptions of title insurance.

deceased individuals or ex-spouses on a deed. A few also voiced concern over homes or additions accidentally built on a neighbor's property, long-lost owners returning, and rights of way for gas and mineral rights.

"I had piece of property in which the building was built six feet over the neighbor's property line. When I went to sell the property, it turned up, and the new buyer got a title insurance opinion that showed that the building was on the wrong property. It was up to the title insurance company to make that good. Either they had to buy that piece of ground or issue a new title policy guarantying the same situation to the new buyer, which is what they did."

"We shared a driveway. In order to get out of our driveway, you had to use this turnaround. All of a sudden, we got new neighbors, and they terrorized us. We finally had to go to court, and it cost us \$10,000. We got the turnaround back. It was a mutual easement, but it was essentially for our house."

Features That Most Strongly Motivate Homebuyers to Buy Title Insurance

Participants were asked to rate a variety of the features of title insurance. Most participants rated the

feature "Protection Against Unknown Threats To Your Title" as very important and felt it provides protection against a variety of unforeseen problems.

The next most important feature cited was "Defense", with participants saying that the cost of title insurance is very small compared to the cost of going to court.

When asked to rate how concerned they were about some common threats that homeowners could face in securing clear title to their property, most of the participants weren't that concerned about any of the threats cited. However, property or boundary disputes, undisclosed easements and errors in tax records were the ones they could imagine having a problem with.

Consumer Perceptions of the Closing Process

Despite the confusing array of charges levied at the time one closes on a house, participants believed that people in general don't question most of the charges. While they may question a few items, most soon get overwhelmed and just want to get the process over with. They tend to accept the charges as just another part of buying a house.

However, some homebuyers did actively question closing charges and, among those that did, reported being successful in getting the amounts reduced.

Reactions to the Concept of a Flat Fee Covering All Closing Costs

Few respondents expressed interest in a flat fee option if they couldn't see the various closing charges itemized, even if they agreed to a total fee up front. Those that did find it appealing agreed that to be of value, the fee needs to be comparable across lenders or packagers, the lender or packager has to be legally bound to the fee, and most of all, the option must represent

a real savings.

Most agreed that the flat fee is a bad idea because they want each of the individual closing charges to be broken out separately. They agreed that they would feel very uncomfortable if given just one flat fee covering all the closing items for fear they could be overcharged on some or all of the costs.

Conclusions

Generally, and as expected, homebuyers don't seem to know much about title insurance, and most don't know a lot about the reasons why the insurance might be valuable or the types of situations in which title insurance protects them. Even when offered examples of how the ownership of their home might be in jeopardy, most found the examples distant and of little concern. Few are cognizant of the threats. Those who have purchased several homes over time tend to be somewhat more knowledgeable than first- or second-time purchasers.

"Title insurance seems to be just another fee. All the provisions and the conditions in the title insurance policy pretty much relieve the title company of anything that isn't already a legally established and filed kind of thing. There are a whole bunch of exceptions in the title policy that if somebody didn't tell the truth or hid something or hadn't filed anything yet, then the title company would be exempt, and the title policy is essentially worthless. It's just another fee that you pay to buy the house."

Most participants had no understanding of how owner's and lender's title insurance policies differ. The idea that there might be both owner's and lender's title insurance on the same property seemed redundant and wasteful to them. Obviously, most are unclear as to the separate protections each provides.

"To me, having separate title insurance policies sounds redundant. If they are requiring it and the policy is in

my name, I don't know why they need another policy."

The good news is that those who were not aware or knowledgeable about title insurance were interested in learning more, which clearly demonstrates the potential for marketing efforts targeted toward increasing consumer awareness.

"I was very naïve about it. I would probably dig a little deeper and ask more questions."

"Knowing that I'm so unclear, I would ask more about it and look at it more carefully."

"I don't know if I have title insurance or not, but if I ever purchase another home, you have given me additional questions to ask. I don't know for sure whether I would get it or not."

"The only thing that I would do differently is I might go out and shop title insurance. I would still get it, but I think I would shop around to make sure that I was getting the best price."

"I'm a first-time buyer, and you said earlier this is the single largest purchase that I will ever make. I could not see how I could go through blood, sweat, and tears and have someone forge a signature or miss something like that. It was really an insignificant cost to get peace of mind."

Quantitative Survey

A quantitative follow-up to the telephone focus groups was undertaken to further clarify and quantify our earlier qualitative results. Information garnered from this study will also be used as a baseline for comparison to future studies.

Specific objectives of the quantitative study included learning more about:

- Homeowners' knowledge and perceptions of title insurance and the process behind it;
- Who selects the title insurance company a homeowner will use;
- Homeowners' knowledge of, and

attitude toward, the protection that title insurance and its processes offer; and

- Homeowners' reactions to the closing process and closing costs.

Telephone interviews were conducted with 400 homeowners who were aware they obtained title insurance as part of a home purchase or mortgage refinance within the last six months. Of these respondents, 341 were new purchasers and 59 were refinancers. Interviews were conducted with respondents from 32 states and averaged 3 to 5 minutes in length.

Knowledge and Perceptions of Title Insurance and The Process

Most respondents demonstrated a basic understanding of the service that title companies provide for them by agreeing with the statement: "Title insurers seek to find and eliminate

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title problems before the home is sold." Nearly nine in ten respondents said they need to have title insurance and also agreed that they need to have owner's title insurance to protect the investment in their home.

When asked about the difference between owner's and lender's policies, most survey participants reported that they knew that a lender's policy does not protect them (79%), while 13% believed that lender's title insurance would protect their interests. However, many did not know which type of coverage they had (47%). This suggests that there is little understanding of the difference between the two.

When asked about the title searching process and its importance, many believed it to be important, but did not necessarily associate the title company as the entity performing the due diligence. In fact, 57% percent thought the following statement was true: "If there were a problem with my title, my realtor or the seller's realtor would have told me." This tells us clearly that we must create an awareness of the fact that our industry is the one performing these duties and that this, in fact, represents a large part of our value to the consumer.

Overall, 20% of the participants felt that they did not need the services provided by title insurers. However, the majority (66%) strongly agreed with this statement: "I need to have owner's title insurance to protect my investment in my home."

Selection of the Title Insurance Company

Respondents typically did not choose the title insurance company they used, either the lender or real estate agent made that selection in most of the cases.

Knowledge Of, and Attitude Toward, the Protection Offered

Survey participants were aware that the title industry is integral in identifying and clearing up title

problems. In fact, 84% percent thought this statement was true: "Title insurers seek to find and eliminate title problems before the home is sold." Most, however, did not feel they would ever encounter a title problem—72% reported that when they bought their home, they were not very concerned about potential title issues. Most respondents who were not concerned at the time they purchased their homes, however, still agreed that they needed to have title insurance. This indicates that even the small possibility of a problem may convince a consumer that they need insurance if the consequences of not having insurance are great enough. Just as consumers might not be very concerned about having a fire in their home, they are concerned about the financial consequences of having a fire without being insured.

