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Official Publication of the
American Land Title Association

TitleNews

The New Home Closing 101

ALTA Revamps Consumer Website to Explain the
Value of Title Insurance and Closing Process



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2015 ALTA FORUMS & CONFERENCES

October 7 - 10 | Annual Convention
Boston

STATE CONFERENCES

July 12 - 14 | Michigan
Bellaire, MI

August 5 - 8 | Kansas
Lawrence, KS

August 6 - 7 | Minnesota
Bloomington, MN

August 6 - 8 | Pacific Northwest
(ID, MT, OR, WA)
Coeur d'Alene, ID

August 16 - 18 | Indiana
Indianapolis, IN

August 16 - 19 | New York
Pocono Mtns., PA

August 20 - 22 | North Dakota
Medora, ND

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Look at What You're Missing
in this month's Digital Issue

Digital Edition

TitleNews

Ready for TRID?

If you're still looking for tips to prepare for TRID, the digital edition includes a recording of our webinar "5 Key Areas to Prime Your Operation for the New Closing Process," which addresses the needed collaboration between settlement agents and lenders, the importance of timing and accuracy, formatting and disclosure of fees, issues with how simultaneous title insurance fees must be disclosed and what to expect at the closing table.

Go to www.alta.org to get your copy of Digital TitleNews Today!

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LAND TITLE
ASSOCIATION



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Keep Your Eye on the Ball

Since the Consumer Financial Protection Bureau (CFPB) issued its final rule for the TILA-RESPA Integrated Disclosures (TRID) in November 2013, the title industry has prepared diligently for implementation at the set date of August 1, 2015.

But, just last month, the CFPB announced that it failed to submit a final report of the rule to Congress and the Comptroller General of the Government Accountability Office 60 days before the effective date as they are required to do by law. After realizing the oversight, the CFPB submitted the rule report on June 15. That would have meant the rule could have gone into effect August 15 at the earliest.

In its proposal outlining the new deadline, the bureau said it recognized that a mid-month effective date “may create additional challenges.” The CFPB indicated that delays in the delivery of system updates left creditors and others with limited time to test their systems. Additionally, the CFPB said that scheduling the effective date on a Saturday may aid implementation “by affording industry time over the weekend to launch new systems configurations and to test systems.”

During the public comment period for the proposal that ended July 7, ALTA took the opportunity to request needed changes. ALTA insisted that the CFPB remove the “optional” label of title insurance on the new TRID forms and to fix the inaccurate disclosure of title insurance premiums for consumers. We also asked the CFPB for a specific hold-harmless period during which the bureau would exercise restrained enforcement of TRID for those working to comply in good faith with the new mortgage disclosures.

While we have an extra two months and two days, I encourage you to stay focused on getting prepared. Make sure you communicate with your lenders and understand who will manage the Closing Disclosure. Make sure your real estate agent partners understand closings will take longer. Make sure you have a system in place to provide accurate fees to your lenders. Extra time doesn't mean we can take our eye off the ball. If you're looking for information on how to comply with TRID, please check out ALTA's resources at www.alta.org/cfpb.

Speaking of staying focused, I encourage you to read the cover article about the launch of our redesigned consumer education website, Home Closing 101. With a new closing process and owner's title insurance labeled as “optional” on the new disclosures, it's important we connect with consumers and provide information on protecting their property rights. The goal of TRID is to help consumers better understand their transaction. The 2007 GAO report said we need to do a better job educating consumers. Let's keep all of this in mind. You'll see more from ALTA on helping empower members to educate consumers about the benefits they receive from title insurance. We're keeping an eye on that ball, too.



A handwritten signature in black ink that reads "Michelle Korsmo". The signature is fluid and cursive.

— Michelle Korsmo, ALTA chief executive officer

ALTA, LTAC Conduct Homebuyer Outreach Education Workshop

Once the CFPB's TILA-RESPA Integrated Disclosures go into effect in August, owner's title insurance will be labeled as "optional" on the Loan Estimate and Closing Disclosure. Telling a consumer that owner's title insurance is "optional" may dissuade homebuyers from purchasing the same protection that lenders receive. While this may be a challenge, it's also an opportunity for you to contact the homebuyer directly and explain how title insurance protects the consumer.

ALTA and the Land Title Association of Colorado co-hosted a three-hour Homebuyer Outreach Education Workshop on June 22 to help title

professionals learn how to educate consumers about the value of title insurance and promote your business,

The first session explained how to use social media to share information about your business and title insurance. The presentation discussed ideas on managing online reputation and how to remain compliant in the social space.

The second session titled "Optional Isn't an Option," discussed ways to ensure other professionals involved in the transaction are prepared to answer questions about the value of an owner's title insurance policy.

ALTA Announces Two National Title Professional Designations

Cheryl Cowherd of Agents National Title Insurance Co. and John Hollenbeck of First American Title Insurance Co. recently received ALTA's National Title Professional (NTP) designations. The two designees join 47 other industry leaders from around the country who have earned the prestigious professional designation.

"I am proud of the enthusiasm, dedication and professionalism that Cheryl and John bring to the National Title Professional

designation program and the land title insurance industry," said ALTA President Diane Evans NTP. "I congratulate them on their NTP designations and appreciate their hard work and wealth of industry knowledge."

The NTP designation recognizes land title professionals who demonstrate the knowledge, experience and dedication essential to the safe and efficient transfer of real property.

ALTA Board Member Appointed Chief Justice, Illinois Court of Claims

Illinois Gov. Bruce Rauner appointed Peter Birnbaum, president and CEO, Attorneys' Title Guaranty Fund, as chief justice of the Illinois Court of Claims, where Birnbaum has served as a judge since 2004.

The Illinois Court of Claims was established by the legislature in 1889 as a forum of limited jurisdiction to render decisions on monetary claims and lawsuits against the state. Birnbaum is one of seven judges on the court of claims. They are appointed

by the governor with the advice and consent of the Illinois Senate.

"I am honored to be chosen by Governor Rauner to lead the court, and I welcome the challenges and responsibility that go with the role of chief justice," said Birnbaum, who is a member of ALTA's Board of Governors and serves as its treasurer. "It is a privilege to serve on a court that plays an integral role in determining the rights and responsibilities of the state and its citizens."

