

March/April 2009

Official Publication of the  
American Land Title Association

# TitleNews

## When Disaster Strikes *Is Your Business Prepared?*

**Inside This Issue:**

Business Continuity Planning and Preparation

TIPAC Hosts Inaugural Events

Case Study: TitleVest

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One of these days  
I'll learn how to swim.

**Some things are not what they seem.**

Like companies that claim to be financially stable but are actually treading water. For your own safety, always look below the surface before you dive into a relationship with a title insurance company.

Old Republic Title has the financial strength, breadth of experience and long-term stability your customers are counting on — and deserve.

Not to mention we are the highest rated title insurance provider in the industry. Make sure you're getting comprehensive title insurance from a reliable, experienced provider.

Don't get caught in the undertow.

Old Republic Title. We've earned our reputation.

Strength and Stability for Over a Century



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# calendar

## ALTA EVENTS

*April 19 - 21* 2009 Business Strategies Conference  
(Tech Forum 2.0)  
Grand Hyatt  
San Antonio, Texas

*October 21 - 24* 2009 Annual Convention  
The Breakers  
Palm Beach, FL

## STATE CONVENTIONS

*May 14 - 17* South Carolina  
(Palmetto)

*May 17 - 19* California  
*May 31 - June 3* New Jersey

*June 4 - 7* Pennsylvania  
*June 5 - 7* Virginia  
*June 7 - 9* Wyoming

*June 11 - 12* South Dakota  
*June 17 - 19* Texas  
*June 18 - 21* New England (CT, ME, MA, NH, RI, VT)  
*June 20 - 22* Arkansas

*July 9 - 10* Illinois  
*July 16 - 18* Utah  
*July 18 - 21* Michigan

*August 5 - 7* Montana  
*August 9 - 11* Tri State (WA, ID, OR)  
*August 12 - 14* Kansas  
*August 13 - 15* Minnesota  
*August 23 - 26* New York

*September 10 - 11* Arizona  
*September 10 - 11* Wisconsin  
*September 10 - 12* North Dakota  
*September 10 - 13* Maryland  
*September 13 - 15* Ohio  
*September 16 - 18* Colorado  
*September 17 - 20* Dixie Land (AL, GA, MS)

*September 17 - 19* North Carolina  
*September 24 - 26* Missouri  
*September 24 - 25* Nebraska

*November 5 - 7* Florida

*December 2 - 4* Louisiana

# TitleNews

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president's message



A stylized, handwritten signature in black ink. The signature is fluid and cursive, starting with a large, sweeping 'M' and ending with a long, horizontal flourish that tapers to a point.

– Mike Pryor

## The Path of Responsibility

I believe duty, responsibility, leadership and commitment to be enduring values. Every contribution to the success of our industry . . . any industry . . . still begins with a single person acting on a conscious decision to shoulder their share the load.

I grew up in a decidedly working class family that neither spent foolishly nor lacked necessities. My father and mother were considered solid, dependable and responsible members of our small town. At home, they made sure that each of the kids was given small chores.

That's where I . . . just like many of you . . . first learned responsibility.

In the days before the garbage disposal, all of our "non-trash" garbage was placed in a huge bowl that was placed beside the kitchen sink. It was the last bowl to be washed after the evening meal . . . so all of the day's kitchen garbage had to be dumped each evening.

That was my job.

Coffee grounds, egg shells, potato peelings, grease, leftover scrapings from plates, pots and pans . . . you name it . . . it was in the bowl. Anything that was liquid . . . even moist or gooey . . . couldn't be put in the paper grocery sacks that lined the trash receptacle without fear of "sack failure" on the way to the outside garbage cans.

Since my chore was an "after supper" duty, it often was a very dark journey to the outside trash cans. And at my young age, I was certain the path was lined with monsters, goblins and wild creatures just waiting to devour me . . . leaving nothing behind but a bowl of slop. Seeking protection and comfort against the Creatures of the Dark, I quick-stepped along the path while timidly singing "What a Friend We Have in Jesus."

The singing must have worked . . . the monsters never got me! But along the way, I was learning responsibility . . . even when it was uncomfortable. I was also learning that when every member of the family performed their job, the family functioned better.

The American Land Title Association is our industry family. And everyone has a part in the success of our family. The idea that someone might earn a living in the title industry but choose to NOT be a part of ALTA (and their state land title association) would be a strange and foreign concept in the household of my youth.

Anyone who is part of the title industry should be a member of ALTA. I understand the current economic challenges. And I also understand those economic challenges are PRECISELY the reason we should not . . . can not . . . increase the burden of our industry family by failing to each do our part.

Unlike the imaginations of my youth, the reality is, our industry path IS lined with many frightening things. Membership and participation in the American Land Title Association increases our industry opportunity for a safe journey.

Reach out to your industry colleagues. Share the message of ALTA. Share the message of your state association. Share the need for more voices . . . and strength . . . at our family table. Share the message of individual and corporate responsibility and duty to the well-being of the industry family. Ask them to carry their share of the load by actively participating in ALTA. Ask them to walk with us on the path of duty, responsibility, leadership and commitment.

And if you need reassurance . . . ask them if they can sing!



of  
ly  
af-  
or  
re-

A handwritten signature in black ink, appearing to read "Mike Pryor".

– Mike Pryor



## Third Quarter Market Share Data Shows Title Industry Operating Loss of \$332.1 Million for First Nine Months of 2008

3RD QUARTER TITLE PREMIUMS WRITTEN DECLINE 15% FROM PREVIOUS QUARTER

ALTA released the 3rd Quarter Title Insurance Industry Market Share and Financial Statement data. The title insurance industry achieved a substantial reduction in operating expenses during the first nine months of 2008. However, with the continued slowing of real estate sales and refinances, a continuing reduction of title insurance transactions and revenues, and a continuing rise in loss and loss adjustment expenses, the industry posted an operating loss of \$332.1 million. This contrasts with an operating gain of the \$168.7 million for the corresponding 2007 nine months and an operating loss of \$87.6 million for the full year 2007.

This reduction in operating gain, combined with a 60% decrease in net investment gain, was somewhat offset by a significant reduction of income taxes and resulted in a net loss for the first nine months of 2008 of \$64.5 million, as compared to net income of \$454.7 million for the first nine months of 2007.

