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American Land Title Association

TitleNews

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RANDE YEAGER: It Has To Be A Team Effort

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- Hammering Home the American Dream
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Rande Yeager: It Has To Be A Team Effort

by Ellen Schweppe

Rande Yeager from Old Republic was installed as ALTA's 2005-2006 president this past October in New York. Read about his commitment to the industry and ALTA and his drive to recruit new members.

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by Michelle Sweet

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leading edge

A Message from the President

What's Important?

When you sit down to write an article after a catastrophe such as Hurricane Katrina or the attack on the World Trade Center, you have to ask yourself, "What could possibly be as significant, meaningful, or thought-provoking about a business issue?" Emotions run high in terms of concerns for the welfare and safety of those affected by a disaster. Our issues aren't going to immediately displace us from our homes or endanger our lives. Let's be honest; these aren't the hardest of times in the title business.

In fact there has never been a devastating event in the history of our industry. We survived RESPA laws enacted in the 70s, 18% interest rates in the early 80s, and all sorts of competitive twists and turns for the past 15 years. So what's important about anything that's going on with title insurance?



In the aftermath of destruction, families come together to support those that have a loss. Leagues of private citizens and businesses contribute to the relief effort. Government support arrives to rescue, sustain, and rebuild communities as well as lives. In time, wounds heal, sorrow subsides, and lives as well as property will be rebuilt. Is there something to be learned here? I think so. The lessons are about understanding, determination, contribution, and selflessness. And they apply to our issues as much as they do to a calamity.

Let me suggest that without understanding an issue, it's difficult to do something about it. How much do you know about RESPA and GSE reform, the SMART ACT, mortgage impairment insurance, or any of the issues that can play out negatively for our industry? If you didn't know anything about these issues, how would you find out about them? The best source? The resource that HUD uses to keep up on the latest developments on RESPA reform—www.ALTA.org.

Okay, you understand the issues. You're fired up! What can you do? Simple! First, contact ALTA. Let the staff know that you are concerned and you want to do something. You can donate your time, money, or both. Complacency is our worst enemy. Don't assume that someone else will resolve the issues for you.

Things may not always go our way. But if you are determined to protect the welfare of our industry, you can make a difference. So what's important? You, your contributions, tenacity, and concern for the health of our business.

Rande Yeager

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New ALTA Board Installed

The 2005-2006 ALTA Board of Governors was installed in October at ALTA's Annual Convention in New York.



They are, from left to right, Gary L. Kermott, First American Title Insurance Co., Santa Ana, CA; Theodore L. Chandler, Jr., LandAmerica Financial Group, Inc., Richmond, VA; immediate past-president Mark A. Bilbrey, Warranty Title and Abstract, Inc, El Reno, OK; Anne L. Anastasi, CLTP, Genesis Abstract, Inc., Hatboro, PA; president-elect Michael F. Wille, The Title Co., Inc., La Crosse, WI; president Rande K. Yeager, Old Republic National Title Insurance Co., Minneapolis, MN; Christopher Abbinante, Fidelity National Financial, Inc., Chicago, IL; Mark E. Winter, Stewart Title Guaranty, Washington, DC; Jack Rattikin III, Rattikin Title Co., Fort Worth, TX; Gregory M. Kosin, Greater Illinois Title Co., Chicago, IL; and Frank A. Tauches, Jr., Madison Abstract, Inc., Scarsdale, NY.

\$350 Raised for Hurricane Katrina Relief

And the winner is..... Habitat for Humanity! During ALTA's convention in New York, a raffle was held for a pair of tickets to see the Broadway smash hit, *Spamalot*. ALTA members were very generous even if they knew they would not be able to attend the show. Working with the president and Board of Governors, Habitat for Humanity was selected as the charity for the donation. Thanks to everyone who participated!

calendar

ALTA Events

March

5-8

2006 Federal Conference
The Fairmont, Washington, DC

April

April 30-May 2

Tech Forum 2006
Mandalay Bay Resort
& Casino, Las Vegas

State Conventions

November

16-19

Florida

December

16-19

Louisiana

TIAC Errors & Omissions Insurance Still Strong

Several title agencies insured in a Lloyd's of London E&O insurance program have found their policies cancelled midterm as Lloyd's joins the long and growing list of insurers ceasing to insure title agents and abstracters. Conversely, Title Industry Assurance Company (TIAC), a member-owned, ALTA-endorsed E&O insurance provider, has recently celebrated its 17th anniversary of providing a long-term, stable E&O market to eligible ALTA members. TIAC is endorsed by all of the major national title underwriters. To learn more about the TIAC E&O program, click on the TIAC logo on the ALTA Web site.

TIAC Provides 90-day Extension to Insureds

The Title Industry Assurance Company provides professional liability insurance to more than 110 title insurance agents and abstracters in Louisiana and Alabama. An unknown number of



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these insureds have been affected by Hurricane Katrina. Several of these insureds' policies expired in the days subsequent to Hurricane Katrina, and more policies will expire in the next several months. TIAC understands that insureds affected by Hurricane Katrina may be unable to attend to renewal of their insurance coverage, as many have more urgent matters that require their attention, and others may lack access to the records or means of communication needed to process their renewals. In order to assist insureds affected by Hurricane Katrina, TIAC will provide, at no charge, a 90-day Automatic Extended Reporting Period endorsement effective upon expiration of policies carried by TIAC insureds in the areas affected by Hurricane Katrina. TIAC will continue to monitor the situation and may, as appropriate in the circumstances faced by its insureds, extend the length of the extended reporting period beyond the initial 90 days. For more information, contact Rich Curd at rich@cpim.com

Title Industry Statistics Released

For the seventh year, ALTA has collaborated with A.M. Best on the report, "Title Insurance and Industry Statistics" released in October 2005. The study outlines the history of title insurance and the economic growth in 2004, and it examines title industry attributes, economic results and issues, regulatory environment, business risks, and unique challenges the industry faces in the rapidly changing real estate and insurance markets. Data presented was gathered from various U.S. government agencies, the National Association of Insurance Commissioners, the National Association of Home Builders, A.M. Best, and filed statements presented by various title insurance companies in accordance with Generally Accepted Accounting Principles and Statutory Accounting Standards as represented by management.

ALTA Board Adopts Hurricane Resolution

The following resolution was adopted by the ALTA Board of Governors this past October in New York:

Whereas, the Board and members of the American Land Title Association have great concern and sympathy for the plight of the people of the Gulf Coast area impacted by Hurricanes Katrina and Rita;

Whereas, the Board recognizes that a vital element of the economic recovery of the area and the emotional recovery of its people is the efficient and effective operation of the mortgage finance and conveyancing system ["System"] generally;

Whereas, the Board views the unique talents and resources of the title industry, both in the region and throughout the rest of the country, as valuable assets in aiding the restoration of an efficient and effective System;

Whereas, the talents and resources of the title industry in areas such as land records management, records restoration, statutory recording infrastructure, records management software and imaging, and other title information and legal document recordation activities may aid in the restoration of an efficient and effective System;

Whereas, the precise needs of the different counties and parishes affected by these disasters are currently unknown and may vary considerably

Now, therefore, be it resolved that, the Board shall establish a task force for the purpose of obtaining information relating to the needs of the areas impacted by these disasters relating to the restoration of an efficient and effective mortgage finance and conveyancing system; marshaling the assets, both financial and human, to bring about the restoration of that system, focusing particularly, but not limited to, matters relating to land title records; developing public education and awareness regarding how consumers can access the mortgage finance system, focusing particularly on matters relating to title evidence and the settlement process.

ALTAnews

New Arbitration Rules; New Administrator

The Title Insurance Arbitration Rules (TIAR) have been revised, largely by changing the cross-reference from the American Arbitration Association (AAA) to the National Arbitration Forum (NAF). AAA, which has been specifically referenced in all ALTA policy forms since 1987, has declined to administer title insurance arbitration disputes under specialized rules, and so a change in administrators was considered necessary. NAF has specialized rosters of arbitrators, and its rules better serve the interests of both the consumer and title industry. These new rules will take effect on January 1, 2006. Despite the past and current policy reference to AAA (which would be changed to a neutral reference to TIAR in the new policy discussed above), counsel to ALTA and our Title Insurance Forms Committee believes this is a ministerial matter and that courts will enforce the arbitration provision administered through NAF despite the reference to the other administration organization in the policy.

New England LTA Gets a Thank-You

A big thank-you goes to the New England Land Title

Association for its generous donation to the ALTA public awareness campaign. ALTA would not be able to support the campaign without the donations from members. If you would like more information on the campaign, visit the ALTA Web site and look for the link to the Public Awareness Campaign on the right-hand side.



Call for Presentations Announced

The ALTA Technology Committee has identified four educational tracks for Tech Forum 2006 and is accepting presentations from the membership in the following areas:

- Expo Classroom (for Title Operations topics, adjacent to the Exhibit Showcase)
- Sharpening Your Edge (for the Owner/Manager)
- The Competitive Edge (for Sales, Marketing, and Strategy topics)
- The Cutting Edge (for the latest, greatest, and hottest in today's technology)



You can submit your presentation idea on ALTA's Web site. Look for the "Meetings" section on the right-hand side and select Tech Forum. In the Call for Presentations Form, you'll find a drop-down box with a list of Core Content areas. Your topic should fit into one or more of these Core Content areas.

The deadline for submissions is December 1, 2006, and you will receive a confirmation that your proposal has been received by that date. The Technology Committee will review submissions during December and complete the final selection process in early January. You will know the final status of your proposal by mid-January 2006. If you have questions or concerns in the meantime, please contact Kelly Romeo, ALTA director of technology, at kelly_romeo@alta.org.

GOVERNMENT & AGENCY news

Many Issues ALTA Monitors on Hold

Congress returned early from recess this past August to deal with the aftermath of Hurricane Katrina. Additionally, Congress has been busy with Supreme Court nominations and the 2006 appropriation bills. Many of the issues that were supposed to be on the list to be discussed before the winter break, are now on the back burner. In true Congressional fashion, Hurricane Katrina issues have even entered into some of the other items on its agenda. For instance, GSE Reform Legislation.