Registration Open for 2015 Annual Convention

Looking to make plans for ALTA's 2015 Annual Convention, to be held Oct. 7-10 in Boston? Registration is now open at meetings.alta.org/annual. You can check out the initial schedule and get information on the

hotel and planned tours. Tour highlights include Boston whale watching, a duck-boat tour, a Boston north-end culinary excursion and a behind-the-scenes look at historic Fenway Park.

ALTA Announces Four New Elite Providers

ALTA announced that RedVision, Rizolv, SMS TrustLink and SoftPro have been named Elite Providers. The companies join 10 other companies as ALTA Elite Providers.

ALTA's Elite Provider Program is comprised of premier service providers committed to offering comprehensive benefits to the title insurance and settlement services industry. Elite Providers promote the highest industry standards and provide effective solutions for ALTA members' critical needs. In order to become Elite Providers, applicants are assessed based on their financial strength, their commitment to the overall industry, their national distribution capabilities and reference checks with existing customers.

RedVision applies straight through processing (STP) and single-source solutions to transform the procurement and processing of title information. RedVision offers ALTA members a complimentary title procurement and production consultation.

Rizolv is a web-based customer engagement tool that allows users to capture, manage and track customer issues and complaints in a

secure environment. Rizolv offers ALTA members a 10 percent discount during the first year of a new Rizolv subscription. ALTA members should use code "ALTAMEMBER2015" to receive the discount.

SoftPro is a provider of comprehensive closing and title automation software. SoftPro's award-winning software combines cutting-edge technology with support services to make a business more productive and efficient. SoftPro offers ALTA members a 20 percent discount on any new license fees.

SMS TrustLink conducts daily three-way escrow account reconciliation and provides daily status reports for all escrow accounts. In addition to other services, SMS TrustLink prepares daily Positive Pay files and uploads to the bank. SMS TrustLink offers ALTA members a 50 percent set-up fee discount worth \$250.

For more info about the program or to apply, go to www.alta.org/elite.



ALTA Responds to New York Times Editorial

ALTA submitted a letter to *The New York Times* Editorial Board on May 12 in response to an editorial column that failed to properly inform its readers about the benefits and cost of title insurance. Below are excerpts of the letter from Michelle Korsmo, ALTA's chief executive officer:

As we begin a very busy home shopping season, homebuyers deserve factual information about title insurance. For more than a century, title insurance has provided homebuyers with confidence in the ownership of their property.

Unlike other insurance policies, title insurance is a one-time fee paid at closing. It helps protect a homeowner's financial investment in their property should a claim arise in the future. A claim could stem from things such as fraud, identity theft, property-line disputes and unpaid taxes. Without an owner's title insurance policy, the out-of-pocket legal costs for a homeowner to resolve a title claim could be in the tens of thousands of dollars.

An owner's title insurance policy for a New

York home purchased for \$500,000 is around \$2,000. Over the average duration of home ownership, that spreads out to about \$154 annually or about \$13 per month. Nationally, the cost of title insurance has actually decreased 6.2% since 2003, according to analysis of publicly available title insurance premium data.

A homebuyer wants to know that when they receive the keys to their home they are doing so without existing debts or legal problems. Before a consumer purchases a home, title professionals and real estate attorneys search the public records for any problems with the home's title and chain of ownership.

This process includes searching for any delinquent taxes, undisclosed liens (such as unpaid contractors or utility bills), prior legal judgments (such as child support liens) or issues arising from forgery or fraud. The title search process leads title agents to collect \$4.8 billion in back income taxes and recover \$325 million in unpaid child support annually.



Show Us How You Work!

ALTA is hosting our Second Annual “Show Us How You Work” photo contest to see how you work. Do you have unique plants in your office? Fun artwork? Are you cluttered or are you a neat freak? Tweet your photos using the hashtag [#ALTAdesk](#) and we’ll retweet the best ones. Not on Twitter? Email your photos to social@alta.org and include your name, date and location and you may see your office show up in a future Title News! *(Important: Please make sure there is no NPI showing in the photo.)*

Social Media Pro Tip: Schedule Your Posts and Save Your Sanity

We know how busy you are and sometimes scheduling posts for your social strategy can seem daunting. Research various free programs like TweetDeck or Hootsuite to plan your social media posts on your own time. If your team comes up with several consumer education posts at once, use Hootsuite to schedule the posts over a week’s time. If you have an event or conference next month, schedule your tweets using TweetDeck before you leave so you don’t have to “live tweet” anything during the conference.



Planning your strategy in advance saves you time and limits your frustration when trying to come up with new social media posts each day. Email social@alta.org if you have any questions about Tweetdeck and Hootsuite or to have ALTA help host a training for your office.

Looking for Photos from Fed Conference?

Check out ALTA’s Flickr page for photos from the many events, receptions and Lobby Day meetings during ALTA’s 2015 Federal Conference. Visit www.flickr.com/altaonline to download photos.

Define Your Strategy

Trying to help your staff understand your social media strategy? Don’t forget to share our Social Media Dictionaries! This ALTA member product is available in the ALTA Education eKit at www.alta.org/ekit. In addition to the dictionary, the eKit also contains several sample social media posts to share with your staff as well. If you have ideas for more tools ALTA can include in the eKit, email social@alta.org.

Social Media Compliance



Don’t forget you can always access our Title Topics webinar on Social Media compliance! Visit www.alta.org/titletopics and click on the 2014 archives link. You’ll find the compliance webinar from November 2014 called “Social Media Best Practices.” Our experts included Elizabeth Khalil of the Federal Deposit Insurance Corporation and Lanette Meister of the Board of Governors of the Federal Reserve System to discuss the nitty-gritty of host compliance.

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Industry
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ALTA's
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Practices



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CLOSING AND TITLE SOFTWARE

The New Home Closing 101

ALTA Revamps Consumer Education Website to Explain the Value of Title Insurance and Closing Process

One of the main directives from the 2007 Government Accountability Office's report on the title industry was that the industry needed to do a better job educating consumers about title insurance and the closing process. In response, ALTA launched the consumer-focused Home Closing 101 education website. >>

By Jeremy Yohe



HOME CLOSING 101

HOME

FIND. BUY. PROTECT.