When specific title issues were introduced to the survey participants, many respondents said they could imagine having a problem due to forging of documents (54%) or liens (57%). Some said that they could imagine needing a title company to help defend them legally to protect their title (61%), while other respondents could not imagine having such a problem or needing such legal defense (25%). This again suggests that although most respondents said they need title insurance, the reason may be unrelated to fear of having a title problem or needing legal defense.

As previously mentioned, 57% of the homeowners responding to the study believed they would have been notified about problems with their title by their real estate agent or the seller's real estate agent. Interestingly, even those who think they would have been notified of problems up front still believe they need title insurance.

Reactions To the Closing Process and Its Costs

94% of respondents said they understood what was happening during the

closing process, and the vast majority of the respondents said they were not surprised by the costs listed at closing. When asked about packaged closing costs, 92% of the respondents believe that the costs listed at closing should be fully itemized.

Conclusion

The information gathered as a result of this survey has proved extremely helpful in the crafting of messages for our public awareness campaign and, along with the results of the qualitative study, will continue to guide us as we go forward with ways to reach this audience. Of critical importance to the process were the observations that:

- While, understandably, consumers aren't very knowledgeable about title insurance or the protections it offers, once given even basic information, they begin to understand its value.
- Lenders and Real estate agents remain our most important conduit for reaching consumers.
- While a basic understanding of the insurance aspect of title is found in our consumer base, the value of the title search process and due diligence performed is not realized. Therefore, as an industry, we need to place greater emphasis on the title process, rather than on the end product.

Sandra Bell is a principal of Ervin | Bell Communications. Ervin | Bell Communications was retained by ALTA last year to assist in the organization of a consumer awareness campaign. Ervin| Bell is a national, full-service marketing firm specializing in the title and related industries and is located in Southern California.

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The Ins and Outs of Signing Services

by James L. Gosdin

The use of signing services has become more evident in recent years. This outsourcing is a result of attempts to cut costs incurred by full service companies or in-house employees and of trends in the use of alternative title products by lenders, who are also looking to reduce expenses and decrease delays. Here are a few of the common questions associated with signing services.

What is a signing service? Signing services consist of the use of third parties—either witnesses or notaries—to verify execution of documents, completion of acknowledgments, and return of the documents. Those documents, delivered to the witness or delivered directly to the borrower's home, most typically are loan documents, including mortgages, notes, disclosures, affidavits, and settlement statements prepared by the lender or other persons. The witness does not handle funds, search or examine title, or prepare or retain documents until

likely land ownership and providing convenience to the parties. In a few transactions, execution at the home of borrower is illegal.

Who performs the signing service? The signing services are generally provided by a notary public, who may be, but generally is not, an attorney.

Who contracts for the signing service? The witness may contract with a variety of service providers— notary service companies (a wide array of which are available on the Internet), lenders, providers of alternative title products, title insurers, vendor management companies, and other title companies.

What is the nature and content of a witness contract? The witness may not have a formal written contract. Some have written contracts and some simply receive written instructions for particular transactions after completing an application and certification. A witness contract generally provides that the witness is



and secured by the title company on behalf of that lender or other party.

The witness may be obligated to maintain comprehensive general liability, bonding, and vehicle liability insurance. The may be paid a flat fee, or by the amount of time or mileage, with possible additional compensation if the mortgagors fail to appear at an appointed time. Responsibility for failure to secure correct execution of the documents will typically be borne by the witness. The witness will be required to secure evidence of identity of the parties but not to determine whether a party is a suspected terrorist on the list of Specially Designated Nationals and Blocked Persons. (A link to this SDN list is available from the ALTA home page.) The witness is generally required to maintain confidentiality of nonpublic personal financial information of the parties. The witness is required to verify that any additional witnesses required by state law will be available at the signing.

Does the witness act solely as a notary? Many states regulate the charge that may be made by a notary for an acknowledgment. In some states, the notary also may charge for

The witness will generally be prohibited from explaining documents to or acting as attorney for the parties.

the conditions of delivery are met. The witness may, however, at the direction of the closing agent, request any amount due from the borrower as shown on the settlement statement. The witnessing often occurs in the home of the mortgagors, further evidencing identity of parties and

an independent contractor, not an employee or agent. It is possible to view the witness as a person whose services are secured on behalf of the lender, much like the arrangement between the title company and a surveyor, whose services may be requested by the lender or other party



Rock Solid

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Today, we are pursuing our goals to expand coverage and improve title operations through technology. We accept the responsibility of leadership as part of our commitment to explore the unlimited possibilities for innovation and efficiency.



mileage. (See State Laws at National Notary Association site www.nationalnotary.org). Those laws are not determinative of the total fee paid to the witness, however. The services of the witness are primarily those of taking acknowledgements but also include any additional witnessing of documents required by state law, witnessing (whether or not the witness signs as witness) other documents that do not contain acknowledgements, witnessing documents required to have a witness under state law, and forwarding of documents to a lender, or third party. The witness will generally be prohibited from explaining documents to or acting as attorney for the parties, who are instructed to call their own counsel, the lender or a designated person to discuss any questions.

Is the witness performing escrow or closing services? Some states regulate escrow services, either by

specific regulation of escrow or closing services or by separate regulation of title insurance.

Witness signings would not appear to be such escrow or closing under most state laws. According to *American Jurisprudence*: "To create an escrow, there must be a depository with instructions from the parties as to their agreement concerning the delivery and taking effect of the escrow instrument, who agrees to accept the custody of the instrument upon the terms specified in the agreement of the parties...."

One cannot be held liable as escrow agent or trustee unless he has expressly, or by necessary implication, agreed to act as such and is aware of the terms under which the deposit is made and the conditions upon which it may be released." The witness services do not manifest the characteristics of a depository any more than do messenger or other delivery

services; the witness will not maintain possession of documents until performance of any conditions or events. Typically, the witness will drop the documents at a specified overnight courier location after execution.

However, the Department of Financial Institutions of the State of Illinois has asserted that signing/notary companies advertising and operating in Illinois must be certified as Independent Escrowees, although at recent date, there were no such Independent Escrowees licensed in Illinois. An Independent Escrowee is defined as a person, other than a title insurer or title insurance agent, which receives deposits in trust of funds or documents for effecting a transfer or encumbrance of real property "to be held by such escrowee until title to the real property that is the subject of the escrow is in prescribed condition." Several cease and desist orders had been issued

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against signing companies based on the Department's interpretation of the applicability of the requirements for an Independent Escrowee.