GSE Reform Legislation

You will recall that earlier this year, the ALTA Government Affairs Committee recommended that ALTA try to limit the involvement of Fannie Mae and Freddie Mac in the title insurance industry. ALTA is supporting the concept of a "bright line test" as found in the Senate bill on GSE reform. We are in a coalition with the Mortgage Bankers Association to assure that some type of statutory or regulatory restriction is placed on GSE entry into title insurance activities or products. Before recess, both Chambers vowed to work together to iron out the differences in the House and Senate bills dealing with affordable housing issues. The House bill was expected to go the House floor shortly after the August recess. However, the bill was modified to send hundreds of millions of dollars in housing assistance to victims of Hurricane Katrina, which temporarily stalled the bill. At press time, several house lawmakers planned to introduce amendments to a bill at the end of October that would create a new independent regulator for the GSEs. No Senate action is expected this year.

State-Based Insurance Regulatory Reform Update

For now, this once hot item has cooled. ALTA had been actively involved in the SMART Act (State Modernization and Regulatory Transparency Act) issue, which sought to standardize many insurance practices at

the state level. ALTA filed comments and participated in weekly meetings working on the draft legislative language with Capitol Hill staff and other industry participants. ALTA had already received an exception from the section of the discussion draft dealing with rate preemption before it was circulated to interest groups, the NAIC and other parties. Legislation is not expected to be introduced this year.

Interest on Business Checking

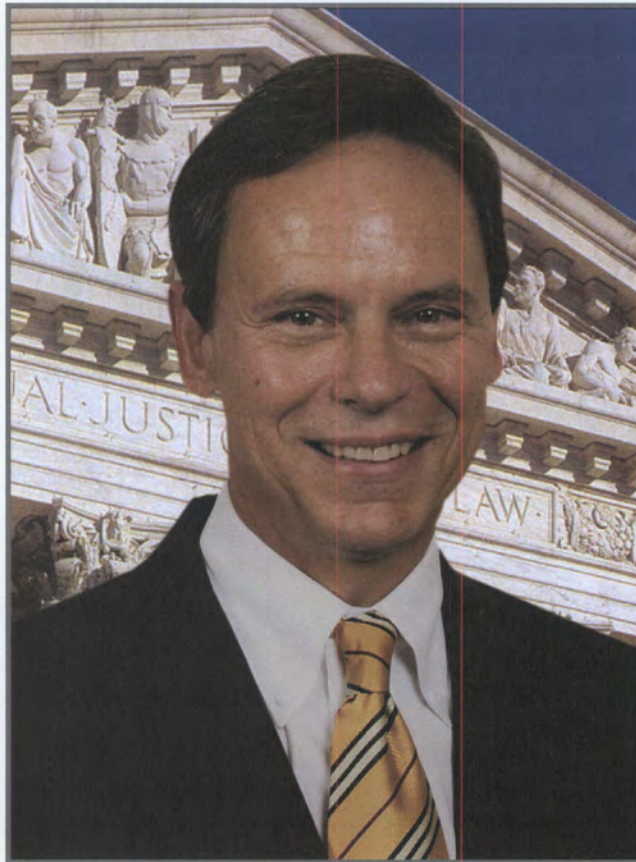
As we reported this summer, ALTA obtained several additional positive changes to the Interest on Business Checking legislation when it was considered by the House this past May. Amendments were adopted to distinguish escrow accounts maintained for the purpose of completing the settlement of a real estate transaction from other types of escrow accounts that are subject to regulation under state law. At press time however, it was doubtful that this issue would advance further this year.

Bankruptcy Reform Law In Place

A final Bankruptcy Reform Law was signed by President Bush and went into effect October 17, 2005. All of the provisions ALTA sought were included in the final law. This is a major victory for the title industry since ALTA has worked on these amendments since 1996. How does the new law affect your company?

ALTA held a telephone seminar on the changes, which include new provisions for single asset bankruptcy, an exemption from the automatic stay to reflect McConville, and revised homestead exemptions. A CD and handouts from the telephone seminar are available for purchase for \$310 by calling KRM at 1-800-775-7654. Refer to file ALT9198-0.

Rande Yeager: It Has To Be A Team Effort



Randy Yeager has witnessed many changes during his nearly three decades in the title industry. Get to know ALTA's newly elected president, how he got to where he is, and what he has in store for the coming year.

By Ellen Schweppe

The title insurance industry will flourish on its ability to adapt to customer needs in a changing marketplace, according to incoming ALTA President Rande Yeager.

Sometimes that means you have to shake things up a bit.

When Yeager became president of Old Republic Title Insurance Group in Minneapolis, MN., in 2002, he decided to change the

company's annual report from a conservative format focusing on financial results, to a more cutting-edge design incorporating the company's marketing campaign.

The result was national award-winning annual reports for two years running that reflect the company's reputation as a relationship builder and service innovator as well as its financial strength. "We had done a more traditional report in the past, but we decided to make it something

that people will actually read," said Yeager.

Focusing on customers and building relationships are keys to success for the title insurance industry, Yeager said. "This is a relationship business, and germane to all of our efforts are the relationships we have with all of our agents and customers," he said.

Also important is creating a business, legislative, and regulatory environment that encourages profitable, honest growth and

cover story

adaptability to move with changing market conditions.

"We have to be able to accommodate the needs of the changing real estate industry, whether it's through legislative initiatives or customer-driven products and services," he said. "We need to be able to change quickly, positively, and honestly."

Success for Yeager is a collaborative effort, whether it's the success of the company he runs or the industry organization he will lead during the coming year.

"My business philosophy is to provide an environment that encourages people to do their best and to realize their potential, and to be supportive of their efforts to advance the corporation's and the industry's goals," he said. "It's a team effort."

TITLE CAREER BY DEFAULT

Yeager, like many in the industry, did not consciously pursue a title insurance career. Armed with a bachelor's degree in psychology from Westminster College in Fulton, MO, and a master's in business administration from Regis University in Denver, CO, he spent the early years of his career as a mortgage banker.

While working at a savings and loan in Denver, Yeager made friends with the local Ticor Title Insurance representative, who encouraged Yeager to take over his post when he was transferred to another state.

"So I got into it by default," Yeager said. "I don't know many people who didn't have families in the business who set out to get into title insurance. It's something that just sort of happens. People always say that you don't pick it; it picks you. That's my story, too."

After 12 years at Ticor's Denver operation, Yeager accepted a

transfer to a larger division in Dallas, TX. When Richard Cecchettini, then about to become president of Minnesota Title and now retired chief executive officer of Old Republic Title Insurance Group, heard about Yeager's move, he made an offer to his former Ticor colleague.

"We had stayed in touch after

One of the greatest internal challenges he sees for title companies today is assuring that all of their business activities remain both legal and aboveboard.

Dick left Ticor to work at Minnesota," Yeager said. "He said, 'If you're going to move your family, why not consider moving to Minnesota instead of Dallas?'"

Yeager did. "I had a lot of confidence in Dick's abilities and was familiar with his management style, so I was comfortable taking the position in Minnesota even though it was a much smaller company," he said. "I saw an opportunity to help a smaller national company grow."

Minnesota Title eventually changed its name to Old Republic Title to reflect its association with parent corporation Old Republic International, and Yeager moved up in the organization, becoming executive vice president in 2001, president and chief operating officer in 2002, and president and chief executive officer in 2003.

Operating in every state except Iowa, Old Republic Title Insurance Group is part of Old Republic International Corporation, a Fortune 500 company that also has general, life, and mortgage insurance groups. Old Republic Title provides a complete line of residential and commercial title

insurance products and real estate transfer services through its national network of branch offices, subsidiaries, and independent agents.

Yeager is proud that Old Republic Title has been able to maintain its independence during an era of mergers and acquisitions in the title insurance industry.

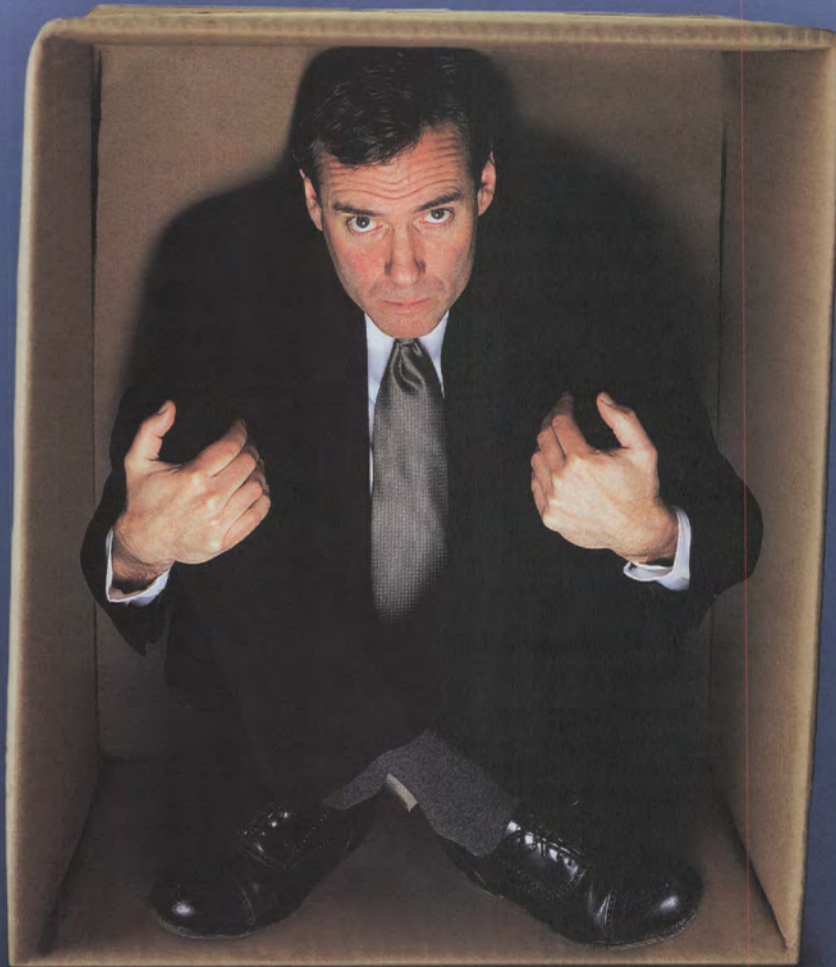
"We're one of five remaining major underwriters," he said. "We've built confidence within our parent corporation that title insurance provides value to the shareholder, and therefore they have supported our efforts in growth and made it a place where we can do the kinds of things we need to do to maintain our independence."