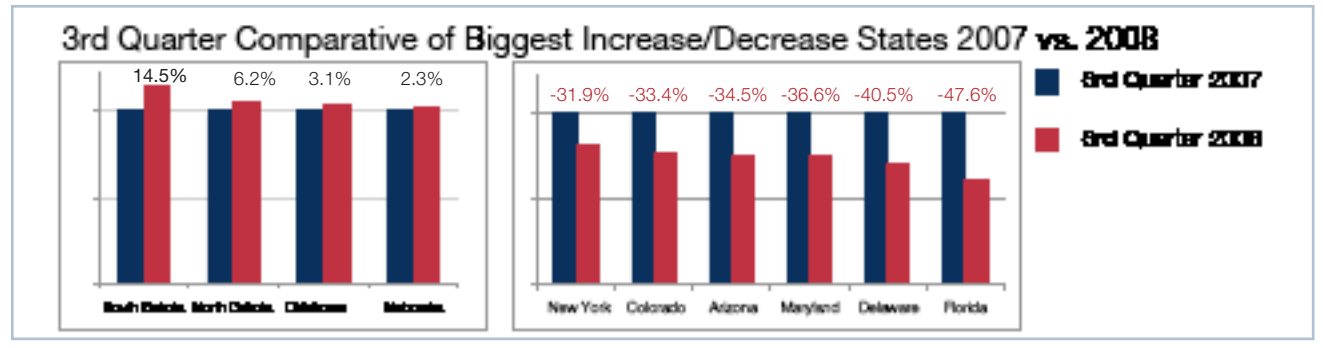
Despite these struggles, the industry remains in a very strong financial position, with Admitted Assets of over \$9.5 billion, including over \$8 billion in Cash and Invested Assets. Also, Statutory Reserves were in excess of \$5.3 billion and Statutory Surplus was at nearly \$2.6 billion.

The 3rd Quarter of 2008 marked the 10th consecutive quarter in which title premiums written declined from the prior year's equivalent quarter. Furthermore, each succes-

sive quarter's decline was greater than the previous quarter. The 3rd Quarter of 2007 decline was more than 15%, the 4th Quarter decline was 22%, the 1st Quarter of 2008 decline was over 26%, the 2nd Quarter of 2008 declined almost 28% , and the 3rd Quarter declined over 30%, indicating that poor markets not only continued through the year but were still worsening through the 3rd Quarter.

On a state-by-state basis, 40 states plus the District of Columbia showed written premiums dropping in the 3rd Quarter by 10% or more, with seven states, including two of the eight largest, declining over 40%. Two of the four largest states, and four of the eight largest, declined more than 30%. Fourteen states plus the District of Columbia were down between 20 and 30%. Only five states showed increases, with North and South Dakota up over 40%, Nebraska up 19%, Wisconsin up 14% and Louisiana up less than 2%. The four largest states in terms of written premiums, California, Texas, Florida and New York, were down 19, 28, 52 and 30%, respectively. The sixth largest state, Arizona, was down 35% and the eighth largest, New Jersey, was down 43%.

Title Insurance Industry Market Share and Financial Statement compilations for the 3rd Quarter of 2008 are available on the ALTA web site at [www.alta.org/industry/financial.cfm](http://www.alta.org/industry/financial.cfm). Compilations for the 4th Quarter of 2008 will be released in mid-March, 2009.



## ALTA's Business Strategies Conference in San Antonio

ALTA's Annual Business Strategies Conference will be held April 19-21 at the Grand Hyatt San Antonio. The conference will focus on the latest innovations in technology to help businesses keep pace. Concurrent sessions will focus on technology,

compliance, business management and business development. CE and CLE credits will be available for most sessions. For more information and to register, go to [www.alta.org/meetings/businessstrategies](http://www.alta.org/meetings/businessstrategies).



## LTI Offers Model Employee Training Program

ALTA's Land Title Institute (LTI) is offering the Model Training Program for Land Title Professionals, a step-by-step training program broken into Beginner, Intermediate, Advanced and Ongoing modules. The program is based on 35+ years of title-specific training. LTI is also offering a DVD entitled "The Principles of Title Searching," explaining the general procedure of searching

titles. For these and other educational materials, go to [www.landtitleinstitute.org](http://www.landtitleinstitute.org)



## ALTA Urged Congress to Address Housing Sector as Part of Stimulus Package

On January 27, 2009 ALTA CEO Kurt Pfothenauer sent a letter to Congress urging adoption of provisions to stabilize and stimulate the housing sector as part of the stimulus package. The letter stated that challenges of reduced access to mortgage credit, falling home prices and increased foreclosures needed to be addressed. The letter urged Congress to pass the following provisions:

- Lower the current home inventory by making the \$7,500 first-time home-buyer tax credit available to buyers of existing home inventory, eliminate the currently required repayment and extend the availability through December 31, 2009.

- Encourage more Americans to purchase or refinance a home by creating a short term federal buy-down of interest rates on 30-year fixed-rate mortgages to bring down interest rate spreads.
- Restore and make permanent the FHA, Fannie Mae and Freddie Mac maximum loan limits to \$729,750.
- Encourage solutions to help owners needing assistance through foreclosure prevention, mortgage workouts and loan modifications, and facilitating short sales and sales of vacant Real-Estate Owned property wherever possible.

"Just as weakness in our housing sector signaled the beginning of our current economic challenges, the recovery in our housing markets will signal our economic revival," said Pfothenauer.

## NAIC Agrees to Refine "Missouri Proposal"

The NAIC Title Insurance Issues Working Group agreed to refine the "Missouri Proposal," which would have underwriters include a state page on their Form 9 Financial Statement

for each state in which they operate. ALTA is continuing to work closely with members of the Working Group to advocate a workable data collection solution.



## President Signs American Recovery and Reinvestment Act of 2009

The President signed the \$787 billion economic stimulus package on February 17, 2009. With interest on the new debt, the total cost will be \$1.1 trillion. Provisions of interest to the housing market include the Homebuyer's Tax Credit of \$8,000 for first-time homebuyers purchasing a principal residence between January 1, 2009 and December 1, 2009; and FHA, Fannie Mae and Fred-

die Mac Loan Limits, reinstating last year's 2008 loan limits that were equal to the greater of 125% of the 2008 local area median home price or \$271,050 for FHA and \$417,000 for Fannie and Freddie, with an overall maximum cap of \$729,750. Congress and the President have announced that a finance and housing package (including tax provisions) will be the next big initiative.

## HUD Delays RESPA Effective Date

Due to litigation, the Department of Housing and Urban Development delayed the effective date from January 16 to April 16, 2009 a rule that would ban builders from offering discounts to homebuy-

ers that use their affiliated mortgage companies. The change was part of a revision to the Real Estate Settlement Procedures Act that was to take effect on January 16, 2009.

## \$30 Billion in ARMS Due to Reset in 2009

According to Fitch Ratings, nearly \$30 billion in adjustable-rate mortgages are due to reset in 2009, and \$67 billion in 2010, inflicting more trauma on the U.S. housing market. Foreclosures are expected to further rise as borrowers

are faced with lower credit ratings and the severe drop in home equity. The glut of foreclosed homes will likely be sold at much lower prices, fueling what economists refer to as a "feedback loop" of increasingly lower values.