To the extent that escrow or closing is regulated as one element of the conduct of title insurance, the witness services also appear to be outside the scope of regulation. Regulation as a title insurance agent typically requires determination of insurability and issuance of title insurance forms, which the witness does not do, and the definition of escrow or closing generally does not encompass witness services. For example, the statutory definition (in Colorado) provides that "closing and settlement services means providing services for the benefit of all necessary parties in connection with the sale, leasing, encumbering, mortgaging, creating a secured interest in and to real property, and the receipt and disbursement of money in connection with any sale, lease, encumbrance, mortgage, or deed of trust."

Do requirements for licensing title insurance personnel apply to witnesses? In some jurisdictions, key or significant full-time employees with discretionary authority, such as escrow, search, or marketing personnel, or personnel otherwise countersigning title insurance policies, must be licensed or appear on the title company license. Given that the typical witness performs none of these services, has no discretionary authority, and is not employed by a title company, licensing of that witness is not required.

Does a real estate closing conducted by a non-attorney constitute the unauthorized practice of law (UPL)? There have been several opinions in eastern states concluding that "real estate closings" are the practice of law.

For example, the West Virginia State Bar Committee on Unauthorized Practice of Law Opinion No. 2003-01 (approved

4/16/2003) states that: "While some ministerial and clerical functions occur as part of a real estate closing, i.e. preparation of the HUD settlement statements, simple execution of documents, and disbursement of proceeds, in general, legal principles are applied to the factual situation to determine if and how the transaction should be concluded. For example, there is a determination that the lender can obtain a valid first lien; that the legal description of the land conforms to the survey; that the title insurance requirements have been met; that evidence of hazard insurance is sufficient; that easements and other restrictions have been noted and have not been violated or encroached upon; and that legal instruments have been properly signed to constitute binding documents to achieve their legal purposes. Most importantly, however, it is inherent at the closing itself that buyers and sellers will have questions about the transaction and the documents, which answers necessarily go to their respective legal rights and obligations. Such answers are advising on legal matters. Thus, in West Virginia, generally, real estate closings constitute the practice of law."

In Massachusetts in *Mass. Conveyancers Assn., Inc. v. Colonial Title & Escrow, Inc.*, the court concluded that the title company had engaged in the unauthorized practice of law. The court noted that the title company reviewed the lender's closing documents for accuracy and consistency, it evaluated the title for defects and cleared those defects, it generated several documents, including the settlement statement, and it answered questions at closing about legal documents.

In North Carolina, Formal Ethics Opinion No. 4 indicates that a non-lawyer may not conduct a refinance transaction, although that opinion did not infringe on the right of a lender to represent itself.

In *State of South Carolina v. Buyers*

Service Company, Inc., the Supreme Court of South Carolina concluded that "real estate and mortgage loan closings should be conducted only under the supervision of attorneys, who have the ability to furnish their clients legal advice should the need

There have been several opinions in eastern states concluding that "real estate closings" are the practice of law.

arise and fall under the regulatory rules of this court. . .[W]hen [the physical transportation or mailing of documents to the courthouse] takes place as part of the real estate transfer, it falls under the practice of law. . . . The appropriate sequence of recording is critical in order to protect a purchaser's title to property."

The U.S. Department of Justice (DOJ) and the Federal Trade Commission (FTC) have been active in encouraging non-lawyer competition in real estate closings. On March 20, 2003, they issued a joint letter to the Standing Committee on the Unauthorized Practice of Law of the State Bar of Georgia urging that the preparation of a deed or the facilitation of its execution not constitute the unauthorized practice of law. They also suggested that, "less restrictive alternatives are available to protect consumers with regard to deed-related services. For example, the New Jersey Supreme Court requires written notice to consumers of the possible risks involved in proceeding with a real estate closing without an attorney. This measure permits consumers to make an informed choice about whether to use lay closing services. Virginia, confronted with similar issues, adopted the Consumer Real Estate Protection Act in 1997. This statute permits consumers to choose lay

closers but requires the state to regulate them, providing safeguards through licensure, registration, and the imposition of financial responsibility and rules for handling settlement

We also can expect the U.S. Department of Justice and the Federal Trade Commission to make efforts that encourage this form of outsourcing.

funds. Though more regulatory than the New Jersey approach, the Virginia approach is clearly a more pro-competitive alternative than an outright ban on lay closings.”

In a December 20, 2002, letter to the American Bar Association, the DOJ and the FTC also commented on the ABA Proposed Model Definition of the Practice of Law. “The DOJ and the FTC have been concerned particularly about attempts to restrict nonlawyer competition in real estate closings and have urged the states of Kentucky, Virginia, Rhode Island, and North Carolina to reject such restrictions, through letters to their State Bars (state agencies) and legislatures and through an amicus curiae brief filed with the Kentucky Supreme Court in 2000. In addition, the DOJ has challenged in court attempts by bar associations to restrain competition from nonlawyers, and the FTC has challenged anti-competitive restrictions on certain business practices of lawyers....The proposed Model Definition is overly broad because it would prohibit nonlawyers from offering a number of services that they currently provide in competition with lawyers to the benefit of consumers. These services arguably would include those that relate to real estate closings and related matters.”

Most states do not conclude that closing is the practice of law. Making

the UPL issue regarding witness signings more complicated in some states is that the witness will not act as an escrow agent, does not disburse funds, and often is instructed not to answer questions by the parties. Many in the lending community also believe that any UPL limits on closing services will be preempted by federal law with respect to depository institutions and their operating subsidiaries.

Does the witness signing constitute doing business in a state by lender or other person? Many states, like Pennsylvania, provide as exemptions from doing business by a foreign corporation “creating as borrower or lender, acquiring or incurring, obligations or mortgages or other security interests in real or personal property, securing or collecting debts or enforcing any rights in property securing them, transacting any business in interstate or foreign commerce..., inspecting, appraising and acquiring real estate and mortgages and other liens thereon and personal property and security interests therein, and holding, leasing, conveying and transferring them, as fiduciary or otherwise.” To the extent that the witness services are conducted on behalf of the lender in a mortgage transaction, those services may not, without additional conduct, constitute doing business within the state. Otherwise, whether a signing service is doing business in and is subject to jurisdiction and possible specific regulation of a state may depend on the adequacy of the minimum contacts sufficient to meet the requirements of due process, as evidence by the significance of activities taking place in the state. (See *International Shoe Co. v. Washington*.) That, of course, is an issue that can be argued based on the express terms of the state law, the activities of the witness, the location of contacts between the witness and the signing company, and any other

activities of the signing company within the state.

Are Signing Services the Future?