Yeager credits the company's growth to a strong management team and a spirit of entrepreneurship among employees. "My primary strategy has been to provide a business environment that encourages profitable, honest growth and that offers rewarding careers for employees who are committed to the principles we've established as a management team," he said. "And let everything else fall as it may."

INTERNAL AND EXTERNAL CHALLENGES

Yeager has witnessed many changes during his nearly three decades in the title insurance industry, including growth in merger activity, adoption of technologies to enhance industry operations, and development of new products and

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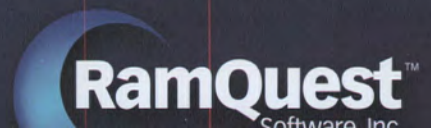
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cover story

services to meet changing markets.

One of the greatest internal challenges he sees for title companies today is assuring that all of their business activities remain both legal and aboveboard. "Title companies

sometimes face competitive pressures to cross over that line between what's right and wrong and legal and illegal," he said. "That's always a difficult decision when you stand to lose business because a

competitor will acquiesce to customer pressure to do something that may be in the gray area."

In recent years, insurance regulators in several states have questioned the legality of some affiliated business arrangements between title companies and other organizations that provide services in real estate transactions. In an era when Enron and WorldCom dominate business headlines and corporate behavior in every industry is under scrutiny, Yeager sees the issue for title insurers as not just the legality of their actions in the marketplace but the perception of those actions by regulators, lawmakers, and the public.

"We have to be aware that sometimes our quest for market share or profitability can leave us in a position that may cause people to look negatively on our actions as an industry or as companies," he said. "I think we have to guard against that. It's something that all companies—whether they're title insurance companies or any other corporation in America—have to be concerned about nowadays."

Externally, Yeager cites ongoing efforts to reform the Real Estate Settlement Procedures Act, which regulates how consumers buy and encumber homes, as a key challenge facing the title insurance industry.

"I think RESPA reform is going to be a slow process, very deliberate, but one that may in the end provide some necessary reforms to a statute that has been around for 30 years," he said.

In 2004, U.S. Housing and Urban Development Secretary Alphonso



Jackson withdrew the agency's final rule changing RESPA regulations after members of Congress and many real estate, consumer, and lender groups expressed concerns about it. Earlier this year, Jackson revived HUD's effort to revise RESPA and invited industry and consumer groups to a series of roundtable discussions on what reform should entail.

At a July roundtable, ALTA representatives outlined the principles the association believes should guide RESPA reform. They include giving market-based approaches an opportunity to work before imposing regulatory directives, allowing consumers maximum freedom to select settlement service providers, and recognizing the important role small businesses play in the real estate industry.

"I think Secretary Jackson is establishing a good relationship with the industry that can only work to benefit everybody who's involved in the process," Yeager said.

Another external challenge for the industry is the proposed State

Modernization and Regulatory Transparency, or SMART, Act, federal legislation that intends to facilitate a major overhaul of the state-based insurance regulatory system and eliminate conflicting state laws and regulations.

ALTA continues to oppose standardizing state-based regulation of the title insurance industry under proposals such as the SMART Act. Of all the lines of insurance, none is as closely linked to state and local conditions as title insurance. Laws and regulations governing title insurance vary significantly from state to state, reflecting the great variety of state and local real estate practices.

"I think the industry and ALTA have done a good job of educating lawmakers who are in a position to include or exclude us from all or portions of the SMART Act," said Yeager. "We'll continue to work to encourage lawmakers to exempt us from the Act."

"And that's not all that will be on our plate this year," according to Yeager. "GSE Reform, Mortgage Impairment issues, Uniform Closing Instructions, and Interest on Business Checking are a few of the other issues that will consume our attention in the short run."

GETTING ALTA MEMBERS INVOLVED

RESPA and GSE reform, mortgage impairment challenges, and the SMART proposal are the industry issues most likely to require the attention of ALTA members and staff during the coming year, Yeager said, while the title industry's state organizations will continue to face issues such as regulatory changes and challenges to affiliated business arrangements.

"We're a highly regulated industry, so the most important

cover story

thing we can do as an association is provide for fair and effective legislation and regulation benefiting all companies," he said.

The ALTA board has also pledged to continue its support of the Public Awareness Campaign, a multiyear effort aimed at generating awareness and understanding of the title industry's vital role in the real estate process. A key element of the campaign is the Title Industry Marketing Kit, available from ALTA, that is designed to help title insurance professionals get the industry value message out to consumers and others involved in the real estate process.

"The industry can't afford a 'Got Milk?' kind of campaign, so we're going to have to do what we can with the resources we have available for public awareness and education," Yeager said. "It will be a never ending initiative."

During his year as ALTA president, Yeager plans to focus on building membership and getting members more involved in association activities. He'll do it by working closely with the ALTA board and staff, and making the rounds of state associations to explain ALTA's goals and convince his colleagues that working for the good of the industry is the best thing they can do for their livelihoods.

"No one person can make a huge difference, other than in trying to get other people to participate in the efforts of the association," he said. "It has to be a team effort. Communicating with people and helping them understand the urgency of contributing their personal efforts to the association's goals are primary to what I'd like to accomplish over the next year."

He ticks off ways members can get involved. "They can join a

committee. They can contribute financially. They can contribute their time to contacting legislators and regulators to help us provide for legislation that's beneficial to the industry," he said.

"I got involved in ALTA because I wanted to contribute something to the industry. Not only is it an honor, it is a way to effect change in more than just the environment that I'm working in."

Making those types of efforts—joining a committee, participating in lobbying initiatives, carrying the ALTA message to state title groups—are what brought Yeager to the ALTA presidency. His first ALTA involvement was on the Technology Committee. Eventually, he was tapped to join the ALTA board and served as chair of the Title Insurance Underwriters Section.

"I got involved in ALTA because I wanted to contribute something to the industry," he said. "Not only is it an honor, it is a way to effect change in more than just the environment that I'm working in."

PROVIDING A VALUABLE SERVICE

Looking back over his three-decade career, Yeager is satisfied he made the right decision when he switched from mortgage banking to title insurance. "If I was given an opportunity to pick another career at this point, I wouldn't do anything different," he said.

Despite the challenges the industry faces, he continues to believe it is a good industry to be in, citing its contribution to closing a record \$3.8 trillion in mortgage loans in 2003.

"There has never been a time

while I've been in this industry that companies didn't have problems and that everything was absolutely perfect. There has never been a time when the money just rolled in and there were no headaches,"

Yeager said. "When we experience problems in our industry, it may seem as if it's tougher on us than on any other industry, but it's only because it's the industry we're personally involved in. Problems are just bumps in the road."

Yeager focuses on the positives he sees in the industry's future: It will continue to refine its products and services to reflect the changing marketplace. It will continue to harness new technologies that will make the real estate process simpler, cheaper, more efficient, and more accurate. It will continue to make progress.

"There's always going to be a need for title insurance. There's always going to be a need for someone to close loans and real estate transactions," he said. "We provide a valuable service. We're an integral part of the real estate transfer process and always will be."



Ellen Schwappe is president of Ellen Schwappe Company, LLC, an editorial services firm serving the financial services and other industries.

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Junk Faxes: More Than a Small Claims Matter

Is your company sending “junk faxes” unknowingly? Understanding the new federal guidelines on what constitutes a junk fax will save your company headaches and potential lawsuits.

by Russell J. Kutell, Esq.

Competitive title insurance companies market their businesses to lenders, real estate agents,

and sometimes consumers. New federal prohibitions concerning the faxing of unsolicited advertisements or “junk faxes” may significantly change the way companies market their services. What was designed to provide individuals with a means to prevent the receipt of junk faxes has been used in class action lawsuits in which classes of plaintiffs have sought multi-million dollar verdicts.

Consequently, it has become even more important than ever that businesses understand the prohibitions found in the federal Telephone Consumer Protection Act of 1991 (TCPA), as amended by the recent Junk Fax Prevention

Act of 2005 (Junk Fax Act), and the outcomes from recent junk fax cases.

THE FEDERAL TELEPHONE CONSUMER PROTECTION ACT

In December 1991 Congress enacted the TCPA after finding,

prohibitions, Congress drafted the unsolicited fax transmission prohibition to apply **both** to personal **and** commercial recipients of unsolicited faxed advertisements.

The TCPA defined an “unsolicited advertisement” as “any material advertising the

Courts have held that each page transmitted without prior express permission constitutes a separate violation.

among other things, that “[m]ore than 300,000 solicitors call more than 18,000,000 Americans every day” and that “[u]nrestricted telemarketing . . . can be an intrusive invasion of privacy and . . . a risk to public safety.” Among several prohibited telephonic communications contained in the Act, Congress made it unlawful for “any person within the United States, or any person outside the United States if the recipient is within the United States . . . to use any telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine.” In contrast to other TCPA

commercial availability or quality of any property, goods, or services which is transmitted to any person without that person’s prior express invitation or permission.” As originally drafted, the TCPA provided that a party accused of violating the TCPA by sending junk faxes only had one substantive defense – that the party had received prior consent to send faxes to the recipient. In the absence of specific evidence that the recipient had provided such prior consent, some courts held that a prior established business relationship between the sender and the recipient was insufficient to permit the faxing of ads. This



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holding, however, seemed to contradict a 1992 Federal Communications FCC finding that a prior established business relationship with the recipient provided a sender with the necessary express permission to send faxed advertisements to the recipient.

If an individual or entity violates the junk fax prohibition, the recipient of the unsolicited faxed advertisement can typically bring a private cause of action against the violator in an appropriate state court, but not in federal court. In contrast to many federal statutes, the TCPA does not grant jurisdiction to the federal courts for TCPA violations.