Buying a house is an exciting time. Learn what it takes to get the keys to your home and why you should purchase an owner's title insurance policy to protect your investment.



Since 2007, nearly 1.5 million consumers have visited the website and viewed nearly three million pages. Traffic on the site has surged over the past three years with more consumers looking for information about the home-closing process. From 2007 to 2010, the site averaged around 300 visits per day. The frequency of visits has swelled to nearly 1,500 per day in 2015. Web traffic will continue to grow as more consumers seek information about the closing process. According to the National Association of Realtors' 2014 Profile of Home Buyers and Sellers, 92 percent of buyers use the Internet in some way in their home search process.

Driven by consumer web trends and homebuyers wanting more information about the real estate process—and bolstered by implementation of the Consumer Financial Protection Bureau's (CFPB) new TILA-RESPA Integrated Disclosures (TRID)—ALTA initiated efforts to redesign Home Closing 101 more than a year ago. ALTA unveiled the redesign of the consumer education website in July and will do a larger reveal during the 2015 Annual Convention now that the CFPB has pushed implementation of TRID until Oct. 3.

"We are excited to launch a new and improved website dedicated to helping consumers make smart, informed choices when purchasing a home," said Michelle Korsmo, ALTA's chief executive officer. "ALTA and its members take educating consumers about the value of title insurance and the closing seriously. This is one of the many valuable resources ALTA will provide over the next few months to empower our members to effectively educate

HOME CLOSING 101

Home | The Closing Process | Protect Your Investment | Find a Company to Help You | News and Advice

HOME
FIND. BUY. PROTECT.

Buying a house is an exciting time. Learn what it takes to get the keys to your home and why you should purchase an owner's title insurance policy to protect your investment.

THE CLOSING PROCESS
Find out what to expect during the closing process and how to prepare so you can get the keys to your home.

PROTECT YOUR INVESTMENT
An owner's title insurance policy protects a homeowner's financial investment in a property. Make the smart decision and for a one-time fee get protection for as long as you own your home.

FINDING A COMPANY TO HELP YOU
There are many factors to consider when selecting a title insurance company, such as local expertise, service standards, market conduct and commitment to the community. Select from a list of American Land Title Association member companies that serve your area.

NEWS AND ADVICE
Check out our blog for additional information on why purchasing an owner's title insurance policy is a smart decision to protect the financial investment you have in your home.

Find a Local Title Company
Find a list of American Land Title Association member companies that can conduct your closing and issue you an owner's policy to protect your investment.

SEARCH NOW

AMERICAN LAND TITLE ASSOCIATION

RECENT BLOG POSTS

- Title Insurance Provides Needed Protection When Refinancing Mortgages
- The Cost of Title Insurance is Worth the Investment
- 3 Things Consumers Should Consider When Shopping for a Title Company

RECENT TWEETS FROM ALTAONLINE

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Link to Home Closing 101

HOME CLOSING 101

FIND. BUY. PROTECT.

ALTA members are encouraged to link to Home Closing 101 and use it as a resource to inform consumers about the value of an owner's title policy and provide more information about the closing process.

In addition to linking to Home Closing 101 from your website, you can also add a link to your email signature line and promote in social media. Use this link: www.homeclosing101.org.

For information on obtaining the graphic, go to www.alta.org/ekit.

homebuyers and encourage them to purchase an owner's title policy to protect their property rights.”

Website Content

This Closing Process section of the website provides information to help consumers know what to expect when acquiring a mortgage to purchase a property and how to prepare for closing. There's information about obtaining a loan and getting pre-approved, finding a property, making an offer and having it accepted, getting funding, obtaining insurance and the closing. Consumers can review a closing checklist to help them prepare for the closing and remind them of the items to bring. This section concludes by explaining many of the common fees associated with purchasing a loan, including some new terms such as the Loan Estimate, Closing Disclosure and consummation. The site also includes information about the CFPB's TRID forms, providing facsimiles of each page of the Loan Estimate and Closing Disclosure, as well as examples and explanations of other key documents that homebuyers sign at closing.

In the Protect Your Investment section, consumers are encouraged to purchase an owner's title insurance policy to protect their investment. Consumers can learn how for a one-time fee, an owner's policy protects their property rights for as long as they or their heirs own the property. There are also examples of common and real-life title problems that could impact ownership rights. In addition, this section breaks down and explains the five sections of the owner's policy, including the covered risks, the exclusions from coverage, Schedule A, Schedule B and the conditions. This section also touches on the cost of title insurance, including who typically pays, regulation and factors to consider when shopping around. Consumers also can learn how to file a claim and what title professionals look for when conducting a title search.

The website also allows consumers to search for ALTA member companies that provide services in their area. Consumers can search by city and state. The website emphasizes that closings can vary within the same county or city and that consumers should ask how

closings/settlements are handled in their area.

Rounding out the website, there is a section that includes news and advice. Here, consumers will find a blog, a real estate glossary and a page with links to other home-buying resources, such as the CFPB, Fannie Mae and Freddie Mac, the National Association of Realtors and the American Escrow Association.

Mobile Compatible

With more consumers using mobile devices during their home-search process, ALTA used a responsive-web design approach to develop its new consumer website. This means the website provides an optimal viewing and interaction experience—easy reading and navigation with a minimum of resizing, panning and scrolling—across a wide range of devices from desktop computers to mobile phones and tablets.

Having a responsive website is crucial in reaching consumers as mobile usage passed desktop usage in 2014. With thousands of device types to optimize for, with varying screen sizes and resolutions, the design strategy helps ensure Home Closing 101 looks good on mobile devices and desktops.

“A survey from the National Association of Realtors shows that half of all buyers use a mobile website or application in their home search,” said Diane Evans NTP, ALTA's president. “Because of this, we need to provide helpful information about the closing process and the value of title insurance that can easily be accessed on a wide range of devices.”

Member Built

Members of ALTA's Public Relations Committee played a

significant role in updating the website and believe ALTA members should use the information to inform consumers about the value of title insurance and how it protects their property rights.