While some issues remain in particular states concerning the unauthorized practice of law and regulation, it appears that the demands for lower costs will continue to drive the expanded use of signing services, particularly on refinances and other existing ownership residential mortgage transactions. We also can expect the U.S. Department of Justice and the Federal Trade Commission to make efforts that encourage this form of outsourcing.

James L. Gosdin is senior vice president and senior underwriting counsel for Stewart Title Guaranty Company, Houston, TX. He is chair of the ALTA Liaison Committee with the National Association of Insurance Commissioners, and he is co-chair of the ALTA Reinsurance Committee. He is also a member of the ALTA Forms Committee, Bylaws Committee, and State Legislative and Regulatory Action Committee. He can be reached at jgosdin@stewart.com.

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The Latest in Financial Management & Human Resources Technology

by Alison Kasper Gareffa

If title agents could slow down a moment to find ways to streamline the back-room functions, they would have more time to devote to the front-room functions and making that aspect of their business more productive." This is a reply from John Monacelli, an expert in agent technology with Old Republic National Title, when asked why technology is so important to improve office productivity.

So how do we accomplish what John is talking about? My company currently uses many web-based applications to streamline our financial management and HR services. These applications have enabled our business to spend less time on the behind the scenes work and more time on value-added functions. They offer flexibility, portability and oversight capability. They can work easily in any title office.

But you know as well as I do that it is difficult to find the time to surf the Internet for solutions to these types of challenges. So, I have done the work for you. This article will offer alternative solutions to current office functions—tools offered via the Internet to help with your HR, timekeeping, payroll, accounting, and banking needs. Not only will you learn the names of applications we have discovered through our own research, but, more importantly, you will gain information and suggested keywords to do your own search. You will be surprised at how little time it takes and at how beneficial the results are.

Why Web-based Technology?

Why web-based technology? It is easy to take with you. All you need is your laptop or even the computer in the business center at your hotel. Web-based technology allows multiple users to access the system from different geographic locations. It can lower your IT costs since you are not spending money on expensive software upgrades or servers. With web-based technology, the upgrades are implemented almost seamlessly. There is no longer a need to purchase upgrades, wait for the CD-ROM to arrive and install it on your computer. Web-based technology also offers higher data security because the data is stored off-site, and you no longer have to buy tapes and spend time backing up your data.

Human Resources

HR products are plentiful. Many of the applications we find have more bells and whistles than our company could ever use. That is nice, but you pay for these bells and whistles—so it is important to find the right fit for the right price.

www.ebenefits.com is a site that offers tools such as performance reviews (which you can design yourself) and review reminders for employees who also fill out a self-review. When employees complete the self-review, the system will trigger a reminder for a manager to fill out his/her review of the employee and finally a reminder to the HR director to write up the final review. This site also has a paid leave module that



keeps track of vacation, sick, and/or paid time off. It allows the HR director to store data on all employees, generate reports such as birthday reminders, leave taken, leave not taken, and personal information to contact employees, etc. The nice thing about this site is that you can tailor it to suit your needs. If you'd like to search the Internet for other HR solutions, use keywords: web-based hr software.

Other sites offer timekeeping modules. In essence, you can utilize a web-based time clock so that your employees will walk in the door, turn on their computer, and clock in. If you are away from the office, you can see who is in, what time they arrived, etc., without having to call anyone. One such site is www.timecentre.com. Another site that integrates both HR and timekeeping features is www.qquesttime.com. Web-based methods of timekeeping allow you to have your "finger on the pulse" of your organization without physically being at your desk. To do your own search on these products, use keywords: web-based timekeeping.

Financial Management

Financial management is an integral

part of any organization. It is one of the necessary functions of the back office. It does not generate profit and quite often, as a result, few resources are allocated to streamlining the process. I know of some businesses in our industry that maintain their finances in ledger books rather than on the computer. The misconception is that the finance side (A/P, A/R, and Payroll) is not a profit center and, therefore, resources would be better spent in other areas of the business. In fact, if the financial management process could be streamlined, it would increase productivity and allow your staff to assist in other areas. The people who might be cutting checks, stuffing, sealing, mailing—all of which are quite time-consuming—could be assisting your organization in other ways to reduce overhead.

There are many approaches to financial management. Most companies use accounting software,

which is installed on the computer. We have found web-based accounting applications to be a more useful tool. They allow us to pay bills (either via bill pay or physical checks,) and the entries are made automatically. There is no need to download account activity from our bank's Web site to the accounting site. One such product that has been developed by a very reputable company, Oracle, is www.netledger.com. Other products that are similar (and also quite reputable) are offered by www.peachtree.com and www.quickbooks.com. Again, doing a little investigation of your company's needs, how many users will be on the system, and your budget will help you to find the best fit.

Payroll—it is the thorn in our side. It is one of those things that if you do it right, you do not get praise; if you do it wrong, you hear about it immediately. There are many

strategies with regard to payroll. The payroll process is multifaceted and begins with timekeeping. The issue of how you input that data and into what format is of primary consideration. We currently use a web-based timekeeping application that could be integrated with our payroll software. The goal is to download the data from the timekeeping application directly into the payroll software in order to save time. There are web-based solutions out there. One product called Easypaynet, offered by ADP at www.adp.com, integrates with www.timecentre.com so that the information is downloaded from the timekeeping application to the payroll application. Other products are www.surepayroll.com and www.paymaxx.com. The Internet is full of options, and these are just a few. To do your own search, go to any search engine and type in web-based payroll.



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Internet Banking

Internet banking has been extremely important to our company because it has allowed us to become independent. We no longer have to hope that our private banker is in the office and can process our transfer request. Gone are the days when we type up a transfer request, fax it to the bank, call the bank to be sure they received it, and wait for a return call or fax to confirm the transfer. Today, we simply get online, go to our bank's Web site, log in, and effect the transfer ourselves. A copy of the transfer confirmation is printed, logged into our web-based accounting software, and it is done! This method is easy, and it takes about one minute to do. All of the major banks and even many of the smaller ones offer Internet banking. There is a fee, but it is minimal if you consider the amount of autonomy it affords you and your staff. Do your homework, shop

around, find a bank you like and prices that you can live with, and you will never look back.

Worth the Time and Effort

While it may be difficult to imagine yourself or your company utilizing some of these web-based services, once you try them, you will wonder how you lived without them. This article came into being while I was in Myrtle Beach on vacation. As CFO of our company, I cannot put off some tasks associated with my job until my return. I have processed a payroll, checked employee attendance, paid bills through our accounting application, checked account balances from our banking Web site, and transferred money between accounts. It took me a short amount of time to do some critical tasks and still enjoy time away. I always take my laptop with me on business trips and have even processed payroll at ALTA

conventions. So if you think you cannot get away—you are wrong! There is no longer an excuse.