If a party is found liable for violating the TCPA's unsolicited

fax prohibition, the recipient of the fax can recover actual monetary losses arising from the violation or \$500 for each violation, whichever is greater. Courts have held that each page transmitted without prior express permission constitutes a separate violation. The recipient also can recover treble damages if the TCPA violator willfully or knowingly violates the unsolicited fax prohibition. Additionally, the recipient may recover damages if the unsolicited fax fails to contain some technical requirements in the fax header. In particular, the TCPA requires at least the first page of each fax to have a header or footer containing:

- the date and time the fax is sent,

- the identification of the individual or entity sending the fax, and
- the phone number of the sending machine or the sender of the fax.

THE JUNK FAX PREVENTION ACT OF 2005

To formally adopt the FCC's prior "established business relationship" exemption, Congress recently introduced and passed The Junk Fax Prevention Act of 2005. President Bush signed the Junk Fax Act on July 9, 2005, at which time the Act became effective.

The Junk Fax Act amends the TCPA to prohibit the use of a fax machine, computer, or other device to send an unsolicited advertisement to another fax

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machine unless three requirements are met:

- the unsolicited advertisement is from a sender with an established business relationship with the recipient;
- the sender obtained the recipient's fax number either through: (a) the recipient voluntarily providing the fax number as part of the established business relationship or (b) a directory, advertisement, or Internet site in which the recipient voluntarily makes its fax number available for public distribution; and
- the sender's unsolicited advertisement contains a notice satisfying the requirements of the Act.

For the sender to have an "established business relationship" with the recipient, the sender and the recipient must have had prior or existing voluntary two-way communication with each other, with or without the exchange of any consideration. The communication must have been part of the recipient's purchase or transaction with the sender or on the basis of the recipient's inquiry or application regarding products or services provided by the sender. Moreover, the relationship must not have been terminated by either party. In the Junk Fax Act, Congress expressly permitted the FCC to limit the duration of the established business relationship. The FCC, however, had to wait until at least October 9, 2005, before commencing a proceeding to decide whether to provide such a duration limitation and must review certain factors before creating such a limitation.

Even if the sender has an

established business relationship with the recipient and satisfies the other requirements of the Junk Fax Act, a sender is prohibited from sending the unsolicited advertisement if the recipient has previously informed the sender, as provided in the Act, to not send

relates. Second, the request must be sent to the telephone number or facsimile number provided in the notice or by any other method determined by the FCC. Finally, the recipient making the request cannot subsequently provide express permission to the sender,

It has become even more important that businesses understand the prohibitions found in the federal Telephone Consumer Protection Act.

future unsolicited ads to the recipient's fax number.

The Junk Fax Act now requires that a sender ensure that the unsolicited advertisement contains a clear and conspicuous notice located on the first page of the advertisement. The notice must state: (1) that a recipient can request that the sender of the advertisement no longer send any unsolicited advertisements to the recipient's fax machines, (2) the required contents of the opt-out request, and (3) that the sender's failure to comply with a proper opt-out request within any minimum time set by the FCC is unlawful. The notice must also provide a domestic telephone and fax number for the recipient to make a cost-free opt-out request. Each of the means to provide an opt-out request must be available at any time of any day of the week.

For the opt-out request to be proper, the recipient's request must satisfy certain statutory requirements. First, the opt-out request must specify the telephone number or numbers corresponding to the facsimile machines to which the request

in writing or otherwise, to send such advertisements to the recipient at a fax machine.

NICHOLSON V. HOOTERS

Now you may say to yourself, "Why should I care about the TCPA and the Junk Fax Prevention Act of 2005? At worst, if I mistakenly send an unwanted fax without proper notice, a recipient may obtain a judgment in the sum of \$1,500 against me." However, such an oversight could actually result in a much greater liability. The most infamous TCPA case to date is probably *Nicholson v. Hooters of Augusta, Inc.* In *Hooters*, the named plaintiff, Sam Nicholson, commenced a class action against Hooters of Augusta, Inc. and its independent contractor, Bambi Clark, in Georgia state court for faxing six advertisements to Hooters' customers. On behalf of a class of 1,321 people who received Hooters' faxed advertisements, Nicholson sought injunctive relief and statutory damages against the defendants. The independent contractor, Ms. Clark, never appeared in the action.

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In attempting to avoid liability, Hooters argued that it should not be liable under the TCPA for Ms. Clark's actions because she was an independent contractor. The trial court rejected this argument and certified the proposed class. On appeal, the Georgia appellate court affirmed the trial court's decision, finding that an advertiser could not avoid liability under the TCPA because an independent contractor actually transmitted the advertisement.

On March 21, 2001, a jury found that the defendants had violated the TCPA by unlawfully transmitting six unsolicited Hooters' advertisements by fax to a class of 1,321 members. The jury also found that Hooters and

Clark's transmission of the advertisements was willful or knowing. As a result, each class member was entitled to recover trebled statutory damages equal to \$9,000. Accordingly, on April 25, 2001, a judgment was entered against both of the defendants in the sum of \$11,889,000. Hooters of Augusta, Inc. subsequently filed for bankruptcy court protection on June 8, 2001.

Given such a potential outcome, it is imperative that all businesses ensure that they do not transmit any unsolicited advertisements by fax, unless:

- the business has an established business relationship with the recipient which the business

believes is sufficiently recent (such that it is defensible if subsequently questioned),

- the business obtained the recipient's facsimile number as permitted by the Junk Fax Act,
- the recipient has not already sent a request to the business instructing the business not to send such ads, and
- the unsolicited advertisement contains the required notice.

Even if a business believes it has prior authorization to fax advertisements to potential customers, the business should think twice. After all, who wants to be the next Hooters of Augusta?

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What Title Companies Should Know About GIS Mapping— A Case Study

Attorneys' Title Insurance Fund increased profits and significantly reduced mapping production time after implementing a GIS (Geographic Information System) in its title plant. Learn the benefits for your company.

by Joe Hanousek

Attorneys' Title Insurance Fund maintains the largest automated title information plant in Florida, providing title plant services to assist its independent attorney agents in the title examination process. The plant supports over 2,500 online users and stores data and images for more than 100 million public records. Approximately 45,000 documents a day are keyed into the repository. In just the last few years the number of documents processed has increased tremendously. In 1999 the average daily rate was just 26,000 documents.

Faced with the rising costs associated with the increased document volume, The Fund began exploring its options to reduce costs through technology. In 2004 the company launched a pilot project to evaluate the benefits of GIS and automated mapping. After only a few

months, the results were evident. Costs went down, the plant work flow became more efficient, and accuracy improved. After accounting for hardware, software, and training costs associated with implementing the pilot, the time to realize return on investment was surprisingly short.

THE OLD MAPPING BOTTLENECK

The existing paper mapping system had served the company's title plant operations well for more than 20 years. Here's how it worked prior to the GIS system.

The Fund's plant is geographically based and designed to minimize the property records that must be searched to locate a particular piece of property. The Fund employs a unique grid system that allows most properties to be identified based on 2.5-acre sections of a 640-acre square mile. These 2.5-acre areas – called Acreage Codes – streamline the examining process because fewer documents are returned to the examiner during the search. This ultimately saves the examiner time on orders and gives The Fund a competitive advantage in title plant services it offers.

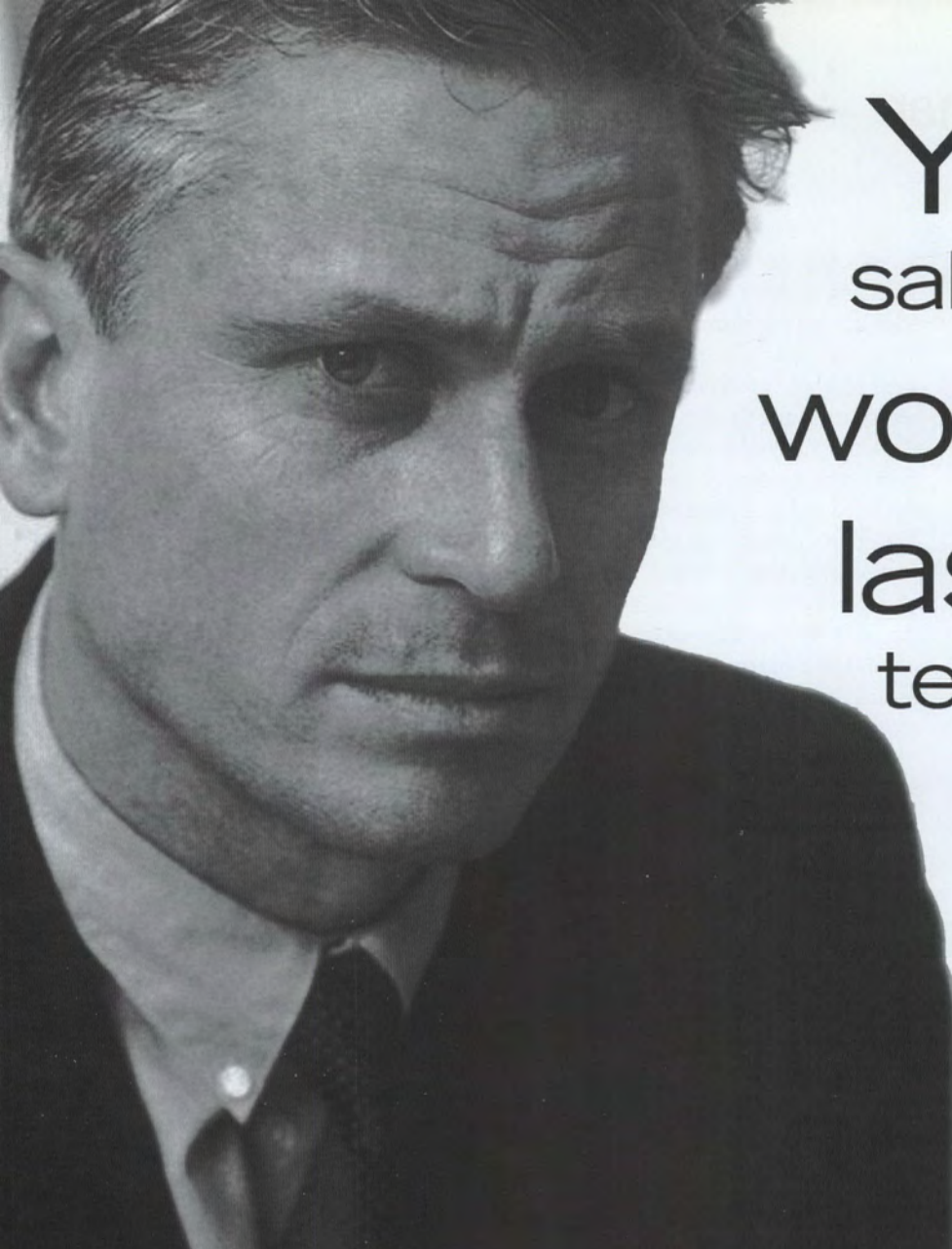
Part of the plant's function is to index all of the recorded property documents by location. That location is most often listed in the legal

description of the property. Legal descriptions come in two varieties, platted and unplatted. Platted descriptions refer to a property that is located according to its Lot, Block, and Subdivision information and make up the majority of the recorded documents that need to be indexed. This index information is keyed into The Fund's title plant database system (ATIDS). On the other hand, unplatted properties cause a significant bottleneck in the indexing process. Unplatted properties are usually described by a metes and bounds (bearing and distance) description or fractions of a Section, Township, and Range. These properties must often be mapped in order to find the location information to index them in ATIDS. Mapping the legal description identifies the 2.5-acre part or parts (Acreage Codes) of a section that the property falls within.