PR Committee Chair Sandra Bell, vice president of corporate marketing and communications for First American Title Insurance Co., said helping to educate homebuyers and sellers about the value of title insurance, and the processes taken to close their transactions, can only make for an overall better customer experience.

“Resources such as ALTA’s Home Closing 101 strengthen our opportunities to provide this information in ways familiar to today’s consumers, empowering them with the knowledge they need,” she added.

Nancy Hughes, vice president of Jackson Hole Title & Escrow in Wyoming, agreed that the site is a great tool for members to utilize.

“Let’s face it, those of us on the front lines often struggle explaining what we do and the value of owner’s title insurance when talking to consumers,” Hughes said. “The HC101 reboot has a fresher and friendlier interface and is a great resource for educating homebuyers. At the very least, every ALTA member should link to HC101 from their own website.”

A survey of more than 1,000 homebuyers conducted by ALTA last year found that consumers want information about title insurance earlier in the process. The rub is that title professionals typically do not interact with consumers on the front end of the transaction when a contract or offer to purchase is being written, according to Linda Grahovec



NTP, vice president and director of marketing and business development for Fidelity National Title Group.

Reaching consumers earlier in the process will be key as the CFPB requires that owner’s title insurance must be labeled as “optional” on both the Loan Estimate and Closing Disclosure. Telling a consumer that owner’s title insurance is “optional” may dissuade homebuyers from purchasing the same protection that lenders receive.

“The new Home Closing 101 website can help ALTA members explain the closing process and introduce consumers to the benefit of title insurance before actually getting involved in the transaction with a title order,” Grahovec added. “Lenders

and Realtors can use Home Closing 101 as a means of educating buyers on the key areas of homeownership of find, buy and protect. The website introduces and promotes finding a home with a Realtor, buying a home through a lender and last but certainly not least, protecting the investment by working with an ALTA member and purchasing an owner’s title policy. Home Closing 101 can help us help our customers.” ■



Jeremy Yohe is the vice president of communications at the American Land Title Association. He can be reached by phone at

202-261-2938 or at jyohe@alta.org.

Our Closing Disclosure Is Ready...

So You Can Be, Too!

Want To Know If You're Ready?

- ARE YOU A RAMQUEST CUSTOMER? -

Yes

No

HAVE YOU UPGRADED TO THE CLOSING DISCLOSURE

DO YOU HAVE YOUR NEW CLOSING DISCLOSURE?

Yes

No

Yes

No

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IS IT SMART, INTUITIVE, EASY TO USE & EASY TO MANAGE?

DO YOU HAVE A TRAINING PLAN?

Yes

No

Yes

No

DO YOU HAVE THE CLOSING DISCLOSURE TRAINING YOU NEED?

Yes

No

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Yes

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It's not too late to make a change. Call us today to get our Closing Disclosure for your business!

- It's easy to use & to manage.
- We have full range of training options to meet your unique needs.
- It gives you the flexibility required to collaborate with all your lenders.

CFPB Proposes Oct. 3 Effective Date for TRID

While Bureau Fails to meet Regulatory Requirements by Providing Congress with Rule Report, Director Cordray Says CFPB will be ‘Sensitive’ to Companies Attempting to Comply

The Consumer Financial Protection Bureau (CFPB) on June 24 issued a proposed amendment to delay implementation of the TILA-RESPA Integrated Disclosures (TRID) rule until Saturday, Oct. 3.

The bureau issued the proposal to correct an administrative error that would have delayed the effective date of the rule by at least two weeks. The Congressional Review Act requires an agency to submit a rule report—which includes a copy of the rule, to each House of Congress and to the Comptroller General of the Government Accountability Office (GAO)—at least 60 days before the effect date of the regulation. The bureau “discovered that it inadvertently had not submitted the rule report to Congress as required.”

After discovering the error, the CFPB submitted the rule report to Congress and the GAO on June 15. That would have meant the rule could have gone into effect Aug. 15 at the earliest.

In its proposal outlining the new deadline, the bureau said it recognized that a mid-month effective date “may create additional challenges. The CFPB indicated that in recent weeks it learned delays in the delivery of system updates have left creditors and others with limited time to fully test all of their systems.

“These delays pose risks to the smooth implementation of the new forms mandated under the TILA-RESPA Final Rule, the Loan Estimate and Closing Disclosure, particularly given the potential challenges for institutions of stopping

and restarting their progress toward implementation readiness,” the CFPB wrote in its proposal.

Additionally, the CFPB said that scheduling the effective date on a Saturday “may allow for smoother implementation by affording industry time over the weekend to launch new systems configurations and to test systems.”

The bureau also said that a longer delay in implementation “would impose unnecessary costs” on industry participants that prepared to be ready for Aug. 1.

The proposed rule was open to public comment until July 7. ALTA submitted a letter that encouraged the CFPB to use the extra time to correct the disclosures and announce a specific hold-harmless period for those making a good-faith effort to comply so the industry can learn how the forms will work in real life transactions. ALTA asked again that the CFPB remove the “optional” label of owner’s title insurance on the new TRID forms. Telling a consumer that owner’s title insurance is “optional” will mean that homebuyers may be dissuaded from purchasing the same protection that lenders receive from a title insurance policy. The CFPB’s disregard of the protection afforded by an owner’s title insurance policy is a disservice to the consumers they represent.

ALTA also believes that the CFPB should use this additional time to fix the inaccurate disclosure of title insurance premiums for

consumers. State law and regulation in the majority of the United States dictates that consumers must pay title insurance rates that are different from how the CFPB requires industry to inaccurately disclose these fees to the consumer.

The announcement to delay implementation came weeks after Cordray said the bureau will be “sensitive to the progress made by those entities that have squarely focused on making good-faith efforts to come into compliance with the rule on time.”

Cordray said his statement was “intended to ease some of the concerns we have heard about this transition to new processes in the coming months and is consistent with the approach” the CFPB took with enforcement of the Qualified Mortgage and Ability To Repay regulations. Those rules took effect in January 2014, but examiners didn’t begin auditing lenders for compliance for four months, according to the bureau’s winter 2015 Supervisory Highlights bulletin.