Invest a small amount of time to research some of the products on the market and the companies behind the applications. Think of it this way: if you could streamline some of the back-room functions, it would free up you and your staff to devote more time to your customers and to growing your business. That is what we are all here to do.

Alison Kaspar Gareffa is CFO of Kasparnet, LLC, a real estate title examining firm that covers all 88 Ohio counties. She also serves on the Ohio Land Title Association's PR Committee. She can be reached at: alisong@kasparnetllc.com or call (614) 523-1740.

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If you're too busy to think these days, you're not alone. With the industry booming and customers demanding quicker turnaround, you may be seeing room for improvement in your company. The members of ALTA's online Directory of Technology Products & Services and the new Directory of Business Products & Services are here to help! The people and companies listed below can help you with everything you need to succeed. They specialize in making your life easier by offering a wide variety of software solutions, computer hardware, business machines, technology consulting, Web site development, document management, hiring coordination, temporary services, employee training, employee benefits, sales & marketing consulting, promotional materials, business valuation, legal services, professional insurance, and so much more. Go to ALTA's Home Page and Click on Business Partners to access these directions online.

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www.aztechsoft.com

APSCREEN, Inc.
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APTitude Solutions
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AZ Ink, Ltd.
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PrintDepartment.com

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Pursuit Software Inc.

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RamQuest Software, Inc.

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RCI Teleconferencing

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Silver Bay Systems, Inc.

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Model Legislation

The National Conference of Commissioners on Uniform State Laws is drafting model legislation to provide consistent wording in the handling of mortgages throughout the United States.

The drafting committee met in May for the first time during a conference in Atlanta, Georgia, to create a Uniform Mortgage Satisfaction Act.

The proposed act would establish a 30-day grace period for mortgage lenders to provide recordable notices of satisfaction after the full payment of a debt. After that period, the owner of the mortgaged land may make a written demand upon the lender. If the lender still fails to record a satisfaction within an additional 30 days, the act then permits the owner of the mortgaged land to recover a civil penalty and any actual damages.

Drafters also hope to establish a nonjudicial procedure to allow an authorized person, such as a closing agent, to record a notice of satisfaction if the lender fails to provide a notice within the grace period.

"There needs to be consistency in how these things are handled," said PRIA member William Hultman, an observer of the act's drafting process.

State laws vary widely regarding mortgage satisfaction. All states also are inconsistent in imposing penalties on noncompliant lenders, imposing fines ranging from as little as \$10 to as high as \$25,000.

"It's so early in the process that it's difficult to say how this will impact the recording industry," said Kate Teal, a PRIA member who is also serving as an observer during the drafting process. "There needs to be some consistency in all the states for work done after a mortgage is paid."

Property Records Industry Association

P.O. Box 3159
Durham, NC 27715-3159
(919) 433-0121

Michael R. Borden
coordinator@pria.us

New Committee

Inspired by the National Conference of Commissioners on Uniform State Laws (NCCUSL), PRIA has formed a committee to consider establishing standards for property identification numbers (PIN).

The Parcel Code Committee is being cochaired by Jay Sibley, president of Title Data Inc. of Houston, Texas, and Diane Swoboda Peterson, Woodbury County Deputy Recorder in Iowa.

"At NCCUSL's meeting in February in Dallas, they came up with the idea of standardizing these PIN numbers," Peterson said. "It's important to us in PRIA. The standardization of parcel numbers would be great, just like the standardization of everything. Right now, all the states use a different system. We need some uniformity."

PRIA president Mark Monacelli thought this was a topic well suited to the PRIA membership and suggested formation of the new committee.

"We're planning on an inventory of PIN numbers as it relates to the industry, developing a uniform standard for the addition of this parcel code and then preparing a white paper with PRIA's recommendation," Peterson said. The white paper will then be presented to NCCUSL.

Anyone interested in joining the Parcel Code Committee can contact Peterson at (712) 279-6528.

PRIA Briefs

New Missouri Law

A bill restricting access to military service records filed with county recorders' offices has been signed into law in Missouri.

Senate Bill 325 requires persons requesting images of military records to submit a notarized request to the recorder. The law also prohibits military discharge documents from being used for commercial or speculative purposes.

There has been growing concern in the recording industry over potential misuse of personal information in certain public records.

"A social security number is irrelevant on a mortgage, but people put it there anyway," said Carl Ernst, co-chair of PRIA's Records Access Policy Advisory Committee. "Those are not required by statute and should not be part of a recorded document. On the other hand, there is certain necessary information that must be on a deed or mortgage. The trick is balancing out the different viewpoints."

E-Directory Available

The latest version of the PRIA membership e-directory is now available. Nonmembers can access an abbreviated version of the directory without contact information by visiting taskforce.cifnet.com/priaus/publicdirectory.htm and following the instructions on the Web page. Members can obtain a full version of the directory by contacting coordinator@pria.us.



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A stylized graphic illustration of a sunset over a mountain range. The sun is a large circle with a black outline, partially obscured by a mountain peak. The sky is divided into horizontal bands of orange, yellow, and red. The mountains are depicted with black outlines and filled with shades of brown and tan. The entire scene is set against a dark background.

ALTA 2003 Annual Convention
October 22-25 • Arizona Biltmore • Phoenix, Arizona

**Bold Concepts
for Challenging Times**

Schedule-at-a-Glance

Tuesday, October 21

8:00am-4:00pm
Convention Registration

8:30am-4:00pm
Education Committee Meeting

9:00am-5:00pm
Title Insurance Forms Committee Meeting

9:00am-5:00pm
Technology Committee Meeting

2:00pm-5:00pm
Government Affairs Committee Meeting

Wednesday, October 22

8:00am-7:00pm
Convention Registration

9:00am-12noon
Tour*: Oasis in the City - A Visit to the Desert Botanical Gardens

9:00am-12noon
Abstracters & Title Insurance Agents Section Executive Committee Meeting. (All abstracter and agent members are invited and encouraged to attend)

9:00am-12noon
Title Insurance Underwriter Section Executive Committee Meeting

9:00am-12noon
Title Insurance Forms Committee Meeting

11:00am-4:00pm
Affiliated Title Association Officer-Executive Brunch & Meeting (open to state association staff and officers)

11:00am-2:30pm
Past Presidents' Luncheon (by invitation)

12noon-3:00pm
Indian Land Claims Committee Meeting

1:00pm-5:00pm
Tour*: Saddle Up and Ride into the Tonto National Forest

2:00pm-4:00pm
Membership & Organization Committee Meeting

1:30pm-5:00pm
ALTA Board of Governors Meeting (meeting is open to all members, unless in Executive Session)

5:30pm-6:30pm
First Time Convention Attendee and New Member Mixer (by invitation)