## FDIC Issues Warning About Fraudulent Emails

The FDIC warns consumers, businesses and financial institutions to be aware of fraudulent emails allegedly from the Federal Reserve Bank. The emails claim that a phishing attack has affected the Fedwire system and that restrictions are in place, instructing recipients to click on links within the email for additional information.

The fraudulent emails have included various spoofed names and addresses in the "From:" line including "Bank System Administration," "System Administration" and "Federal Reserve Bank." The message contains links to Web pages that attempt to load malicious Trojan horse programs onto end users' computers.

## Freddie Mac Allows Families to Rent Their Foreclosed Home

In an effort to give owners of foreclosed homes more time to find a place to live, Freddie Mac announced in February a plan that will allow them to enter into a month-to-month lease after their home has been acquired by Freddie Mac through foreclosure. The plan also helps people renting from landlords whose homes are in foreclosure.

sure, selecting a group of 5,000 home loans in states with high default rates like California and Nevada. Owen Financial Corp, a loan servicer in Florida, will help run the program to work with borrowers who are at least two months behind in their mortgage payments. If successful, Freddie Mac may continue the program through June.

Under the program, homeowners will pay market-value rents as opposed to the amount of the previous mortgage payment. Homeowners will have to show proof that they have enough income to pay the monthly rent.

Last year, Fannie Mae began modifying loans to make monthly payments more affordable for homeowners. The new payments, taxes and insurance cannot exceed 38 percent of a borrower's pretax monthly income. Loan modifications include extending loan terms, reducing interest rates, or charging no interest for a set period of time.

Freddie Mac also launched a pilot program that will identify borrowers who are at risk of foreclo-

# When Disaster Strikes

## Is Your Business Prepared?

Business disruptions can range in severity from large-scale disasters such as hurricanes, tornadoes and floods, to isolated incidents like a building fire or collapse. Being prepared to manage disaster recovery can greatly minimize business disruption.

After Hurricane Ike barreled across the Atlantic in early September of 2008 as a Category 4 hurricane with sustained winds nearing 145 mph, it crossed over western Cuba and headed for the Texas coast.

The eye of the storm powered ashore at Galveston in the early morning hours on Saturday, September 13 as a Category 2 hurricane, with sustained winds near 109 mph, bringing widespread floods across the Galveston area. >>

by Michelle Sweet









▲ Aftermath of Hurricane Ike in Galveston, TX

Stewart Title Company has five offices on Galveston Island, including the company's first office building purchased in 1905 in the now historic district. The building was flooded in seven feet of water before Ike headed for Houston.

The Fourth largest city in America, Houston was pummeled with tor-

rental rain and strong winds that left millions of homes and businesses without power for several weeks. Authorities shut down the downtown area, where streets were littered with debris, downed traffic lights and shattered glass.

Governor Rick Perry dispatched a 1,000-member search and rescue team, anticipating the largest search and rescue operation ever conducted in the state of Texas. Hurricane Ike was the third most destructive hurricane ever to hit the United States, causing an estimated \$40 billion in damage.

Old Republic Title closed nine branch offices in Houston before the storm hit.

"By midnight Friday, over a million people in the Houston area were without power," said Dan Hassen, senior vice president and southwest

regional manager for Old Republic. "That first night was punctuated every few minutes by exploding transformers. For some, these flashes were the last electric lights they would see for nearly three weeks."

Hassen said electricity wasn't the only issue.

"Lack of pumping had reduced home water flow to a trickle. Gas station pumps weren't of much use either. As it was, there wasn't much gas anyway because the trucks were unable to deliver any fuel due to the fact that no one was working. People were reduced to surviving in a primitive kind of world without their electricity, fuel, water, television or phones."

Hassen returned to his office that first week following the storm armed with only a flashlight to survey the damage. Power wasn't restored to the office until the end of the second week. Close to 120 employees had been unable to return to work without power, phones or use of toilet facilities.

During the power outages, one client had closed on a \$2 million deal, but because the money couldn't be wire transferred the seller lost a substantial amount of interest. All property inspections on open escrows had to be redone, rendering the entire month of September lost as if it never happened.

When Ike blew out of Texas, it veered northeast, with damages reported as far north as eastern Canada. Metropolitan Title Data, Inc., a title plant in St. Louis County, Missouri, covers St. Louis and Jefferson counties with a database dating back to 1900. The 10,000-square-foot facility was completely flooded, nearly to the roof, destroying more than 400,000 abstracts going back 20 years. The



▲ JP Morgan Chase Tower in Downtown Houston, closed by authorities following Hurricane Ike.



company estimates damages between \$7 and \$10 million.

“I’ve been here for 23 years, building up an amazing operation, and I couldn’t believe the devastation,” said Jim Feeney, Metropolitan’s executive vice president.

The company was able to secure a new server and reload backup files, which was operational in a week. But it took the phone company two months to restore the T-1 lines to their existing server. They are still operating at a temporary site and recently found a new location to begin the long process of rebuilding their plant.

Although Metropolitan didn’t have a disaster plan, the company had installed three-foot flood walls around the perimeter of the building after a previous flood filled the basement with one foot of water. They were useless in the devastation Ike caused.

According to David Norris, senior

■ During the power outages, one client had closed on a \$2 million deal, but because the money couldn’t be wire transferred, the seller lost a substantial amount of interest

vice president of Stewart Title Houston and manager for Galveston County, before the storm employees were relocated from Galveston Island to other offices and they were fully operational within four days after the storm hit. He credits Stewart’s business continuity plan and automated transaction management system for



▲ Metropolitan’s Title Plant, showing the water line from the flood.

their ability to respond quickly and efficiently.

Old Republic also has a disaster plan, but Hassen says there are some things the company learned from the

an 800-number for future emergencies.”

Hassen said Old Republic is also looking into getting an Internet messaging system set up. He says broadcast text or instant messaging to cell phones would have been helpful since phone use was so restricted in the early days after the hurricane and text messaging uses less bandwidth.

“It was also discovered that paperless closings and other Web-based systems do, in fact, work best,” said Hassen. “Paper files will never fare well when the wind rips the roof off a building or when the ensuing rain floods its interior. Hurricane Ike accelerated our efforts to get closer to paperless closings.”

### Midwestern Floods June 2008

On Monday, June 9, Randee Slings, general manager of Iowa Title Company in downtown Cedar Rapids, began preparing for the flood. After months of heavy rains, a number of rivers along the Mississippi had

experience.

“For starters, it is important that employees become aware of our weather/emergency line. Its purpose is to provide people with a source of reference to call in the case of an emergency. However, as none of the phone systems at any of our offices were working, we are now setting up



**A** Iowa Title Company, submerged to the roofline, in downtown Cedar Rapids.

overflowed their banks and broken through levees.