The Fund maintains a geographic index for 34 Florida counties. Three separate data centers map about 20% of all legal descriptions the company processes on a daily basis. Documents that needed to be mapped took 300% longer to index than non-mapped documents because of the time-consuming and labor-intensive manual mapping process. These orders experienced a slower turnaround time and affected



Joe Hanousek is vice president of Extract Systems, Middelton, WI, offering work flow and GIS consulting for title companies. He can be reached at joe_hanousek@extractsystems.com. This article is an excerpt from his presentation during the 2005 ALTA Annual Convention in New York.



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service levels to The Fund's customers.

The maps are drawn by hand and stored in paper files, making it difficult to share between staff. Branch offices would often map the same documents as the title plant's mapping staff because the branch offices had no way to access the paper files stored at the data centers. This duplication of effort was costly. And as recorded document volume continued to grow in Florida, The Fund was forced to hire more mapping staff to keep up with the steadily increasing workload. Between 2002 and 2005 the number of staff assigned to mapping increased 15% and currently stands at 45.

The data centers maintained drawers of paper base maps. Each map is 10 inches by 11 inches and represents a one-square-mile section of a county. The paper-based system was problematic. As the paper maps aged, they became brittle, worn, and sometimes difficult to read. Because they are updated constantly, copies of the original maps could not be effectively colocated. Disaster planning and recovery amounted to the mapping department supervisor instructing everyone to "grab a drawer of maps on their way out of the building" in case of fire or hurricane evacuation.

The Fund recognized the need to find an alternative to the aging system — one that employed the latest technology to reduce overall costs even as demand for their services continued to increase.

A GIS-BASED AUTOMATED MAPPING SOLUTION

The Fund's IT Strategy Manager, John Sayers, figured there had to be a way to modernize the mapping process the same way the level of automation had already increased throughout the rest of the plant processes. Sayers' vision was to use GIS.

The Fund contracted Extract

Systems to review its current environment. After documenting the existing mapping workflow, we met with many staff members and stakeholders from corporate headquarters and the data centers. Working closely with the staff during the meeting process, problems were identified and goals were established. The diverse project team identified a pilot program that designated a month-long test of the GIS mapping approach. Because IT resources were scarce, The Fund would only commit to putting the system into production once the results of the pilot project were measured. The pilot project defined the following goals:

- Reduce the "mapping bottleneck"
- Increase staff productivity (each map should take less time)
- Reduce the need to increase staff
- Maintain The Fund's competitive advantage (Acreage Codes)
- Make the pilot production scalable (expandable).

We prepared a report recommending off-the-shelf software that would be customized. This pilot was backed up with a customized training program and post-implementation consulting to refine the workflow process further. The solution included a mapping application called IcoMap™ as the main mapping tool because it works effectively in the platform used for the project — ESRI's ArcGIS™. Extract Systems provided additional GIS services based on its combination of experience with title companies and parcel mapping. Services included workflow consulting, implementation, training, installation, and GIS service work related to the project. By relying on Extract Systems for the GIS service work, there were minimal disruptions to the critical production work flow at The Fund. The pilot was facilitated through The Fund's Central Florida Data Center using two mappers and

the mapping department supervisor. Orange County was chosen for the GIS project internally dubbed "NetMap."

IMPLEMENTING THE GIS PILOT PROJECT

GIS parcel data was purchased from Orange County, Florida. Extract Systems created the GIS framework and loaded the Orange County data into the GIS system. The underlying foundation of GIS is a database. The Fund chose to utilize a SQL database back end because its IT team already supported SQL databases for other projects. The pilot report and project team also identified that a terminal server environment would be the best infrastructure solution to host NetMap. Multiple users editing in GIS can consume considerable network bandwidth, but having the GIS applications running on servers in the corporate server environment minimized network traffic to the data center, which is at a different physical location than The Fund's corporate headquarters. It was imperative that the pilot workflows and technology infrastructures be scalable and match what would be used in any future enterprise-wide rollout. This enabled The Fund's management to accurately analyze the ability to scale the system in the future and minimize any surprises that might be encountered in a large implementation project.

Dual monitors were recommended for the mapping staff to maximize productivity. The work flow requires the users to use their document-management system, ATIDS, and the GIS application at the same time. This dual monitor system turned out to be an excellent low-cost way to boost efficiency. With two monitors, users spent less time toggling between the applications and windows used in the mapping process.

technology corner

Before—A sample paper map from The Fund.



After—NetMap pilot implementation

End user training for the mapping staff was crucial to NetMap's success. Most software or technology solutions involve training that typically teaches users how to operate a particular piece of software. We recommended an in-depth training that included teaching the new workflow, from the time the PC boots up through to completing and filing the completed map. Also, the end users were now able to make decisions that previously only a supervisor would have made. Because many users had previously been mapping by hand, the learning curve of the new workflow varied greatly from person to person, based on their

outside PC experience level. Training on how to deal with new choices and educating the users on the consequences of each decision point made the new technology more acceptable and the users more productive.

The Fund required that we come back for a week when the NetMap pilot was launched to address user questions that arose during everyday activities. That insured that users and stakeholders alike had a positive initial experience with the new system.

THE PILOT PROJECT RESULTS

Measuring the results is crucial to

any new pilot initiative. The NetMap team decided to run this pilot in parallel with their existing manual mapping. After only one week of parallel analysis, it became clear the results exceeded everyone's expectations.

As a result, the data center immediately placed GIS into production, even though the pilot was only to last 30 days and was not intended to receive budgetary consideration until the following year. After 30 days NetMap was three times faster than the previous process. The Fund's time study revealed that the traditional method of mapping in the data center required an average of 41 minutes per document. The GIS-based Netmap system reduced the average to 12 minutes. The data center also completes mapping requests for branch offices. When the branch offices are working on policies for large commercial developments, they need the data center to quickly produce maps for these high-value policies. While not part of the pilot, the data center mappers quickly realized that NetMap allowed them to turn these requests around much more quickly. The results were measured here as well. What they found was stunning. Commercial mapping orders that had previously averaged 19.25 hours were reduced to 2.35 hours. Their internal study further illustrated that The Fund could save more than 34 hours per day at the data center by using NetMap — the equivalent of four full-time staff.

ADDITIONAL BENEFITS

There are other benefits that are not as easily measured in hours or dollars but are also significant. For example, when a mapper came across a document containing an incomplete or "unmappable" legal description that could not be located, he/she

technology corner

would post the document to a General Index (GI) for further research. On average the mappers would each post about 15 documents a day to the General Index. With GIS and IcoMap, the mapper can now locate most of these GI properties by searching the GIS system for a parcel number, a street address, or even an owner name and is able to post this document to its correct geographic location. Today, The Fund averages one General Index posting per day.

Another example of important improvements is accuracy. Mapping by hand on paper using a pencil, scale, and protractor does not always produce maps that are precise, and the paper maps assume that each section is a perfect one mile square. In reality, almost no sections are exactly perfect.

To compensate for these inaccuracies, any line drawn on the border of an acreage code line is posted to the codes on both sides of the line. Entering these extra codes is called overposting. Overpostings cause examiners to wade through more documents than necessary when researching the documents that affect a particular property. The GIS system shows every section in its true size and dimensions, and the properties the mappers create are as "survey accurate" as the calls spelled out in the legal description. The GIS-based system completely eliminates overposting. Error correction with the GIS system has a positive cascading effect; the improvements in accuracy cause the system to operate even more efficiently. As more of the parcel layer is created, the need to

remap parcels is eliminated. And all of this has the effect of incrementally increasing productivity over time — the more the GIS method is used, the faster the system becomes.

CONCLUSION

Faced with increasing staffing demands and outdated mapping processes, The Fund found a cost-effective solution with GIS and automated mapping. By hiring a consultant with specific title plant GIS expertise, involving management and end users in the planning process, setting goals and measuring them in the form of a pilot rollout, The Fund has established what will likely become the emerging model for tomorrow's GIS-driven title plant.

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Hammering Home the American Dream

LandAmerica Financial Group teamed up with Habitat for Humanity to be a responsible corporate citizen. What they got in return surpassed what they put into it.

by Chase Bryant

The standard “About LandAmerica” statement found at the end of company press releases gives the

essential facts: The companies of LandAmerica have been completing and protecting the nation’s real estate investments for nearly 130 years.

However, look behind this statement, and you’ll find a company driven by a core set of values and beliefs called Guiding Principles. These ten principles – one of which is Responsible Corporate Citizenship – shape LandAmerica, benefit its customers, and favorably impact the many communities where the company operates. The embodiment of these principles is the LandAmerica Foundation, a group that makes significant financial contributions to worthy causes and charities. In addition, each employee of LandAmerica is charged with living and leading the Guiding Principles every day. Each year, many employees generously volunteer to help and support organizations such

as Special Olympics, the United Way, and Habitat for Humanity.