6:30pm-8:00pm
Ice Breaker Reception/ Grand Opening of Exhibit Showcase

Thursday, October 23

6:00am-9:00am
Tour*: Up, Up, and Away - Hot Air Ballooning

7:30am-9:00am
Continental Breakfast

7:30am-1:00pm
Convention Registration

7:30am-8:15am
TIPAC Board of Trustees Breakfast & Meeting

7:30am-8:30am
International Development Committee Meeting

7:30am-12noon
Exhibit Showcase

8:30am-10:00am
General Session

9:00am-10:00am
Vendor Task Force Meeting

9:00am-12noon
Tour*: Oasis in the City - A Visit to the Desert Botanical Gardens

10:00am-10:15am
Title Insurance Abstracters/ Agents Section Meeting

10:00am-10:15am
Title Insurance Underwriters Section Meeting

10:15am-1:00pm
Professional Development & Expo Sessions

12:00noon-4:00pm
Tour*: Farm at South Mountain - Contemporary Mexican Cooking Class

2:00pm-4:00pm
TIAC Board & Shareholders Meeting
3:00pm-4:30pm
Public Relations Committee Meeting

Friday, October 24

7:15am-8:15am
State Legislative/Regulatory Action Committee (SLRAC) Breakfast & Meeting

7:30am-9:00am
Continental Breakfast

7:30am-11:30am
Convention Registration

7:30am-11:30am
Exhibit Showcase

8:30am-11:30am
Professional Development & Expo Sessions

9:00am-11:30am
Companion/Guest Program

9:00am-5:00pm
Lender Counsel Meeting

9:45am-10:15am
Exhibit Showcase Break & Prize Drawing

11:45am-6:00pm
Golf Tournament*

12noon-4:00pm
Tour*: Farm at South Mountain - Provencal Organic Pantry

12noon-4:00pm
Tour*: Farm at South Mountain - Essential Oils Class & Lunch

1:30pm-4:30pm
Tennis Tournament*

2:00pm-4:00pm
Title Triumph™ Tournament & Ice Cream Social

Saturday, October 25

7:30am-9:00am
Continental Breakfast

7:30am-10:30am
Exhibit Showcase

7:30am-12noon
Convention Registration

8:00am-12noon
Tour*: Flatwater River Float

8:30am-12noon
General Session

1:30pm-5:00pm
Tour*: Desert Storm Hummer

1:30pm-4:00pm
Croquet Lessons & Tournament*

6:30pm-7:15pm
Reception

7:15pm-11:00pm
Annual Banquet (black tie optional)

ALTA's 2003 Annual Convention is an event NOT TO BE MISSED!

****JUST ADDED****

New Session
ALTA Public Awareness Campaign Update
Thursday, October 23 • 11:45am-12:30pm
ALTA's public relations firm Ervin|Bell will unveil the new Title Industry Marketing Kit to help you promote the value of title insurance in your local market.

****WIN A PLASMA TV****

Be in the Exhibit Showcase Friday, October 24, between 9:45am and 10:15am, for your chance to win a **42" PLASMA TV** sponsored by Reconveyance Services, Inc.

September 26 is the deadline for Early Registration and rooms at the Arizona Biltmore (1-800-950-0086)

Save time and money! Register online TODAY at www.alta.org

Questions? Call ALTA at 1-800-787-ALTA

Important Information
PLEASE READ CAREFULLY

1. Please submit one form for each primary registrant.

Payment for the full amount of the convention registration, plus any additional optional participation fees, must accompany this form. You may fax your registration to ALTA at (888) FAX-ALTA or (202) 223-5843. Faxed registration forms will be processed only if accompanied by a credit card, otherwise, they will be held until payment is received and charged the applicable registration fee at that time.

2. Important Dates: Your fully-paid registration must be postmarked by September 26, 2003.

In order for you to qualify for discount registration fees and inclusion in the printed advance registration list. Registrations postmarked after September 26 will be charged regular registration fees. You must register on-site in Phoenix after October 10.

3. Hotel Reservations: Please call the Biltmore at 800-950-0086 for your hotel reservations. Specify you are with the American Land Title Association. **The hotel cut-off date is September 26.**

4. Refund and Cancellation Policy: Refund requests for registration fees must be received in writing by October 10, 2003. A \$75 processing fee will be applied to all refunds. All optional events are fully refundable before October 10. **No refunds on registration fees, tours or tournaments after October 10, 2003**

5. Disability Assistance: If you have a disability or special dietary needs that require special attention, please indicate:

ALTA 2003 Annual Convention Registration Form

1. Contact Information

Primary Registrant

Name		Badge Name
Organization		
Street Address		
City	State	Zip Code
Phone	Fax	Email Address
Is this your first ALTA Convention		<input type="checkbox"/> Yes <input type="checkbox"/> No

Companion/Guest or Guest of Honorary Member

Name	Badge Name
------	------------

2. Registration Fees

Registration Fees for the Annual Convention - Wednesday, October 22 through Saturday, October 25 - include: Ice Breaker Reception, General Sessions, Professional Development & Expo Sessions, Exhibit Showcase Functions, and Annual Banquet Ticket.

Please check applicable box(es).

Deadline:	Early Bird 9/26/03	Regular 10/10/03	On-site 10/11/03
1. Active/Associate Members	<input type="checkbox"/> \$649	<input type="checkbox"/> \$725	<input type="checkbox"/> \$800
2. ALTA Honorary Members (If retired, registration is complimentary)	<input type="checkbox"/> \$225	<input type="checkbox"/> \$225	<input type="checkbox"/> \$225
3. Non-members	<input type="checkbox"/> \$879	<input type="checkbox"/> \$955	<input type="checkbox"/> \$1030
4. Companion/Guest (non-industry)	<input type="checkbox"/> \$329	<input type="checkbox"/> \$400	<input type="checkbox"/> \$475
Free Companion Brunch Ticket included. Do you plan to attend the Companion Brunch? <input type="checkbox"/> Yes <input type="checkbox"/> No			
5. Guest of Honorary Member	<input type="checkbox"/> \$150	<input type="checkbox"/> \$150	<input type="checkbox"/> \$150
Free Companion Brunch Ticket included. Do you plan to attend the Companion Program? <input type="checkbox"/> Yes <input type="checkbox"/> No			

3. Payment Info

Registration Totals

Total Registration Fees:

Total Optional Events Fees:
(from next page)

Total Enclosed:

\$ _____

Payment Method

Check No.

M/C VISA
 AMEX (up to \$2500)

Account #

Exp.

Signature

Mail Registration to:

American Land Title Association • 1828 L Street, NW • Suite 705 • Washington, DC 20036

Optional Events

Hours are subject to cancellation if minimums are not met.