Iowa Title had been through the flood of 1993, when the basement was flooded, so Slings' actions now were a result of lessons learned. She had everything in the basement moved to the second floor. All of the computers and open work orders were placed on top of desks. She made sure the building was properly sandbagged.

At noon on Wednesday she received the call—downtown Cedar Rapids was being evacuated. Her office staff packed up their personal effects and laptops. She was the last to leave the building that day, and as she locked the doors she noticed the drains in the street were beginning to overflow, alerting her that the impending flood might be worse than she had feared.

In the ensuing days, Cedar Rapids experienced its worst flood in history, reaching a level of a 500-year flood. The city's levee, built to provide protection to 22.5 feet, was well under water and more than 24,000 residents had to be evacuated.

In the heart of downtown, 1,300 city blocks were completely submerged, including City Hall and local courthouses. Electrical power was out to more than 15,000 customers, including most of downtown. The city's water supply was operating at 25 percent capacity because its two water treatment plants were operating on generators. The sanitary sewer lift station failed, causing sewage back-ups.

**■ The building had been submerged to roof level, so all of the computers, office equipment, desks, files—literally everything—had been destroyed.**

On June 14, the Cedar Rapids Fire Department began escorting downtown business owners, via the city's skywalk system, into the city to retrieve essential equipment only.

Entry was limited to three representatives per business, and only to those with operations on the second floor or above. Flashlights were mandatory.

"It literally looked like a war zone," said Slings. "National Guard personnel were stationed throughout the flooded residential and business areas to ensure safety and security. Many areas were barricaded and credentials were required in order to be admitted into the area. And I can't even begin to describe the smell."

Slings was only allowed this one trip to her office, so her goal was to retrieve anything that was salvageable. But when she entered her building she realized she'd lost everything. The building had been submerged to roof level, so all of the computers, office equipment, desks, files—literally everything—had been destroyed.

Her company had a business continuity plan. In fact, developing the plan was her first duty when she was hired by the company five years prior. She quickly swung into action.

The first priority was to get the business up and running as quickly as possible. So she called the people

responsible for implementing the disaster recovery plan. By the following Monday morning they had computers up and running at an offsite location, which only had room for half of



her staff. A second off-site location was set up to handle the rest of the staff—28 people in total.

“We had two offices completely supplied and working,” said Slings. “We had eight-foot tables set up with three people working per table. We were delivering abstracts that same day.”

The company worked with local attorneys and courthouses to help reconstruct property records that were destroyed, and provided copies of deeds and other instruments stored in their offsite title plant. They eventually merged the two offices into one temporary site, but going from 11,000 square feet of working space down to 2,500 square feet was challenging.

“We really had to be conscientious of the emotional stress that everyone was under while working in crowded workspace without the efficiencies of our regular office space and workflow. We had to find inventive ways to continue to operate without some of the conveniences we previously had. People were amazing, but there obviously were times of strain.”

They’ve signed a lease for a new downtown building that they plan to occupy by November 1 of this year.

## California Wildfires Summer 2008

Over the weekend of June 20-21, 2008, a freak dry thunderstorm rolled onshore along the California coast, unleashing 25,000 dry lightning strikes that ignited more than 2,000 wildfires. Record breaking temperatures, reaching 115 degrees in the Central Valley in early July, along with exceptionally high winds, fueled the spread of the fires, many of which lasted through the month of August.



▲ Firefighters battle several thousand California wildfires.

The state was primed for the fires. The previous record for the least inches of rainfall was in 1934, which was broken in 2008. The moisture content in the grasses and brush in Northern California were less than 2 percent in June compared to 40 percent normally.

In all, nearly 1.2 million acres were burned in Northern, Central and Southern California, with close to 1,000 fatalities.

Air quality throughout the state deteriorated as a result of the smoke. Some areas experienced record levels of air pollution with hazardous concentrations of particulate matter. Health officials issued air quality advisories and warnings. Schools and businesses closed in some areas. People stayed indoors as much as possible.

In San Diego, most of the city’s business districts were closed for nearly a week. Due to dangerously poor air quality, several First

American offices had to relocate to a temporary facility.

Mark Sachau, senior vice president and division operations manager for California and Hawaii for First American, said although there was little business disruption, there were some delays in getting documents out—one to a seller in Houston and one to a seller in Tennessee—on properties located in San Diego. Both transactions were delayed a week, resulting in one buyer having to stay in a hotel.

First American offered to replace recorded mortgage documents, property tax information, recorded deeds and tax assessor maps at no charge to homeowners throughout the state who lost their homes in the fires. The company also offered a 40 percent discount on title insurance for fire victims securing a new deed of trust or a construction loan on those lost properties located within a governmentally declared disaster area.



## Ice Storm – January 2009

In late January, a winter storm swept across the Northeast, from the southern plains to the East Coast. Severe ice storms ravaged parts of Oklahoma, Arkansas, Missouri, Illinois, Indiana, Kentucky, Tennessee, Ohio and West Virginia.

The Arkansas Democrat Gazette reported on January 29 that 1.35 million customers were without electricity, representing one-fourth of the state. Some areas would not have service restored for three weeks.

Governor Mike Beebe, calling it a “major, major disaster,” spoke with President Barack Obama, who subsequently approved a federal emergency declaration, freeing up much needed generators for shelters, jails and municipal water and sewer systems. The Arkansas Department of Health cautioned residents to boil their drinking water.

Blake Hanby, president and CEO of WACO Title Company in Fayetteville, Arkansas, had to close three of the company’s fourteen offices. He said area grocery stores, gas stations and restaurants were closed. Hotels with generators and heat were filled to capacity.

“It’s hard to imagine what it’s like to not have power under such freezing conditions and not know when it will be restored,” said Hanby. “Phone lines were down and cell phone signals were bad. Trees were down everywhere, which had to be moved out of the way before the power lines could be restored. The tops of all the trees as far as the eye could see were sheared off from the weight of the ice. People were trapped in their homes because of fallen trees, which caused major damage to cars and roofs. It literally looked like a war zone in Beirut.”



▲ Ice covers power lines in Clay County Arkansas

Hanby says work was immediately channeled to other company offices and there was little business disruption. Smaller businesses would not have had that option.

## Developing A Business Continuity Plan

Rob Chapman, senior vice president and CIO for Old Republic, says Hurricane Ike was a dramatic reminder of how dependent we are on infrastructure services like electricity, phones, plumbing and even computers, to conduct our most routine daily activities.