“We appreciate the Bureau addressing the challenges with compliance with the new integrated mortgage disclosures once we are in live transactions,” said Michelle Korsmo, ALTA’s chief executive officer. “Unfortunately, the CFPB does not give mortgage lenders or settlement service providers any more certainty as they work to comply with this complex regulation.”

Because of the CFPB’s ambiguity, ALTA encourages Congress to pass H.R. 2213, bipartisan legislation sponsored by U.S. Reps. Steve Pearce (R-N.M.) and Brad Sherman (D-Calif.) that would mandate a definitive hold-harmless period.

Digital TitleNews Extra: 5 Key Areas to Prime Your Operation for the New Closing Process Webinar

Rep. Pearce called the CFPB’s response “lackluster.”

“Sadly, only one path remains to provide the certainty that families and individuals wanting to buy a home deserve—passage of H.R. 2213,” Pearce said. “Strongly supported by industries, trade associations, and businesses alike, our legislation would mandate a five-month hold harmless period to ensure that those involved in the housing market can continue to serve the millions wanting to buy a home, while also working with CFPB to correct any flaws or unintended consequence in the new consolidation rule.”

Additionally, U.S. Reps. Blaine Luetkemeyer (R-Mo.) and Randy Neugebauer (R-Texas) also said they were disappointed with the bureau’s announcement. In April, the representatives sent a letter

to Cordray requesting a period of restrained enforcement through 2015.

Luetkemeyer and Neugebauer said the bureau’s announcement fell “short of expectations” despite nearly 300 senators and House members who have written to Cordray asking for a formalized hold-harmless period.

“The bureau should expect vigorous oversight and attention from members of Congress in how its supervision efforts play out,” said Reps. Luetkemeyer and Neugebauer in a statement. “To that end, we will be sending letters to all major financial trade associations asking that they keep Congress informed of any and all disciplinary actions taken by the CFPB and other financial regulators on TRID implementation.”



First-time Attendee Encourages Others to Put Fed Conference on Bucket List

Conference Attendees Hear about CFPB's Consumer Complaint Portal and Regulatory Reform Efforts; Urge Members of Congress to Support Hold-harmless Legislation

Like many other state land title association officers, Quinn Stufflebeam was attending his first ALTA Federal Conference and Lobby Day. After meeting with several members of Congress, he called his experience one of the rare times he felt his efforts were helping the entire industry.

“It gave me a new perspective on what our association does for us as members,” said Stufflebeam, who serves as chief executive officer of Idaho-based Title Financial Corp. and the current president of the Idaho State Land Title Association. “This experience also opened my eyes to the legislative process and how we as constituents have a voice in guiding our congressmen. If you’ve never attended, I suggest you put it on your bucket list.”

Stufflebeam was among the more than 230 title professionals who held

over 220 meetings with members of Congress or their staff. The main task during the Lobby Day was to encourage Congress to pass legislation that would implement a hold-harmless period for the Consumer Financial Protection Bureau’s TILA-RESPA Integrated Disclosures (TRID) through 2015. Secondly, Lobby Day participants told members of Congress that the TRID rule prohibits the accurate disclosure of title insurance fees in 43 states. Third, attendees also urged Congress to avoid changes that would negatively affect Americans’ investments in housing and real estate when considering tax reform.

Consumer Complaint Portal

Prior to Lobby Day, attendees heard from an array of experts on the future of the real estate industry. Participating on a panel discussing the CFPB’s consumer complaint database were

Scott Steckel, from the CFPB Office of Consumer Response, and Allyson Baker of the law firm Venable LLP.

Steckel said the CFPB encourages companies to respond to complaints within 15 days. From the CFPB’s perspective, a company has done its due diligence if it has provided a response within that timeframe. The CFPB wants a company to validate whether it conducted business with the consumer, verify if the consumer named the appropriate company, list any communication received by the consumer, explain what the company has done to investigate and indicate how the complaint was resolved.

According to the CFPB, a complaint is “a written expression of dissatisfaction with or allegation of wrongdoing by a provider of any financial product or service or any entity subject to regulation or supervision by the Bureau or a Prudential Regulator made by a Consumer (including a representative acting on behalf of a Consumer).”

Baker said complaints are important to the CFPB, but they are not the sole predicate for an investigation. If there are many consumer complaints about a practice, a company should pay attention because it’s important to know whom you are doing business with because of reputational risk.

“It’s not a gotcha game at the bureau where if you put something into the response it will find its way into an investigation,” Baker said. “That’s not how it works. It really is in a company’s best interest to respond as

fully as possible. You want to be on record that you attempted to make it right.”

State of Play on Capitol Hill

Two of the most knowledgeable and engaging members of Congress offered insight into the regulatory reform efforts in the House Financial Services Committee. While Dodd-Frank will not be repealed, John Delaney (D-Md.) and French Hill (R-Ark.) discussed how incremental and positive changes to the current regulatory structure have a chance of passing the House and Senate with bipartisan support. A majority of the discussion focused on the CFPB’s TRID rule.

“Making fixes to Dodd-Frank should be our approach to this significant legislation,” Delaney said. “The second big area is housing finance reform. We haven’t made material changes in this area. We are setting ourselves up for another problem.”

Hill, who is a former banker and didn’t support the formation of the CFPB, believes the bureau adds an unneeded regulatory layer on top of other federal agencies. He said he was astounded at the \$1.3 billion cost to the industry to prepare for TRID implementation.

“My focus is on redundancy,” he added. “I have never once seen the FDIC, SEC or OCC ever skirt their consumer responsibility.”

Delaney received resounding applause when he joked about the causes of the financial crisis and the 1,888-page TRID rule.

“We should be signing up for thousands of fixes to Dodd-Frank,” Delaney said. “I don’t think we had the financial crisis because of the disclosures.” ■

TIPAC, TAN Awards Handed Out During ALTA’s Federal Conference

Title Industry Political Action Committee

Top Underwriter Award: For the ninth year in a row, First American Title Insurance Co. raised the most money from its employees. Last year, the company raised \$92,365 from 198 contributors. So far this year, First American has raised over \$61,060 from 119 contributors. John Hollenbeck accepted the award on behalf of First American.