	Cost	Qty	Total
Wednesday, October 22			
A. A visit to the Desert Botanical Gardens 9:00am-12noon	\$57	_____	_____
B. Affiliate Assn. Executives Seminar & Brunch 11:00am-4:00pm	Free	_____	_____
C. Saddle Up - Ride in the Tonto National Forest 1:00pm-5:00pm	\$90	_____	_____
D. Extra Ice-Breaker Ticket: 6:30-8:00pm	\$85	_____	_____
Thursday, October 23			
A. Up, Up and Away - Hot Air Ballooning 6:00am-9:00am	\$175	_____	_____
B. A visit to the Desert Botanical Gardens 9:00am-12noon	\$57	_____	_____
C. Contemporary Mexican Cooking Class 12noon-4:00pm	\$117	_____	_____
Friday, October 24			
A. Grassroots/SLRAC Breakfast 7:15am-8:15am	Free	_____	_____
B. Companion/Guest Program 9:00am-11:30am (Free with Guest Registration)	Free	_____	_____
C. Companion/Guest Program Extra Ticket	\$125	_____	_____
D. Lender Counsel Meeting - Member 9:00am-5:00pm	\$65	_____	_____
E. Lender Counsel Meeting - Guest 9:00am-5:00pm	\$75	_____	_____
F. Golf Tournament (Complete section 4a at right) 11:45am-6:00pm	\$190	_____	_____
G. Provençal Organic Pantry Cooking Class 12noon-4:00pm	\$117	_____	_____
H. Essential Oils Class & Lunch: 12noon-4:00pm	\$117	_____	_____
I. Tennis Tournament: 1:30-4:30pm (Complete section 4b at right)	\$75	_____	_____
Saturday, October 25			
A. Flatwater River Float 8:00am-12noon	\$109	_____	_____
B. Desert Storm Hummer Tour 1:30pm-5:00pm	\$170	_____	_____
C. Croquet Lessons & Tournament 1:30pm-4:00pm	\$35	_____	_____
D. Extra Annual Banquet Ticket	\$150	_____	_____
Total Options			

Please fax Golf and Tennis registration by October 10 to Sharon Johnson at ALTA, 1-888-FAX-ALTA.

4a. Golf Registration

(Item "M" in Optional Events Registration to the left) \$190 per person includes greens fee on Adobe Course, 4-person scramble, golf cart, boxed lunch, beverages, and awards. Proper golf attire is required for play. If we do not receive your preference by October 10, ALTA will do the pairings.

Persons with whom you wish to play:

1. Name (Group Contact) _____

Company _____ Phone _____

Handicap or average score: _____

Club Rental: Yes Right Left

Shoe Rental: Male Size _____ Female Size _____

2. Name _____

Company _____ Phone _____

Handicap or average score: _____

Club Rental: Yes Right Left

Shoe Rental: Male Size _____ Female Size _____

3. Name _____

Company _____ Phone _____

Handicap or average score: _____

Club Rental: Yes Right Left

Shoe Rental: Male Size _____ Female Size _____

4. Name _____

Company _____ Phone _____

Handicap or average score: _____

Club Rental: Yes Right Left

Shoe Rental: Male Size _____ Female Size _____

4b. Tennis Registration

(Item "P" in Optional Events Registration to the left) \$75 per person. The tournament will be a mixed doubles round-robin. Proper tennis attire is required for play. Fee includes snack, court fee, balls, tennis pro, and awards.

Raquet Rental:

Yes No

Please indicate level of play:

Beginner Intermediate Advanced

member news

Kudos Correction

Chuck L. Juhl has been named Title Person of the Year for the Iowa Land Title Association. Juhl, owner of Benton County Title Company, was recognized for his contributions to the Iowa land title industry.



Juhl has been very active in both ILTA and ALTA. He served as ILTA Title News editor from 1983 to 1993; ILTA secretary from 1986 to 1994; ALTA Board member from 1992 to 1993; and ALTA finance chairman from 1994 to 1995. He played a vital role in the planning process of the ILTA 100th Anniversary Celebration and has given tireless hours to help create the commemorative video that will be distributed to the ILTA membership this summer.

Juhl is also active in the community, serving as Vinton Community School District board member from 1981 to 1987, and president from 1986 to 1987.

Movers & Shakers

Arizona

The Talon Group, First American Title Insurance Company's new division, announced the addition of **James Clifford** and **Nick Velimirovich** to manage the Phoenix office. Prior to joining The Talon Group, Clifford and Velimirovich served as president and chief executive officer, respectively, for a leading title agency in Maricopa County.



Clifford



Velimirovich

Illinois

Jeff Dahlen has joined Stewart Title Guaranty Company's National Title Services as manager of the Chicago office. **Whitney**



Goulden has been appointed as national business development officer. Dahlen has nearly 20 years of industry experience; Goulden has more than 15 years experience in sales.



Kansas

Title Midwest, Inc., Topeka, has announced two promotions. **John Schuster** has been promoted to regional vice president for Kansas. Previously, Schuster was president of Kansas Secured Title - Douglas County. **Mary Gird** was promoted to corporate and regional marketing director. Previously, Gird held positions as vice president/closing manager, and as vice president/manager of TMI's Kansas City start-up operation.



Michigan

Metropolitan Title Company, Howell, has announced three new positions. **Terry Brown**, currently East Michigan regional manager and senior vice president, has been promoted to president. Brown has worked for Metropolitan Title since 1984.



new ALTA members

ACTIVE MEMBERS

Alabama

Kenneth D. Davis
Tuscaloosa

Arkansas

James Pender
First National Title Company
Little Rock

E. Marc Oudin
Title Insurance Exchange
Pine Bluff

Arizona

John Corey
TiGro Agency, Inc.
Phoenix

Connecticut

Sharon Banker
SB Title, LLC
Pawcatuck

Florida

John Soranno
Soranno Enterprises Inc.
Inverness

Leslie Rodriguez
Title Insurance Agency of Florida
Miami

Kenneth Mackay
Ocala Land Title Insurance Agency,
Ltd.
Ocala

Nancy Deichman
Premier Title of Ocala, Inc.
Ocala

Georgia

Daniel A. Silvers
Atlanta

Jeff Reilly

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Dennis Lintemuth, currently West Michigan regional manager and senior vice president, has been promoted to chief operations officer and senior vice president. He has worked for Metropolitan since 1988.



And **David Smessaert**, currently Indiana regional manager and vice president, has accepted the additional assignment of chief information officer. Smessaert has worked for Metropolitan since 1997.



Nebraska

Charlie Weber has been named regional vice president for Title Midwest, Inc.'s operations in Nebraska. Nebraska Title Companies in Omaha and South Sioux City are added to Weber's charge. Previously, Weber served as president of Nebraska Title Company in Lincoln.