“While a Category 2 hurricane is on the extreme end of the disaster scale, there are many other day-to-day disasters that can result in localized business disruption and inconveniences,” said Chapman. “A business continuity plan is the best way to anticipate and plan for the effects of disasters that are both large and small. It should be customized to

the specifics of the business operation and the likely threats that could interrupt operations.”

Regardless of the size of the operation or the range of threats, Chapman says a business continuity plan should include the following elements:

**Risk Assessment:** What are the likely risks to business operations in the area in which business is conducted? This could include major risks like hurricanes, fires, floods and tornadoes, to more localized situations, such as a burst pipe in the ceiling over the computer room. Knowing the specific risks will better prepare a company for handling a situation when it arises.

**Contingency:** What steps can be taken to maintain operations in the event of a disaster?

**Communications:** Is the plan communicated to employees? Do the employees know what to do in case a disaster scenario becomes an actual event?

**Recovery:** What steps would be necessary to restore business operations in the event of a disaster?

“While every eventuality cannot be planned for, having a plan can be a solid starting point in organizing a recovery,” said Chapman.

See “Running Your Business” for a step-by-step guide for developing a Business Continuity Plan.



Michelle Sweet is Editor-in-Chief of Title News.

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# Business Continuity Planning and Preparation

Several natural disasters in 2008 point out the importance of preparing for disaster and planning for business continuity.

**O**n February 4-5, 135 tornadoes touched down in Arkansas, Mississippi, Alabama, Tennessee and Kentucky. In June, record flooding occurred across parts of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri and Wisconsin. In July and August, 2,000 wildfires destroyed more than 1.1 million acres in California. In September, Hurricane Ike, the third most destructive hurricane to ever make landfall in the U.S., ravaged the Texas coast.

Every business should have an emergency plan in place to help ensure employee safety and restore operations as quickly as possible following a disaster. Though each situation is unique, any organization can be better prepared if it plans carefully,

puts emergency procedures in place, and practices for emergencies of all kinds.

Business continuity and crisis management can be complex issues depending on the particular industry, size and scope of your business. However, putting a plan in motion will improve the likelihood that your company will survive and recover.

## Risk Assessment

Risk assessment is a sophisticated area of expertise that can range from self-assessment to an extensive engineering study. The specific industry, size and scope of an individual company will determine the organization's risk assessment needs.

Know what kinds of emergencies might affect your company. Find out

which natural disasters are most common in the areas where you operate.

How quickly your company can get back to business often depends on emergency planning done today. Start planning now to improve the likelihood that your company will survive and recover.

## Continuity of Business Planning

1. Carefully assess how your company functions, both internally and externally, to determine which staff, materials, procedures and equipment are absolutely necessary to keep the business operating.
  - Review your business process flow chart, if one exists.
  - Identify operations critical to survival and recovery.
  - Include emergency payroll, expedited financial decision-making and accounting systems to track and document costs in the event of a disaster.
  - Establish procedures for succession of management. Include at least one person who is not at the company headquarters, if applicable.
2. Identify your suppliers, shipping resources and other businesses you must interact with on a daily basis.
  - Develop professional relationships with more than one company to use in case your primary contractor cannot service your needs. A disaster that shuts down a key supplier



can be devastating to your business.

- Create a contact list for existing critical business contractors and others you plan to use in an emergency. Keep this list with other important documents in your emergency supply kit and at an off-site location.
3. Plan what you will do if your building or plant is not accessible.
    - Consider if you can run the business from a different location or from your home.
    - Develop relationships with other companies to use their facilities in case a disaster makes your location unusable.
  4. Plan for payroll continuity.
  5. Decide who should participate in putting together your emergency plan.
    - Include co-workers from all levels in your planning and as active members of the emergency management team.
    - Consider a broad cross-section of people from throughout your organization, but focus on those with expertise vital to daily business functions. These will likely include people with technical skills as well as managers and executives.
  6. Define crisis management procedures and individual responsibilities in advance.
    - Make sure those involved know what they are supposed to do.
    - Train others in case you need back-up help.
- Review your emergency plans annually. Just as your business changes over time, so do your preparedness needs. When you hire new employees or when there are changes in how



your company functions, you should update your plans and inform your people.

### Emergency Planning for Employees

Your employees and co-workers are your business's most important and valuable asset. There are some procedures you can put in place before a disaster, but you should also learn about what people need to recover after a disaster. It is possible that your staff will need time to ensure the well-being of their family members, but getting back to work is important to the personal recovery of people who have experienced disasters. It is important to re-establish routines, when possible.

1. Two-way communication is crucial before, during and after a disaster.
  - Include emergency preparedness information in newsletters, on the company intranet, in periodic employee emails and in other internal communications tools.
  - Consider setting up a telephone calling tree, a password-protected page on the company web site, an email alert or a call-in voice recording to communicate with

employees in an emergency.

- Designate an out-of-town phone number where employees can leave an "I'm Okay" message in a catastrophic disaster.
  - Provide all co-workers with wallet cards detailing instructions on how to get company information in an emergency situation. Include telephone numbers or Internet passwords for easy reference.
  - Maintain open communications where co-workers are free to bring questions and concerns to company leadership.
  - Ensure you have established staff members who are responsible for communicating regularly to employees.
2. If you have employees with disabilities, ask them what assistance they may need in an emergency.
    - Identify employees in your organization with special needs.
    - Engage people with disabilities in emergency planning.
    - Ask about communications difficulties, physical limitations, equipment instructions and medication procedures.

- Identify people willing to help co-workers with disabilities and be sure they are able to handle the job. This is particularly important if someone needs to be lifted or carried.
- Plan how you will alert people who cannot hear an alarm or instructions.

Frequently review and practice what you intend to do during and after an emergency with drills and exercises.

### Emergency Supplies

When preparing for emergency situations, it's best to think first about the basics of survival: fresh water, food, clean air and warmth. Encourage everyone to have a portable kit customized to meet personal needs, such as essential medications. Here are some of the items a business should have in advance:

#### 1. NOAA weather radio

- With tone-alert feature, if possible, that automatically alerts you when a watch or warning is issued in your area. Tone-alert is not available in some areas.
- Include extra batteries.
- It is recommended that you have both a battery-powered commercial radio and a NOAA weather radio with an alert function. The NOAA weather radio can alert you to weather emergencies or announcements from the Department of Homeland Security. The commercial radio is a good source for news and information from local authorities.

#### 2. Keep copies of important records such as site maps, building plans, insurance policies, employee contact and identification infor-

mation, bank account records, supplier and shipping contact lists, computer backups, emergency or law enforcement contact information and other priority documents in a waterproof, fireproof portable container. Store a second set of records at an off-site location.

#### 3. Talk to your employees about what emergency supplies the company can feasibly provide, if any, and which ones individuals should consider keeping on hand.