Top Agent Award: Peter Griffiths of Land Title Guarantee in Colorado. This award goes to the person who raised the most money from an agent in 2014. Last year, Griffiths raised \$25,840 from 51 contributors at his company and an additional \$2,950 from other companies in Colorado.

Outstanding State Award: Shonna Cardello of White Rose Settlement Services in Pennsylvania. This award goes to the person who raised the most money during their state convention in 2014. Last year, Cardello raised over \$11,000 at their state convention.

Rookie of the Year: Elizabeth Daniel of Continental Title Company in Kansas. In 2013, Kansas had 17 contributors. Last year, Kansas had 37 contributors. This increase was due to Daniel’s ability to find new ways to raise money for TIPAC.

Title Action Network

2015 Title Action Network Agent Recruiter of the Year: Shonna Cardello of White Rose Settlement Services in Pennsylvania. This award honors an agent, real estate attorney or abstractor who worked tirelessly to recruit new TAN members and serve as an ambassador for TAN throughout the industry. Over the past year, Cardello has hosted several TAN events and recruited more than 100 new TAN members.

2015 Title Action Network Underwriter Recruiter of the Year: Emilio Fernandez of North American Title Insurance Company in Florida. This award honors an underwriter who has embraced TAN and helped explain the value of individual TAN membership to underwriting staff around the country. In the past year, Fernandez made a company-wide push for Title Action Network membership, resulting in nearly 100 new TAN members from his company.

2015 Title Action Network Advocate of the Year: Kerry Grimes of Land Title Guarantee Company in Colorado. The TAN Advocate of the Year honors an individual member of the land title insurance industry who has participated in every state and federal TAN action alert over the past year. Grimes opened all TAN emails and participated in every possible alert.

federal conference & lobby day highlights



2015 Federal Conference & Lobby Day Photos

To view photos, go to: www.flickr.com/photos/altaonline







Celebrating 25 Years of Service to ALTA Members and the Title Industry!

Times were tough for title professionals in the 1980s. Like today, E&O insurers were either ceasing to offer coverage or raising rates dramatically. To respond to this crisis, ALTA members created Title Industry Assurance Company (TIAC) to provide a long-term stable E&O market for its members.

25 years later, TIAC is one of the longest running and successful E&O insurance providers available! Combining broad coverage, expert claims and underwriting services, and competitive rates, TIAC is the choice for title professionals!

If you have not received a quotation from TIAC lately or compared our broad coverage, contact us at 800-628-5136 or complete our online premium estimate form at www.cpim.com/tiac.



**Title Industry Assurance Company,
A Risk Retention Group**

7501 Wisconsin Avenue, Suite 1500E
Bethesda, MD 20814-6522

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e. tiac@cpim.com
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ENDORSED BY THE MAJOR TITLE UNDERWRITERS

Now Might Be a Good Time to Review FLSA Overtime Exemptions

SCOTUS Holds Federal Agency can ‘Flip-Flop’ on How Regulations Apply to Certain Job Descriptions

BY BRIAN D. PEDROW, CONSTANTINO PANAGOLOPOUS & ROGERS STEVENS

The “white-collar” exemptions under the Fair Labor Standards Act (FLSA) have caused many headaches for employers, including those in the title insurance industry. Title companies of all sizes struggle to apply the regulations to the myriad of job descriptions within the field, and mistakes may prove costly should FLSA or state law litigation ensue. Compounding the problem, the U.S. Department of Labor’s (DOL) guidance on the issue has been difficult to pin down, as the agency, on a number of occasions, has reversed its position of how the exemptions apply to certain jobs.

The mortgage banking industry recently learned this lesson in a case that went to the U.S. Supreme Court. *Perez v. Mortgage Banking Association* involved an industry challenge to the DOL’s “flip-flopping” on its interpretation whether loan officers are exempt. The DOL literally took a 180-degree reversal on its position,

most recently announcing that the administrative exemption no longer applies to loan officers, despite an earlier opinion letter that had said the opposite. The Supreme Court held that a federal agency indeed can “flip-flop” in this way without announcing a rule change in advance, seeking public comment or engaging in formal rulemaking.

Many employers already find it difficult to determine whether they are in compliance with the FLSA. *Perez* adds an additional element of unpredictability to the analysis. Notwithstanding the fact that *Perez* draws into question the extent to which employers can rely on agency interpretations and opinion letters, employers should undertake an analysis of their job classifications to make sure that they are applying the FLSA exemptions correctly. Also, remember that state law can impose additional or stricter requirements, and employers are required to comply with both.

Finally, the DOL has announced its intention to undertake rulemaking to address the scope of the FLSA exemptions, with the stated intention of making it harder for employers to classify employees as exempt. It is rumored that these changes may impact both the salary level required for exemption (currently, \$455/week) and/or the primary duties test. Proposed regulations are expected in the near future.

FLSA Exemptions Common to the Title Industry

The underlying facts of *Perez* relate to Section 213(a)(1) of the FLSA, which provides an exemption from FLSA minimum wage and overtime requirements for certain executive, administrative or professional employees, or for those engaged in outside sales. Under the current regulations, to qualify for an exemption, the employee in question must earn a salary of at least \$455 dollars per week and also must meet certain criteria with respect to job duties. An employee’s job title does not determine whether the employee qualifies for the exemption. Rather, the employee’s specific job duties and salary must meet each requirement under the regulations.

Many employers rely on the administrative exemption. Under the current regulations, the administrative exemption applies to salaried employees whose primary duty is to perform office or non-manual work directly related to the management

or general business operations of the employer or its customers. “Primary duty” requires that the employee exercise discretion and independent judgment on “matters of significance.” The regulations offer examples of employees that commonly qualify for the exemption, including insurance claims adjusters, certain employees in the financial services industry and “team leaders” responsible for negotiating real estate transactions.

Classification questions in the title industry generally concern the administrative exemption, and to a lesser extent the outside sales exemption, as title agents, abstractors, or other title work employees might fall within either category, depending on the structure of the company and the particulars of a given employee’s duties.