A HISTORY OF HOPE

Headquartered in Richmond, VA, LandAmerica has been a sponsor of the local Habitat for Humanity chapter since the mid-1990s. As a sponsor LandAmerica provides the funds and labor to build one home. For the first Habitat house, all Richmond employees were given one day off with pay in order to wield hammers and paintbrushes at the build site. That first experience was such a success that building a Habitat house has become an annual tradition, including a day off for employees to help build the house.

Each year when the time comes to build another house, 10 to 15 employees will be out on any given day at the construction site. Different departments will take turns being assigned days off. “It’s a major scheduling event at headquarters,” said Helen Parham, vice president of corporate relations.

In addition to providing funds for the construction and staff to help build the house, one LandAmerica employee is on the job site every day to coordinate volunteers, answer questions, ensure lunch is delivered to each employee, and take photos to show co-workers back in the office.

“In addition to making a contribution to the community,” says Lana Tate, help desk manager and dedicated Habitat supporter, “it is a terrific way to get to know your co-workers better. The unity forged at the construction site tends to carry over to the office.”

To date, LandAmerica has enabled nine Richmond area families to achieve the goal of homeownership at a sponsorship cost of approximately \$540,000.

ONE SPECIAL HOUSE

The Habitat house completed in spring 2005 was especially dear to the hearts of many Richmond area employees. The company dedicated the house to the memory of Russ Jordan, a retired employee who passed away in April 2004. Over 200 volunteers from LandAmerica rallied under the cry of “Build a house in 8 weeks? We can swing it...together!” (see below) Everyone who worked on the house signed a



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inside the industry

special board, which was subsequently used to frame the house. For those who knew and worked with Jordan, the house was a fitting tribute to the man who began his career in the legal department of Lawyers Title in 1969 – and who, in the ensuing decades, reached the pinnacle of his profession serving as LandAmerica executive vice president, general counsel, and corporate secretary. Jordan worked on many Habitat houses over the years. At his request, this Habitat house was painted blue, one of his favorite colors.

WHERE THERE'S A WILL AND A PAINTBRUSH

It takes about 200 volunteers to build a Habitat house from start to finish. While most of LandAmerica's

800-plus direct offices are simply not big enough to provide funds and staff to build a house alone, many have found creative ways to partner with Habitat.

The Tran house in Arizona is a good example. The Trans, a Vietnamese family of seven, including a husband and wife and their son, the husband's parents, and his sister and her husband had been living in a 30-year old, two-bedroom mobile home with faulty electrical wiring and warped floors and ceiling.

"We wanted them to have an affordable, decent, and safe home," said Rachel Reyes, administrative assistant for LandAmerica Transnation in Phoenix, Arizona. "So we partnered with other groups to built them a home." Reyes and others

in her office worked through Habitat for Humanity's Adopt-A-Home Program. They participated with other companies in an "all-woman build" with professional women crew chiefs overseeing female-only volunteers.

According to Reyes, response to Habitat's call for women volunteers was amazing. "We were elated to see so many of our co-workers give up two Saturdays, as well as make financial donations, to help with such a worthy cause," she explains, noting that each day was declared "LandAmerica Day." Reyes added, "We had volunteers from almost every department, and even many of our family members and friends joined in to help build."

The day the Tran's new home was dedicated was one of joyous

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Over 200 LandAmerica employees built this Habitat house in memory of former employee Russ Jordan.

celebration, with family, friends, volunteers, neighbors, and sponsors present. “The Trans were so appreciative and grateful for everything done for them,” Reyes remembers. “Their constant smiles touched us all more than words could say.”

Another way to get involved is to contact your local Habitat chapter. Volunteers are always needed, and you can call and volunteer for one day if that is all the time you have.

ABOUT HABITAT FOR HUMANITY

How much do you know about Habitat, how families are selected, and what they must give in return?

Habitat for Humanity International was founded in 1976 by Linda and Millard Fuller. Their dream was to eliminate poverty housing worldwide and make decent shelter a matter of conscience and action. A nonprofit, ecumenical organization, Habitat is committed to two ideals: providing affordable homeownership opportunities to low-income families and building new

relationships and a sense of community by bringing needy and affluent people together in equal partnership.

Habitat for Humanity is not a giveaway program, but a joint venture in

“The company’s commitment to Habitat is particularly appropriate for LandAmerica given its integral tie to real estate.”

which those who benefit from the housing are involved in the work at various levels. Each homeowner family is required to invest “sweat equity” hours in the construction of their new home. This reduces the cost of the house, increases pride of ownership among family members, and fosters the development of positive relationships with other persons.

Once completed, Habitat houses are purchased by the homeowner families. Three factors make the houses affordable:

- Houses are sold at no profit, with no interest charged on the mortgage
- Homeowners and volunteers build the houses under trained supervision
- Individuals, corporations, faith groups, and others provide financial support

Homeowner families are chosen according to their need, their ability to repay the no-profit, no-interest mortgage, and their willingness to work in partnership with Habitat.

Currently, Habitat operates in all 50 states. Since its inception, it has built more than 200,000 houses in nearly 100 countries, providing simple, decent, and affordable home ownership for more than one million people. Throughout the world, the cost of houses varies from as little as \$800 in some developing countries to an average of \$46,600 in the United States. Small monthly mortgage payments, including taxes and insurance, are repaid over seven to 20 years and deposited in a revolving “Fund for

Humanity,” which supports the construction of additional houses.

A NATURAL FIT

LandAmerica’s involvement with Habitat for Humanity is an enormous success thanks to a great cooperative effort between management and employees. Bill Thornton, executive vice president – marketing, and a trustee of the LandAmerica Foundation, says “the company’s commitment to Habitat is particularly appropriate for LandAmerica given its integral tie to

inside the industry

real estate. We think it's a great fit for the title industry in general, and we encourage other title companies to get involved."

LandAmerica's President and CEO, Theodore L. Chandler, Jr., agrees. "On the most personal level, support of Habitat for Humanity exemplifies our strong sense of community, our civic responsibility, and our concern for those in need," says Chandler.

"The simple fact is that when you reach out to help others, you change lives. And when you help a family achieve the dream of owning a home, you cause a change that is truly profound."



This Richmond family beams after helping to build their home earlier this year with LandAmerica employees.

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“Apple of Our Eye” Contest Winners Announced

ALTA asked members how they were using the Title Industry Marketing Kit and how it was helping them in their local marketing efforts. The ideas submitted will spark your own marketing creativity.

by Michelle Sweet

ALTA announced the winners of the “Apple of our Eye” member contest at the recent annual convention in New York. The Grand Prize winner was Patty Beckner, owner of Tri-County Title & Escrow Company in Columbus, Nebraska. The Second Prize winner was Kim Glass, vice president of Cowling Title Company’s Marion, Arkansas office.

To enter the contest, members were asked to share their success stories in utilizing the Title Industry Marketing Kit in their local markets. Judging was based on creativity as well as the variety of marketing tools that were used.

“I was really surprised when I found out I won,” said Patty. “I entered the contest because I wanted the folks at ALTA, as well as other members, to know how useful these materials are and how much they have helped our marketing efforts in our local community.”

The Marketing Kit was developed by ALTA last year as part of the Public Awareness campaign, to provide tools for members to promote

their businesses while forwarding positive messages about the title industry. The elements of the kit include professionally designed brochures, advertisements, a PowerPoint presentation, a video in DVD or VHS, and a press kit, which members can customize. To date, more than 1,500 kits have been distributed.

“In creating the contest, we wanted to recognize the most compelling, unique, or effective ways in which our members have utilized the various tools in the kit,” said Lorri Ragan, ALTA’s director of communications. “Selecting the winning entry was a challenge, because all of the entries showed great creativity.”

THE PRIZES

As the Grand Prize winner, Patty was awarded a trip to the New York convention, including free registration, round-trip airfare for two, and three night’s accommodation at the New York Marriott Marquis Hotel in Times Square.

Kim received an American Express gift certificate in lieu of the scheduled prize—tickets to a Broadway Show—as she was unable to attend the convention. (The tickets were raffled off during the convention, with proceeds going to a hurricane relief organization.)

CONTEST WINNERS

Following is a summary of the Grand



Prize and Second Prize winners, as well as the entries that received Honorable Mention:

Grand Prize winner— Patty Beckner, Tri-County Title & Escrow Company, Columbus, NE

Patty used a variety of tools from the Marketing Kit. She was a guest speaker at several REALTOR® seminars, as well as a local bank-sponsored homebuying seminar held twice a month. She shows the title insurance DVD to customers waiting in her lobby. She also loans the DVD to lenders to show their customers. Finally, Patty writes articles on title insurance for the Home Section of her local newspaper. Way to go, Patty!

Second Prize winner— Kim Glass, Cowling Title Company, Marion, AR

Kim’s creativity really came into play with her use of a variation of ALTA’s Public Awareness Campaign

Michelle Sweet is Director of Media Relations for Ervin Bell Marketing Communications in Irvine, CA. She can be reached at msweet@ervinbell.com.

inside ALTA

slogan, "Protecting Your American Dream," on her company's Web site and company-sponsored publications. She even uses the slogan on sweaters that she and her colleagues wear to work! And she used several of the Kit's advertising templates (with the slogan) to place ads in the local Homes for Sale magazine. Good work, Kim!

**Honorable Mention—
Polly Ann Epting, Coffee County
Land Title Company, Burlington, KS**

Polly focused on opportunities to reach people in her small community of 2,800 by speaking to the local Rotary Club and Chamber of Commerce. She showed the DVD and handed out brochures—tools contained in the Marketing Kit. She also used the materials in the Kit to

place a series of 13 columns, in Q&A format, in her local newspaper. Polly demonstrated that no matter how small your community, there are creative ways to promote your business as well as our industry!

**Honorable Mention—
Craig Roberts, CLTP, Synergy
Management Group, E. Stroudsburg,
PA**

Craig utilized the DVD in classes for real estate agents at a local licensing school. Additionally, he set up a streaming video presentation of the DVD on his company's Web site. Finally, Craig used the marketing brochures from the Kit in his presentation packages for prospective customers.