#### 4. Here are some of the items employees should have in advance:

- Water, amounts for portable kits will vary. Individuals should determine what amount they are able to both store comfortably and to transport to other locations. If it is feasible, store one gallon of water per person per day for drinking and sanitation.
- Food, at least a three-day supply of non-perishable food.
- Battery-powered radio and extra batteries.
- Flashlight and extra batteries
- First Aid kit
- Whistle to signal for help
- Dust or filter masks, readily available in hardware stores, which are rated based on how small a particle they filter
- Moist towelettes for sanitation
- Wrench or pliers to turn off utilities
- Can opener for food (if kit contains canned food)
- Plastic sheeting and duct tape to "seal the room"
- Garbage bags and plastic ties for personal sanitation

### Deciding to Stay or Go

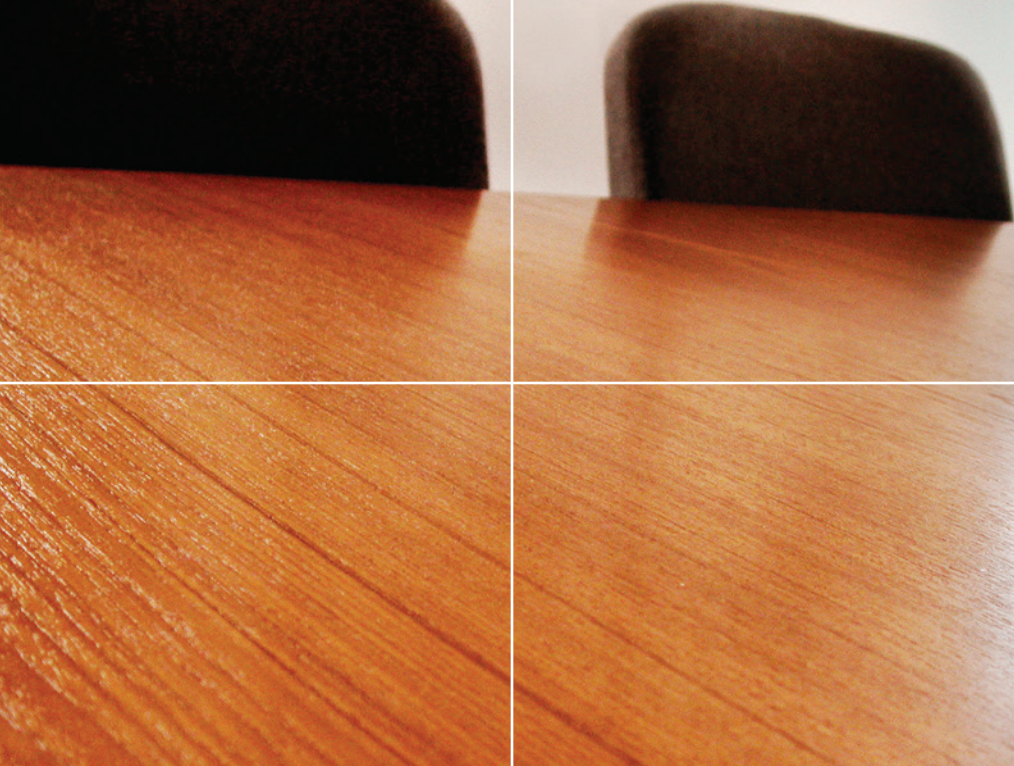
Depending on your circumstances and the nature of the disaster, the first important decision after an incident occurs is whether to shelter-in-place or evacuate. Understand and plan for both possibilities in advance by developing clear, well thought out plans.

1. Have an Evacuation Plan and a Shelter-in-Place Plan.
2. In any emergency, local authorities may or may not immediately be able to provide information on what is happening and what you should do. However, you should monitor TV or radio news reports for information or official instructions as they become available.
3. If you are specifically told to evacuate, shelter-in-place or seek medical treatment, do so immediately.
4. Use common sense and available information to determine if there is immediate danger. For example, if your building is damaged you will typically want to evacuate.

### Resources

The U.S. Department of Homeland Security's Ready Business web site provides detailed information and free guides to help businesses formulate an emergency plan covering both disaster preparedness and business continuity. For more information, go to: [www.ready.gov/business/index.html](http://www.ready.gov/business/index.html).

The Federal Emergency Management Agency (FEMA) provides a free Emergency Management Guide for Business and Industry at: [www.fema.gov/business/guide/index.shtm](http://www.fema.gov/business/guide/index.shtm).



# ALTA Title Insurance Regulatory Survey

Do you need to know details on state laws relating to the licensing and operating requirements of title insurers, title agents, abstracters, and escrow and closing agents?

The **Title Insurance Regulatory Survey** is the most comprehensive collection of regulatory information and practices of the title industry available. Newly available for purchase is The Title Insurance Regulatory Survey Summary Chart for all 51 jurisdictions.

Purchasing a one-year license to the survey allows you and your company to access the data on the web and insure that you will always have the most up-to-date information available.

For more information, or to purchase the survey, please go to [www.alta.org](http://www.alta.org) and click on Resources for the Title Insurance Regulatory Survey.

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# TIPAC Hosts Inaugural Events

Every four years a lucky few people are able to experience the thrill of a presidential inauguration. While the lucky few are a few thousand, TIPAC, the Title Industry Political Action Committee, hosted a first class presidential inauguration celebration for members in the Nation's Capital, January 18-20, 2009.

By Alyssa Marois

The festivities and excitement of the day were watched across the country and around the world, but ALTA members here in Washington were able to be a part of the celebration. Members attended the Swearing-in Ceremony and an Official Inaugural Ball, and saw President Barack Obama in route to the White House for the first time.

Frank Pellegrini, President of Prairie Title, said, "We had a most memorable time and haven't stopped talking about the experience to anyone who'll listen since we've returned."

The size and scale of this inauguration was unprecedented. According to the Washington Post, a record 1.8 million people were on the National Mall to watch Presi-



▲ Wall Street Journal contributor John Fund speaks at an intimate breakfast with ALTA members.

dent Barack Obama take the Oath of Office. Hundreds of thousands of people stood in line for hours to view the Swearing-in Ceremony,



▲ President Obama passes directly in front of the Willard on his way to the White House for the first time.

and many ticket holders were not admitted due to the overwhelming crowds.





▲ John and Deborah Voso dressed to impress.

The hottest tickets in town were tough to get, yet despite overwhelming demand, TIPAC was able to secure tickets to the Illinois Inaugural Gala, the Swearing-in Ceremony, and the Official Inaugural Balls. The demand for Swearing-in Ceremony tickets was staggering, and the Illinois Inaugural Gala sold out weeks in advance.