While the administrative exemption would seem to apply to these categories of employees, often the exemption fails because the employee does not exercise adequate independent judgment or does not have sufficient sway with respect to the employer’s broader business policies. For example, the argument that escrow closers qualified for the administrative exemption was rejected by a federal court in *Reich v. Chicago Title*. There, the court found that the escrow closers in question primarily performed day-to-day closing operations and were not sufficiently involved in administering the broader business policies of the company. Prior to the DOL’s 2004 revisions to the FLSA regulations, ALTA had submitted a comment letter to the DOL, arguing against the *Reich* decision and in favor of a specific carve-out for escrow closers under the revised rules. The DOL did not grant the request, and, based

on *Reich*, escrow closers continue to fall into a questionable category when it comes to the administrative exemption.

To qualify for the “outside sales” exemption, the employee’s primary duty must be “making sales or obtaining orders” (as defined by the FLSA). Such duties must be customarily and regularly performed away from the employer’s place of business. Property title transfers fall within the purview of “sales,” and, thus, certain individuals involved in real estate transactions may qualify for the exemption.

Note that the outside sales exemption does not necessarily require that the employee in question facilitate the transfer of title to property. For example, in 2012, the U.S. Supreme Court found in *Christopher v. SmithKline Beecham Corp.* that a pharmaceutical representative who pitched a new drug to doctors qualified for the outside sales exemption, despite the fact that the employee did not actually transfer title. Rejecting the DOL’s position that sales required a transfer of title and pointing out that the agency’s lack of enforcement in the area could be construed as evidence that the agency did not find the exemption unlawful, the Court concluded that a pharmaceutical rep who obtained a non-binding commitment from a physician, but collected a commission upon consummation of the sale, would qualify as exempt.

The issue of commission was dispositive in a case several years earlier involving a Florida-based title marketing company. In *Gregory v. First Title of America*, a “marketing executive” with a background in title insurance sales argued that she

should not have qualified for the outside sales exemption because she never actually consummated a sale during her tenure with First Title. Pointing to an earlier case rejecting the exemption for pharmaceutical reps, she drew the analogy to her job responsibilities, the scope of which involved inducing Realtors, brokers and lenders to refer their customers to First Title for title insurance services.

The court rejected this argument by analogy, finding that because her compensation was tied directly to the sale, the marketing executive qualified for the outside sales exemption. Thus, employers in the title industry may wish to note this distinction when reviewing the status of employees, as certain employees involved in what might be characterized as promotional work could qualify under this exemption if their compensation hinges on the completion of a sale.

The Perez Decision

The background facts in *Perez* involve two abrupt policy flip-flops by the DOL on the question whether mortgage loan officers qualified for the administrative exemption under the FLSA. In 1999 and 2001, the DOL issued opinion letters stating that mortgage loan officers did not qualify for the administrative exemption under the FLSA. After revising the FLSA regulations in 2004, the DOL issued a new opinion letter in 2006, backtracking from its earlier opinions and allowing the administrative exemption for mortgage loan officers.

This reprieve for the mortgage banking industry was short-lived, however, as the DOL once again about-faced on the issue, reversing course in 2010 with an administrative

interpretation disallowing the exemption. Focusing on the duties of a “typical” mortgage loan officer, the agency decided that making sales and collecting financial information from customers and entering it into a computer program designed to assist customers in selecting the best mortgage options constituted “the production work of an employer engaged in selling or brokering mortgage loan products.” According to the DOL, such duties did not sufficiently relate to the internal management or general operations of the company, and thus did not qualify for the administrative exemption. The DOL noted that the opinion did not apply to mortgage loan officers who spend the majority of their time working outside the employer’s place of business, thus leaving the door open for the outside sales exemption to apply to some mortgage loan officers. The Mortgage Bankers Association challenged the DOL’s reversal, arguing that the DOL was required by law to provide notice and an opportunity for comment from interested parties under the federal Administrative Procedures Act.

The Supreme Court rejected the argument and deferred to the DOL’s 2010 interpretation. The court held that the DOL (and other federal agencies) have the authority to amend or repeal a prior interpretation of an agency-issued regulation without providing notice or the opportunity for comment, provided that the prior interpretation was an “interpretive” rule rather than a “legislative” rule.

The distinction between the two is relevant because for the latter, agencies are required by law to provide notice and consider comments from the public during the rulemaking process. For example, the

DOL’s 2004 revised regulations were legislative rules, and thus could not be changed without advance notice and opportunity for comment. However, the DOL’s 2006 *interpretation* of the 2004 regulations was within bounds, as the agency was free to unilaterally change its position with respect to its own formal rule. In *Perez*, given that the rule in question was interpretive, the Court did not address whether the DOL correctly interpreted the rule. Rather, the Court focused on the *process* by which the DOL interpreted the rule.

The Aftermath of Perez

At the very least, *Perez* shows that courts will defer to a federal agency’s interpretation of its own rule, even when the interpretation might substantially alter how the rule affects businesses to which it applies. For example, in *Navorro v. Encino Motorcars LLC.*, a federal court in California upheld the DOL’s change of position on whether a specific exemption for a “salesman, partsman, or mechanic primarily engaged in selling automobiles” applied to service advisors or service writers at car dealerships. After reviewing an opinion that dealerships had been relying on for 24 years, the DOL changed its mind and said that the exemption did not apply. Citing *Perez*, the court sided with the DOL, and the fight was over.

While the DOL has not issued interpretive guidance for title industry employers like that relied upon by the auto dealer in *Navorro*, title industry employers should pay attention to cases like *Navorro*. Along with *Perez*, *Navarro* shows that even long-relied upon precedent can be overturned, suddenly exposing employers to FLSA liability for

misclassifying employees as exempt. Given the mercurial nature of certain agency interpretations of the exemptions, employers across all business sectors would be wise to follow new developments in this highly unsettled area of the law and periodically to undertake a review of exempt classifications that fall into “gray areas.”

Perhaps there may be some clarity on the horizon with respect to the FLSA exemptions, as the DOL is set to propose revisions to the regulations soon. In early 2014, President Obama signed a presidential memorandum requesting that the DOL “restore common sense principles” to the overtime regulations and other provisions of the FLSA. Given that both employers and courts have found the current regulations unwieldy and difficult to apply, many hope the revisions will clear the murky waters surrounding the white-collar exemptions.