**Honorable Mention—
George M. Amar, Pinnacle Title
Agency, Portage, MI**

Even though George has been in the title business for 28 years, he needed exposure for his new agency of one year. George utilized the materials in the Marketing Kit to launch his own advertising campaign, and is now being sought out by former clients. George demonstrated how the Marketing Kit can help a new agency gain exposure and bring in clients!

**Honorable Mention—
Glenda Mittasch, Powers Abstract
Company, Perry, OK**

Earlier this year, the Otoe-Missouri Tribe of Indians held a first-time homebuyers conference in Ponca City, Oklahoma. The conference was

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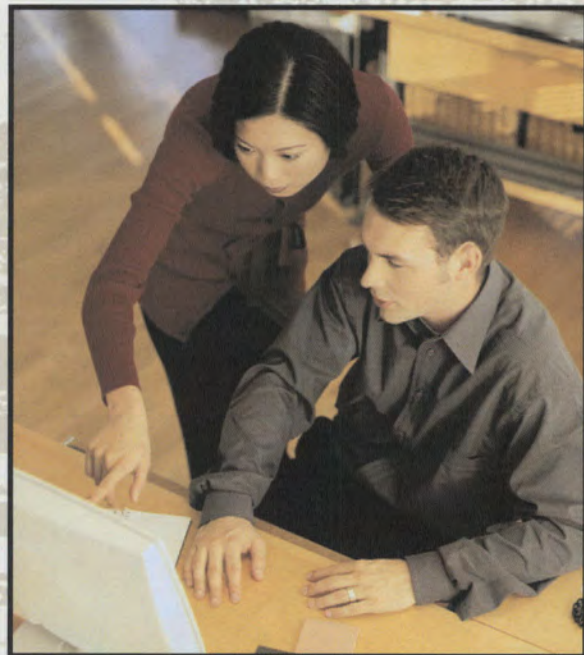
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attended by Native Americans wanting to purchase their first home, and it provided them with the opportunity to meet with local bankers and REALTORS®. Glenda spoke on the importance of title insurance and handed out materials from the Marketing Kit. It was so well received that Glenda was invited to speak at future seminars. Good job spreading the word, Glenda!

**Honorable Mention—
Roger Hannaford III, Hannaford
Abstract & Title, Wichita, KS**

Roger provided the Marketing Kit's Value Brochure to local REALTORS® and bankers to give to new homeowners, explaining the importance of title insurance. He met with the local bankers' association and showed the DVD. He also gave presentations to the local Lions and Kiwanis Clubs. Roger's experience with the Marketing Kit was summed up in this quote from his entry:

"We want to thank ALTA in its endeavor to assist our title industry. To our small office in Kansas, it has been the best thing for us since the conversion from the manual typewriter to computers!"

**ORDER YOUR
MARKETING KIT TODAY!**

If you don't already have the Title Industry Marketing Kit, order yours today. (ALTA members can receive one kit free of charge, with additional kits at a nominal price.) The kit contains brochures, ads, a DVD/VHS on the title industry, a PowerPoint presentation to use with local professional and civic organizations, and a press kit to help members with their local publicity efforts.

For more information, go to the ALTA Web site at www.alta.org (Public Awareness Campaign), or call Lorri Ragan at 1-800-787-ALTA.

MEMBERS SHARE THEIR CREATIVE MARKETING IDEAS



A number of members have shared with us some of the creative tactics they are using in their local markets to promote their businesses. Some utilized tools in the Title Industry Marketing Kit, while others came up with rather novel approaches.

- Diane Cipa with The Closing Specialists in Ligonier (PA) reported that her company purchased five MINI Coopers and painted them with their company name and logo. These company cars are driven by their closers, reinforcing their overall marketing campaign.
- Jerry Boutcher and Frank Felker with Monarch Title in McLean (VA) sponsor a weekly one-hour call-in radio talk show, "Open House with Jerry Boutcher." The airtime is purchased on 630 WMAL, which airs in the Washington, D.C. market.
- Catherine Blakley with Southern Abstract Company in Bartlesville (OK) customized two print ads from the Marketing Kit, adding their company name and contact info. The ads ran "static" on a local television station during time slots geared to real estate and local REALTOR® listings.

A number of individuals at Stewart Title are using the title industry DVD (part of the Marketing Kit) in their local markets:

- Molly Reid in Baltimore (MD) plays the DVD in the company's lobby, and in closing rooms.
- Patti Bonner in Austin (TX) is showing the DVD during breaks at local Title Insurance Professional Seminars (TIPS).
- Terri Lapetina in Houston (TX) ran the DVD in the company booth at a recent homebuying show.
- Tom McElwain in Kalispell (MT) gives copies of the DVD to local real estate agents.

If you are implementing a creative or unique marketing tactic in your local market, we'd like to hear from you. Contact Lorri Ragan at ALTA—lorri_ragan@alta.org—and be sure to include your name, company, and contact information in case we need to follow up with you.

PREP CHAPTERS FORMED AND OPERATING

PREP stands for a Property Records Education Partners



chapter, sponsored by PRIA and ALTA. Each chapter provides the structure to improve local working relationships between recording offices and the title industry, by opening and enhancing lines of communication, creating networking channels, and expanding education opportunities.

- **California** has formed the California State PREP, with five regional chapters. Planning and coordination are being accomplished through a "core group" that meets regularly, including county recorders, title companies, escrow agents, and other industry participants. A California statewide PREP meeting is scheduled for January 2006.

- **Florida** has two active chapters, the Central Florida Chapter and the South Florida Chapter, and three will be formed by year-end: West Coast Florida Chapter, Panhandle Florida Chapter, and Northeast Florida Chapter. Three additional chapters will be formed during the 2006 calendar year.

- **Minnesota** currently has a very successful industry work group, which has been active for several years. This work group was scheduled to vote on becoming an official PREP chapter when it met in October.

- **Pennsylvania** has now moved forward with its PREP project, creating six regional chapters, with central statewide coordination. The first PA PREP chapter meeting was held in late October 2005.

- **Tennessee** successfully organized the Tennessee PREP chapter, and held its first meeting in late July 2005. From Nashville, Kim LeGate reports the next Tennessee PREP meeting will be held in early February 2006, with PRIA President, Mark Monacelli, scheduled to be their main speaker.

- **Washington** operates one statewide chapter, the Washington State PREP. This is a group literally on the move, holding their meetings in various parts of the state.

Other Chapters are forming

Diane Bradrick, Washington County, OR, is coordinating the **Oregon PREP** project and has a private industry partner in place. She reports there is good interest and hopes to have a PREP chapter organized by January 2006.

Colorado PREP has not completed its organization yet, but there are several public and private sector participants involved in the planning. Because Colorado recorders also serve as election officials, the organizational work will most likely take place after the November 2005 election cycle.

Jeff Thigpen, Guilford County, NC, is working to organize the **North Carolina PREP**. I believe Jeff will be working with Judy Gibson to get things moving in their state.

Kathi Guay is working on organizing a New Hampshire PREP, and I'm confident she will get **New Hampshire's PREP** in place soon.

Due to the hurricane problems, our **Louisiana** volunteers have understandably pulled back for the time being but are interested in moving forward in spring 2006.

Arizona, Idaho, Maryland, Nevada, New Jersey, Texas, and North Dakota have not yet moved forward with specific organizational plans, but work is continuing to identify people in these states, and plans call for at least organizational meetings prior to PRIA's Winter Conference in March 2006.

ALTA members are being actively sought as participants in the PREP chapters. Please contact PRIA's PREP Coordinator Ardis Schmitt at 719-550-1708 to indicate your interest and willingness to help spread the word.



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P.O. Box 3159
Durham, NC 27715-3159
(919) 433-0121
www.pria.us
Michael R. Borden
coordinator@pria.us

member news

Movers & Shakers

CALIFORNIA

Michelle Rojas has been named vice president - branch manager for LandAmerica 1031 Exchange Services, Pleasanton. She had served as exchange coordinator for LandAmerica 1031 Exchange Services prior to attending law school.



First American Title Insurance Company, Santa Ana, has three announcements.

Mark A. Hoppe has been promoted to vice president, investor relations. Hoppe joined First American in 2000 as president of First American Capital Management, Inc, the company's investment management arm.



George S. Livermore has been promoted to president of First American's Property Information Group. He will oversee Data Trace, Data Tree and Property Information Group staff. He will maintain his duties as president of First American Real Estate Solutions.



Lori Kramer Reznick has joined First American as a national underwriter and counsel of the National Commercial Services Division. Reznick's private practice experience includes representing owners, developers, and general contractors in real estate transactions and litigation.

CALIFORNIA, CONT.

Thad N. Shows has been promoted to president, MarketLinx Solutions, a division of First American Residential Group, Santa Ana. Shows was one of the five original founders of the company. Previously, he was vice president.

Evan Jafa has been appointed to the newly created position of chief technology officer for First American's Corporate Information Technology Group, Santa Ana. He was promoted from chief technology officer for the company's Property Information Group.

COLORADO

United General Title Insurance Company, Denver, has two announcements.

Joe Drum has been appointed executive vice president/national agency manager. Drum is currently senior vice president for First American Title Insurance Company and enterprise manager for Mercury Companies. He will continue to serve in those roles. **Andre Ranft** has been named senior vice president/national agency. Ranft has more than 23 years of industry experience.



CONNECTICUT

Joel Mandell has been named special counsel for commercial services for CATIC, Rocky Hill. Prior to joining CATIC, Mandell was a principal in the Farmington law firm of Levy & Droney, P.C.



CONNECTICUT, CONT.

Steven H. Winkler has been appointed senior vice president and corporate underwriting counsel for United General Title Insurance Company, Hartford. Winkler has more than 33 years of experience in the title industry.

DISTRICT OF COLUMBIA

Lionel A. Savage has been named president of market development and industry relations for First American Corporation, Washington, D.C.. Savage joined First American in 2003. Prior to joining First American, he worked at Fannie Mae for 15 years.