TIPAC also hosted several events at the Willard InterContinental, known as the “Crown Jewel of Pennsylvania Avenue,” in a lovely 10th floor suite.

“The rooms were beautiful and the views just perfect for inaugural parade viewing,” said Sharon Brandon, a Commercial Paralegal with Atlanta-based Specialized Title Services, Inc.

On Monday, January 19, Wall Street Journal Editorial Board member Stephen Moore and editorial contributor John Fund joined TIPAC for an intimate breakfast, during which members discussed the Obama Administration’s priorities and asked questions regarding the current state of the economy.



▲ Senator Dick Durbin (D-IL) with Mary and Frank Pellegrini at the Illinois Inaugural Gala.

■ “We had a most memorable time and haven’t stopped talking about the experience to anyone who’ll listen since we’ve returned.”

Frank Pellegrini

Later that day, HUD executives David Horn, chief of staff to Former Secretary Steven Preston, and Keith Nelson, former assistant secretary for administration and management, joined everyone for cocktails and dinner, sharing their insights and experience.

ALTA and the Mortgage Bankers Association (MBA) co-hosted an Inaugural Parade Viewing and Party on Tuesday, January 20. The event was widely attended by members of both organizations and a few Congressional staffers braved the roadblocks and inclement weather to join as well, making the event a huge success.

The inauguration of President Barack Obama was not about the campaigns, the election, or even the person taking the oath. This inauguration celebrated the greatness of our nation and the pride and joy of being an American.



**Alyssa Marois** is ALTA’s Director of Government Affairs with responsibility for TIPAC. Alyssa can be reached at 202-296-3671 Ext. 233 or [alyssa@alta.org](mailto:alyssa@alta.org).

# Virginia Land Title Association Provides Ongoing Support to Habitat for Humanity



By Deborah Allen

The Virginia Land Title Association (VLTA) Board of Directors had a vision for our members to support a charitable organization through some type of community outreach. That vision led to a partnership with



Habitat for Humanity and its affiliates across the Commonwealth of Virginia. Habitat for Humanity is a perfect match for the title insurance industry – Securing the American Dream of Homeownership.

In October 2008, VLTA members donned their gloves, boots, paint brushes and tool boxes to volunteer their services at Habitat projects around the state.

In Central Virginia, volunteers helped with caulking, painting, hanging siding and even tried their hand at raising a staircase landing.

In Southern Virginia, volunteers put final touches on objects being sold at



Habitat's annual fund raiser. They also categorized clothes from racks in the Habitat thrift store and did their own share of painting and hanging siding.

VLTA members typed letters of appreciation to area businesses, cleaned construction debris from building sites and unloaded cinder blocks from a truck. Volunteers also provided helping hands in Fredericksburg and Northern Virginia.

Through our partnership with Habitat, the association has learned a lot about the full scope of operations that make this charity a success. Habitat is known for building houses, but people who write letters, organize fund raisers, make phone calls and manage business office practices also play a crucial role in the charity's success.

Habitat for Humanity needs volunteers in every arena of their operation and the Virginia Land Title Association relishes the opportunity to lend its time, talent and service to Habitat and the communities they serve.



**Deborah Allen** is a Licensed Title Insurance Underwriter with Pioneer Title in Virginia Beach, VA. She is also a VLTA Board Member.



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# CASE STUDY : TitleVest Creates Niche With Technology

How Founder and CEO Bill Baron differentiated his company by developing technology tools to streamline the most laborious aspects of the title and closing processes.

By Jessica Lyon

**T**echnology can play an integral role in streamlining the operations of both a title agency and its clients. Over the past eight years, TitleVest Agency, Inc., a Manhattan-based provider of title insurance and related real estate services, stands out as a prime example of a company that both recognizes the power of technology and has successfully integrated technology to grow its business.

Today, TitleVest's title insurance operations is a well-oiled machine and its thousands of real estate clients enjoy secure online access to numerous proprietary, web-based tools that help streamline their operations.

## Here is how TitleVest went about achieving these goals:

### The Clients

TitleVest's client base consists primarily of real estate attorneys and mortgage lenders in New York, New Jersey and Florida.

### The Challenge

When Bill Baron, TitleVest's founder and president, opened TitleVest's doors in 2000, he looked for ways to differentiate his business from the countless other title insurance providers. As a former practicing real estate attorney, Baron was keenly aware of the many laborious and

time-intensive tasks required in real estate transactions. Since the various off-the-shelf title insurance software programs did not adequately address these inefficiencies, and in any case would not be a point of market differentiation, Baron set out on a mission to develop proprietary tools to eliminate archaic methods for his target client-base, as well as TitleVest's own internal operations.

"Closing a real estate transaction is historically inefficient and paper intensive," said Baron. "In developing web-based tools to streamline the process, we saw an opportunity to increase efficiency and to provide one-of-a-kind added value to our clients."

In order to develop effective technology, TitleVest's team of title professionals and IT developers assessed the workflow within TitleVest and devised a strategic plan for streamlining their processes. For the attorneys and other real estate professionals, they examined all of the components in the closing process and determined how they could automate some of these processes to increase efficiency.

### The Solution

Develop proprietary technologies that allow real estate professionals secure online access to tools that enable them to place and track the status of their orders, schedule closings, calculate closing costs, access their policies, track the reporting of real estate and facilitate the creation of all required real estate documents.



**ACRIS E-Tax Forms:** ACRISasap™ was developed in response to the New York City Department of Finance’s ACRIS web site which, among other things, requires that all New York City and State transfer tax and related forms be created online. ACRISasap™ requires only one form to be completed, unlike the NYC ACRIS web site which requires multiple forms. Once entered into ACRISasap™, the data is automatically transferred to the City’s ACRIS web site and all required E-Tax Forms (including Recording Cover Pages on coop transfers) are created and posted on *TitleVest.com* in about one minute.

TitleVest’s clients have found the company’s ACRIS E-Tax technology far superior to the complex system used by the New York City Department of Finance.

“I was filling in at a condo closing for a vacationing lawyer,” said Steven Siegel, Esq. “While at the table,

**How They Did It**

TitleVest invested millions of dollars in developing *TitleVest.com* over the past eight years. In fact, it has invested on average 50 percent of company profits annually in developing their proprietary technology.

By hiring a team of top IT programmers, the company has been able to tailor the technology to meet its internal needs, and, most importantly, its clients’ needs. In addition to increasing efficiency, TitleVest has been able to nearly eliminate human error.

**TitleVest’s Proprietary Technologies Include:**

**Title Insurance**

Orders can be placed, tracked and viewed online. All title reports and policies are archived for future access. Users can schedule and confirm closings and select closers through this 24/7 accessible hub. An online closing cost calculator provides an itemized breakdown of the exact closing costs of any type of real estate

transaction. Email alerts are also generated confirming the recording of documents.