Ohio

Midland Title Security, Inc., Cleveland, has announced two new employees. **Sherry Lunt** has been hired as vice president account manager for a five-county area. Lunt brings nearly ten years of experience with First American Title, the parent for Midland. **Sally Steining** has been named Midland's Cleveland branch manager. Prior to Midland, Steining held related positions in title firms in Virginia as well as Summit County, OH.



new ALTA members

Georgia, cont.

- J & B Title
Conyers
- Clinton Setser
Integrity Real Estate Group, Inc.
Decatur
- Pam Bazter
Today's Title of North Georgia
Ellijay
- Luke Hall
Innovative Research Consultants, Inc.
Kennesaw

Iowa

- Jeffrey Millhollin
Corning Title Company
Corning

Illinois

- Tony Valevicius
Principal Title Company, LLC
Bolingbrook
- James Deboer
Citywide Title
Chicago
- Mauricio Sanchez
Sanchez & Rivera Title
Chicago

Indiana

- Michael Feldbusch
U.S. Surveyor
Evansville
 - Laura Jones
Crossland Title Services
Lebanon
- Kentucky**
- Jowanna Osborne
Thorough-Search Title Abstracting
Lily
 - Ilan Servant
Real Land Abstract, LLC
Taylor Mill

Louisiana

- David Carley
Signature Title & Abstract Company,
LLC
Baton Rouge
- Mary Stimac
Baton Rouge
- Melvin Maxwell
Insured Title Company, Ltd.
Lafayette
- Delane Sarver
Landmark Title Services of Lake
Charles, Inc.
Lake Charles
- P. David Mitchell
M & M Title LLC
Shreveport

Massachusetts

- Cathy Ann Bergen
Cambridge
- Len Page
Len Page Paralegal/Research Services
New Bedford
- Robin Tichnor
Cheimets & Tichnor
Newburyport

Maryland

- Teresa Muldrow
Metro Appraisal & Title Search
Clinton

Michigan

- Vikki Magdich
Security Title Services, LLC
Farmington
- Chad Wester
Marquette County Title Co.
Marquette
- Walter Quillico
Title Giant
Southfield
- Jerome Jelinek
Corporate Title Agency
Traverse City

Missouri

- Charles Rouse
Steelman Abstract
Salem



Ohio, cont.

First American Title Insurance Company, Cleveland, has promoted **Pam Riley** to agency information technology specialist for the state. Prior to her new position, Riley worked for 2 ½ years for SMS, a wholly owned subsidiary of First American.



Texas

Travis Wright has joined Stewart Title Guaranty Company's National Title Services as senior vice president, manager of national affiliated and related businesses. He has more than 20 years of real estate industry experience, most recently as a consultant.



Landata Sytems, Inc., a wholly owned subsidiary of Stewart Information Services has promoted **Gary Morris** to senior vice president of the technical services division and **Chuck Warner** has been promoted to vice president of the software development division. He has more than 20 years experience with Landata.



Morris



Warner

West Virginia

Scott Ruley has joined First American Title Insurance Company as the agency representative for West Virginia. Prior to joining First American, he was an account executive for nearly 15 years at WCHS/WVAH TV in Huntington.



Retiring

Russell W. Jordan, III, EVP, general counsel, and corporate secretary for LandAmerica Financial Group, Inc., Richmond, has elected to retire in January 2004.



Jordan joined Lawyers Title Insurance Corporation, a subsidiary of LandAmerica, in 1969 as a title attorney in the headquarters office. He was a key member of the team that created LandAmerica through the combination of Lawyers Title with Commonwealth/Transnation in 1998. Jordan has been an active member of ALTA for many years, currently serving on the Bylaws and International Development Committees. Details: Lloyd Osgood, 804-267-8133.

Mergers & Acquisitions

First American Title Insurance Company announced the acquisition of Midstate Title Company of Okemos, MI. The acquisition adds Midstate to The Talon Group, First American's new title division.

First American Title Insurance Company, Santa Ana, CA, has acquired Allegiance Title Company of Dallas.

Monroe Title Insurance Corp., Monroe, NY announced the purchase of L.J. Abstract Services, LLC, in Owego, NY.

Charles Jones announced that Certified Municipal Searchers, Inc., has joined the Charles Jones family of companies in Trenton, NJ.

new ALTA members

Missouri, cont.

Shawn Briner
Heritage Title
St. Louis

Nebraska

Deanna Chandler
Empire Title of Nebraska, Inc.
Omaha

New Hampshire

John Rab
Skyline Title Service, Inc.
Keene

New Jersey

Helene Buchanan
Barrister Title Agency, Inc.
Cherry Hill
Mark Wagner
Legacy Title, LLC
Hackensack
Richard Renna
Suburban Title & Abstract, Inc.
Hackensack
Richard Pollock
Vanguard Title Agency of
New Jersey, Inc.
Trenton

New York

James Bombino
CJP Abstract, LLC.
Staten Island

Ohio

Ronald Yacobozzi
1st Nationwide Title Agency
Lorain

Tennessee

Kelley Hinsley
Heartland Title Services, Inc.
Morristown

Texas

Donna S. Heinlein
Elliott, Heinlein, & Jones, P.C.
Crosby

Virginia

James Mitchell
Metropolitan Preferred Title Agency,
L.L.C.
Chantilly
Cynthia Sherwood
PH Title, LLC
Chesterfield
Heather Roberts
American Title & Escrow LLC
Fairfax
Alex LauFer
Fair Lakes Realty Services, Inc.
Fairfax
Richard Bolger
Old Virginia Title
Fairfax
Xe Nguyen
Associated Title Corp.
Falls Church
Connie Kelso
Superior Settlement Services, LLC
Fredericksburg

James O'Reilly
Herndon Title Company
Herndon
Timothy Akers
Kanawha Land Title Services, LLC
Richmond
Laurie Leavitt
Roanoke
Fitzgerald Lewis
Lewis Settlement Group, Inc.
Springfield
Ben Black
Whitney, Mason & Co. LLC
Woodbridge

ASSOCIATE MEMBERS

California

Sonya Brown
Ameriquest Mortgage Company
Orange
Russell D. Hudak
Wteli & Associates
Pleasant Hill

Colorado

Robert Reece
Advanced Title Technology, Inc.
Grand Junction

Florida

Charlene Carpenter
Nuyen, Tomtishen and Aoun, P.C.
St. Petersburg

Massachusetts

Robert Troiano
Virtual Technology Resources
Wellesley

Pennsylvania

Jacqui Krause
Just Looking Logos
Blue Bell

Wisconsin

Curt Szymanski
Windward Consulting, LLC
Waunakee

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