FLORIDA

Larry Furlong has been named vice president - sales for Florida, for LandAmerica Financial Group, Orlando. For the last ten years, he was a senior executive with Fidelity National Title.



Scott A. Brown has been appointed commercial closer for The Talon Group, a division of First American Title Insurance Company, Orlando. He has more than ten years experience in the commercial and real estate industry.

Walt Clark has joined the Real Estate Solutions division of Fidelity National Financial, Inc., Jacksonville, as senior vice president, transaction management solutions. Before joining Fidelity, he held the position of vice president, technology deployment with Stewart Realty Solutions.

member news

KANSAS

Marty Reed has been appointed vice president of product development for the Fidelity National Real Estate Solutions' MLS Systems and Solutions Group, a division of Fidelity National Financial, Olathe. Reed has over 15 years of executive management experience.



MASSACHUSETTS

Brenton J. Allen has been named vice president – underwriting counsel of LandAmerica 1031 Exchange Services, Boston. He comes to LandAmerica from a leading national property exchange company.

NEW YORK

Denise M. Warren has been promoted to vice president and director of investor relations for First American Corporation, New York. Warren has led First American's investor relations efforts since 1998.



Stephanie Butler has joined Liberty Title Agency's New York City offices as senior vice president. She has more than 30 years experience in the title industry, most recently serving as senior vice president of Title Associates.



OHIO

Cathy Tabor has been hired as vice president/area manager for First American Title Insurance Company, formerly known in the Columbus area as Midland Celtic Title. Prior to working for First American, she was president of a title agency in Cleveland.

OHIO, CONT.

Patrick T. John has been named vice president, business development for the northeast region for First American Title Insurance Company, Columbus. Most recently, he was senior vice president, regional residential manager for another large title company.



PENNSYLVANIA

Kevin Weaver has been named vice president, national closing operations for Express Financial Services, Inc., Pittsburgh. Weaver was most recently senior vice president and county manager for Diversified Title & Escrow in El Monte, CA.



Kristina Burns has been promoted to vice president and Pennsylvania sales manager, for First American Title Insurance Company, King of Prussia. She has been with First American since 1983.

TEXAS

Susie Lopez has been promoted to vice president/branch manager for Rattikin Title, Fort Worth. She relocated from the firm's downtown location.

Kevin J. Beach has joined REIData, Inc., Houston, as senior vice president of title plant services. Beach has more than 28 years experience in the industry. Most recently he worked as vice president of business development for NextAce Corp.

TENNESSEE

Carol Humphrey has been named vice president and sales manager for First American Title Insurance Company's mid-south area. She will be located in Chattanooga. She has almost 25 years of experience in the title insurance business.



VIRGINIA

Peter A. Kolbe has been named senior vice president – government affairs for LandAmerica Financial Group, Richmond. Kolbe comes to LandAmerica from a Fortune 500 title insurance holding company where he served as senior vice president and chief regulatory counsel.

KUDOS

Jack Rattikin III was named "Title Man of the Year" by the Texas Land Title Association. Rattikin is president and CEO of Rattikin Title in Fort Worth.



The Title Man of the Year Award recognizes outstanding contributions to the Texas title insurance industry, and the recipient is identified as a credit to the profession. An ardent supporter of the industry in Texas, Rattikin has tirelessly devoted time and effort to causes affecting the industry in Washington, D.C., and before the Texas Department of Insurance and Texas Legislature in Austin. He had held many roles in the industry including president of both the Texas and Fort Worth Land Title Associations. He currently serves on the ALTA Board.

Jack Rattikin III's vision extends to independent title companies as well.

member news

Last year he helped form AmeriPoint Title, the first of its kind partnership of independent title companies from across the state. Jack was presented the award at the TLTA Annual Convention. Details: Kelley Beirne, 713-850-2103.

In Memoriam

Frank T. Finch, III, 73, died at the Overland Park, KS, Regional Medical Center after a brief illness, August 22, 2005, on his 8th wedding anniversary.



At the time of his death, Frank was the vice-president of training and professional development for Nations Title Agency and most recently Guarantee Title located in Prairie Village, KS. Frank was involved with the title insurance business throughout the United States during his 41-year career. He was the past vice president of the following companies: Nations Title Insurance, Overland Park, KS; American Title Insurance Company, Miami, FL; American Title Insurance Company and Chicago Title Insurance Company, Philadelphia; Pioneer National Title Company, Norristown, PA; and Chelsea Title & Guaranty Company, Atlantic City, NJ. He served as chairman of the board for the following companies: First Title Insurance Company, Raleigh Durham, NC; the Title Insurance Corporation of Pennsylvania, Bryn Mawr, PA; and the Columbia Real Estate Title Insurance Company, Philadelphia, PA. During the early 1960s he was the title production manager for the Army Corp. of Engineers that dealt with the

acquisition of land comprising the site of Cape Canaveral.

He is survived by his wife Lael, brother William Finch and his wife, Tish, of Clermont, FL; aunt, Katharine Stephens, Brigatine, NJ; sister-in-law, Toni Wellshear, Topeka, KS; and his beloved extended family, Saralee Squires and her husband Chase Squires, Zephyrhills, FL, Sam Thurmond and his wife, Karen, and daughter, Christina, Longwood, FL, Todd Davis, Dodge City, KS, Jerret Perrin, Overland Park, KS, three grandchildren, three nephews, and one niece, and a wide circle of friends and co-workers who respected, admired, and loved him.

In lieu of flowers, the family suggests contributions to the Anatomy Dept., KU Medical Center, 3901 Rainbow MS 3012, Kansas City, KS 66160; checks payable to the Kansas University Endowment Association.

NEW ALTA MEMBERS

ACTIVE MEMBERS

Alabama

Christopher Bobo
Shoals Title Center, LLC
Tuscumbia

Delores Martin

Macon County Abstract
Notasulga

Colorado

Douglas Bulforr
Nautica Oxford Title
Greenwood

Colorado, cont.

Karen Hawkins
San Juan Title, LLC
Ridgeway

Samantha Smalling
Attorneys Title Insurance
Agency of Aspen, LLC
Aspen

Florida

Larry Davis
LAD Title Services, Inc.
Clearwater

Illinois

Steve Knupp
Chicago Abstract Title Agency,
LLC
Chicago

Pam Huston

McDonough County Title
Macomb

Indiana

Tim Abbott
Accurate Title Solutions Agency,
Inc.
Cincinnati

Kansas

JoAnn Childerse
Streamline Title
Wichita

Kentucky

Donald Ridge
Heritage Title Services
Louisville

Gary Biddle

Commonwealth Title Research
Georgetown

Ronald Mullen

Kentucky Land Title Agency, Inc.
Fort Mitchell

Louisiana

John McClendon
Kincaid-McClendon & Associates
Monroe

Louisiana, cont.

Harold Lee
Alexandria Title, LLP
Alexandria

Michigan

Scottie Morrison
S & A Title Services
E. Leroy

Missouri

Robert Ramshur
Greenville Abstract & Title Co., Inc.
Greenville

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Richard Hoch
Otoe County Title Co.
Nebraska

Ohio

Jane Dell
Professional Title Services, LTD.
Tiffin

Kim Paolucci

Chase Legal Title, LLC
Cincinnati

Ohio, cont.

Cynthia Luck
Cincinnati Ohio Escrow & Title, LLC
Cincinnati

Tim Abbott

Accurate Title Solutions Agency, Inc.
Cincinnati

Oklahoma

Jerry Lundy
Apex Title & Closing Services
Tulsa

Texas

J.D. Elrod
Sweetwater Title Co.
Sweetwater

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Jeff Horton
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Kenosha

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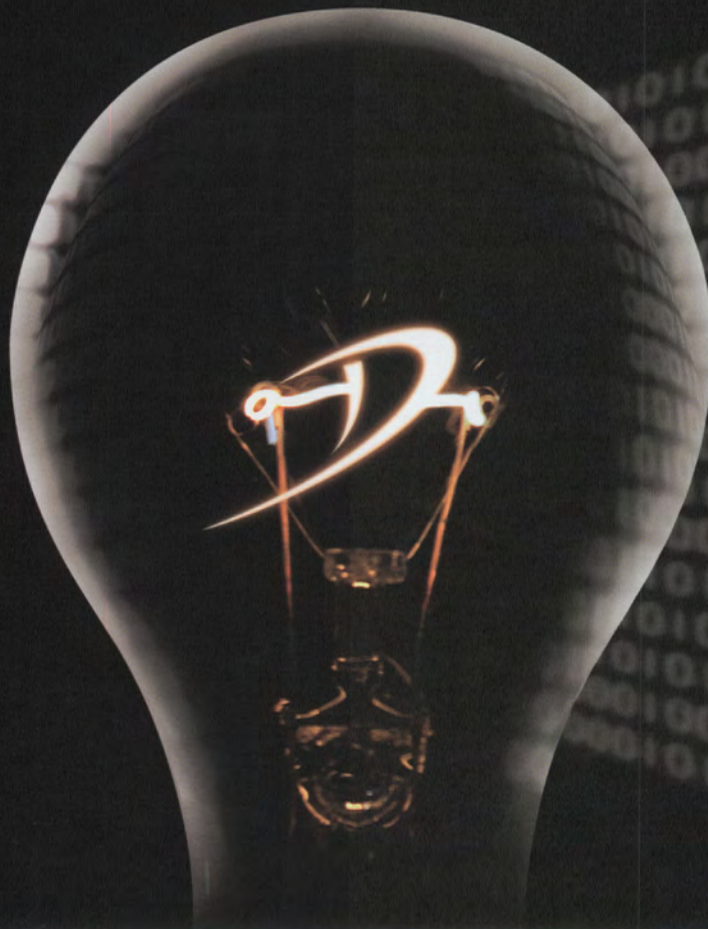
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Daniel Harris

SVP, Business Development Officer
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Laurie L. Sams

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818-952-1008

Janet F. Stiles

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Aubrey Walden

SVP, Director of Operations
949-790-2226

Phyllis Barr

VP, Relationship Manager
760-845-1158

Linda K. Doll

VP, Relationship Manager
310-725-5660

Kathy Nanez

VP, Operations Supervisor
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