**Coop Lien Searches and Foreclosure Searches:** Similar to title insurance, all orders and continuation search requests can be placed, tracked

■ An online closing cost calculator provides an itemized breakdown of the exact closing costs of any type of real estate transaction.

and viewed online.

**UCC Filings:** UCC forms feature an auto-fill option, allowing users to pull information from related and previously processed documents. UCC forms are submitted for filing with the click of a button and users receive email recording alerts with a link to the recorded image in real time.

when asked for them, I observed to my horror that the lawyer never prepared or obtained ACRIS filing forms. TitleVest saved the day. In just a matter of moments the filing was done and the forms were faxed to the closing. TitleVest is always there.”

### Legal Forms

TitleVest's Legal Form Generator™ offers access to the industry's most widely used legal forms. Powered by Adobe Systems technology, real estate forms are designed to automatically share information and can be accessed 24/7. Forms can be printed, saved or edited at any time from any computer.

### Tracking


Currently in BETA release, TitleVest's ACRIstracker™ allows for the automated tracking of documents submitted for recording against real property in Manhattan, Queens, Brooklyn and Bronx. Users have the option of tracking either specific documents or all documents filed against a particular property.

ACRIstracker™ technology enables attorneys to confirm that the real estate documents for their clients' transactions (i.e. deeds, mortgages, etc.) are properly and timely recorded. Attorneys can also provide their clients with email links to the recorded documents. On coop transactions, attorneys can confirm that the ACRI E-Tax Forms have been properly and timely filed.

UCctracker™ was developed in response to reports of document recording fraud on the rise in 2008. A June 20, 2008 New York Times article, "Government Crackdown on Mortgage Fraud," cited 406 indictments since March for charges of mortgage fraud. The Quarterly Fraud Report from the Mortgage Asset Research Institute (MARI) revealed a 42 percent increase in mortgage fraud

in Q1 2008 versus the prior year. Information from the FBI, HUD-OIG, FinCEN, MARI, Federal National Mortgage Association, and RealtyTrac Inc. (foreclosure statistics) place New York among the top ten areas for mortgage fraud in the country.

Because UCC financing statements do not require a signature, they are also prime candidates for fraud. To help protect lenders against UCC fraud, TitleVest developed UCctracker™, which tracks the filing of UCC Financing Statements on the New York City Department of Finance's ACRIIS recording database and alerts its users whenever a subsequent UCC is filed that affects the original, tracked UCC. This timely notification alerts lenders to UCC fraud at the onset,



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allowing them to respond efficiently and effectively.

“The UCC filing database essentially relies on the honor system,” said Baron. “There are no checks and balances to ensure that the party filing UCCs is authorized to do so. UCCTracker™ offers lenders a powerful tool to mitigate the potentially devastating effects of UCC fraud.”

### Eye on the Future

For Baron and the team at TitleVest, anticipating client expectations is the most important part of integrating technology into the title insurance industry and the real estate closing process. For technology to be effective, they contend it must meet an existing need or simplify an existing process. As it has in the past, TitleVest will remain focused on developing technology that streamlines the most laborious aspects of the title and closing processes and provides clients with added value.

TitleVest’s clients find the technology tools effective and convenient. According to Peter L. Graubard, Esq., “TitleVest-1031Vest exhibits

unparalleled customer service when needed, but because of its unparalleled web site and technology, talking to an individual is rarely necessary. Completing title transactions and 1031 transactions has never been so easy.”

Developing technology for the sake of developing technology is not the goal. TitleVest is constantly listening to what its clients have to say and working to identify aspects of the title and closing processes that complicate or delay the processing of transactions. Once it has identified those challenges, it works to identify

ner that best suits their individual needs,” said Baron. “While many of our clients prefer to place their orders online and communicate with us via email, others prefer to fax or call in their orders.”

TitleVest’s experienced team of real estate professionals includes in-house title experts, attorneys, a CPA and support staff. The synergy of innovative, proprietary technology and superior customer service results in a compelling experience for TitleVest’s clients.

With offices in New York, New Jersey and Florida, and as the policy-

## ■ Anticipating client expectations is the most important part of integrating technology into the title insurance industry and the real estate closing process.

how the problem can be solved and the process improved. With this information, TitleVest approaches its programmers and begins honing the concept until it becomes a functional piece of technology.

### The Big Difference

While TitleVest has worked diligently to automate the key components of the closing process, it has not replaced exceptional customer service with technology.

“We understand the importance of providing all of our clients with the best service possible in the man-

issuing agent for six of the nation’s largest underwriters, TitleVest is committed to growing both geographically and technologically.



**Jessica Lyon** is a freelance business writer and communications professional. She can be reached at [Jessica@cocommunications.com](mailto:Jessica@cocommunications.com) or 860.658.5700.

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TIPAC would like to thank all our 2008 Club Level Contributors who helped us reach and exceed our 2008 goal of \$200,000. Thank you!

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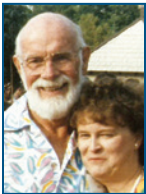
### Hughes Butterworth Jr.



Hughes Butterworth, Jr., passed away in December 2008. Hughes was CEO of Lawyers Title of El Paso, a company he founded

in 1974. He served as a board member of the United Way of El Paso, the Development and College of Sciences at the University of Texas at El Paso, and the El Paso Museum of History Foundation. He became a member of ALTA in the early 1970s, was a founding member of TIAC (The Title Industry Assurance Company), and a member of TIPAC (The Title Industry Political Action Committee).

### David Upton



David Upton passed away January 31 at the University of Michigan after a battle with heart disease. David was President of South-

western Michigan Abstract & Title Co. in St. Joseph, and served as President of the Michigan Land Title Association from 1986-88. He was very active in both the MLTA PAC and ALTA PAC, serving as chairman for both. As a valued and respected member of the title profession, he will be sorely missed.

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This is important to remember because integrity isn't easy. The reality is that it can be very costly in terms of time, money, career advancement, and perhaps your very job itself. In a culture that rationalizes bad behavior because "everyone does it" or because "who's going to know," it is vital that one be intentional and grounded in his or her integrity commitment. At the end of the day, the inner peace that comes from making those right but tough decisions will outweigh the understandable frustration that others are "getting away with it."

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– By David Thomas

A handwritten signature in black ink, appearing to read "David Thomas". The signature is stylized and fluid.

David Thomas is President of IntegriTalk, an enterprise that stresses the importance of integrity for corporations and organizations. He gives presentations on integrity throughout the country, including the keynote speech for the Virginia Land Title Association's 2008 convention. To contact David, call (713) 851-1188 or send him an email at [dwthomas70@hotmail.com](mailto:dwthomas70@hotmail.com).

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