Whether the revised regulations succeed in cutting off a *Perez*-type skirmish in the title insurance industry remains to be seen, but it is safe to assume that changes will come to the overtime exemptions that will raise the bar on who qualifies as exempt. As a general matter, following *Perez*, title industry employers should be aware that if the DOL turns its attention to the title industry, it will do so with what appears to be a more expansive interpretive authority. ■

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National Foreclosure Law Firm Ceases Operations

The foreclosure law firm Butler & Hosch (BH) announced in an internal memo from its chief executive officer that the company has ceased operations after filing an Assignment for the Benefit of Creditors, similar to a Chapter 7 bankruptcy, in Florida State Court.

“Our industry has experienced seismic consolidations following the Great Recession,” Bob Hosch, BH’s chief executive officer, wrote in the May 14 memo. “BH saw great opportunity to acquire competitors and take advantage of economies of scale to build our platform. Unfortunately, BH grew too fast and could not merge processes from the acquired entities quickly enough to meet our economic forecasts which resulted in short term cash crunches and our ability to attract new capital in the interim.”

Founded in Florida in 1972, BH decided to grow its footprint through acquisition. In 2013, the law firm acquired Cal-

Western Reconveyance in Arizona, California, Idaho, Nevada, Oregon, Texas, Utah, Washington, as well as RTS Pacific in Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon and Washington. In 2014, BH acquired Seattle-based Regional Trustee Services Corp. and in February purchased default assets from Atlanta-based law firm Morris Schneider Wittstadt. Following the acquisition spree, the company spread its footprint to 27 states and the District of Columbia.

“The challenge was to integrate the merger of equals while spurring growth in a declining market environment in our industry,” Hosch said in the memo. “BH failed to meet this challenge and I too share in that failure.”

Following the last purchase, BH was actively prosecuting up to 60,000 foreclosure files, employed nearly 700 attorneys, paralegals and back office staff, and had access to 90 percent of the foreclosure industry in the United States.

FHFA Issues Statement on HOA Super-priority Lien Foreclosures

On April 21, the Federal Housing Finance Agency (FHFA) issued a statement outlining its concerns with super-priority liens created by homeowner association (HOA) liens.

The FHFA issued the warning because in some cases a secondary lien on a property forces the Freddie Mac or Fannie Mae lien into a secondary lien position. The agency said it will not consent to the foreclosure of a mortgage loan backed by Fannie Mae or Freddie Mac when initiated by a HOA with a super-priority lien to the loan.

FHFA’s statement says “[no] property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency. This law precludes involuntary extinguishment of Fannie Mae or Freddie Mac liens while they are operating in conservatorships and preempts any state law that purports to allow holders of homeownership

association (HOA) liens to extinguish a Fannie Mae or Freddie Mac lien, security interest, or other property interest.”

Additionally, the FHFA said it has an obligation to protect the rights of Fannie Mae and Freddie Mac and will “aggressively do so by bringing or supporting actions to contest HOA foreclosures that purport to extinguish Enterprise property interests in a manner that contravenes federal law. Consequently, FHFA confirms that it has not consented, and will not consent in the future, to the foreclosure or other extinguishment of any Fannie Mae or Freddie Mac lien or other property interest in connection with HOA foreclosures of super-priority liens.”

In September 2014, the Nevada Supreme Court upheld a law allowing homeowners associations to foreclose on homes ahead of first mortgage providers. This strengthened super-priority liens for HOA claims in the state.

First American Launches TRID Tool Kit for Title Agents

First American Title Insurance Co. has launched its TILA-RESPA Integrated Disclosures (TRID) Tool Kit to help its agents prepare for implementation of the new forms, which go into effect Aug. 1.

The TRID Tool Kit, which includes a suite of training and reference materials, will be available on First American's

agent portal, AgentNet. According to the company, the TRID Tool Kit offers suggestions on topics that title agents should discuss with their lenders, and includes specific questions to ask and guidelines on when to ask them. The tool kit will be updated regularly to provide a helpful and evolving resource for title agents as the TRID deadline approaches.

HA&W's ComplianceSuccess Program Partners with Old Republic as Preferred Vendor

Habif, Arogeti & Wynne's (HA&W) ComplianceSuccess Program has partnered with Old Republic Title as a preferred vendor to offer compliance benchmarking and reporting services for all seven of ALTA's Best Practices pillars.

HA&W said its ComplianceSuccess Program provides independent third-party assurance using CPA professional standards, which give greater assurance to banks than a certification report. Just as banks have historically looked to CPA attestation to mitigate business risk, lenders can now be assured that independent title agents are compliant,

the company said in a release.

"The urgency is growing around ALTA Best Practices compliance, as banks are beginning to provide guidance across the compliance spectrum, from self-administered 'gap' assessment recommendations to mandated third-party certification by Aug. 1, 2015," said Richard Kopelman, managing partner of HA&W. "Now is the time to begin the process to become compliant, and as a preferred vendor partner for Old Republic Title, agents can look to us to provide them with the CPA assurance that their lender clients will require."

Colorado Passes Bill to Create Title Insurance Commission

In May, both chambers of Colorado's General Assembly passed Senate Bill 15-210, which creates a nine-member commission that participates in the regulation of the title insurance industry.

With the exception of rate regulation and licensing, which continues to be done by the insurance commissioner, the commission will propose, advise and recommend rules and bulletins, subject to the commissioner's approval.

The commission will also propose and recommend additional consumer-protection statutes or rules related to the misappropriation of funds, misuse of personal information, closing and settlement services or other concerns. Additionally, the commission will offer input on any regulatory action taken by the insurance commissioner

against a title company or agency.

The commission will be comprised of three underwriter employees, three title agents and three Colorado citizens not engaged in the business of title insurance. The governor appoints members of the commission. No more than one member may be appointed from a single company, affiliate or subsidiary. Each year, the commission members will select a chairperson and meet at least quarterly but not more than eight times per year.

The commission, which sunsets Sept. 1, 2025, will replace the Title Advisory Council. The 15-member council of industry participants first formed in 2003 and offered suggestions on how to improve the industry.

The Land Title Association of Colorado supported the bill.

Stewart Title Expands Footprint in Buckeye State

Stewart Title recently acquired a majority interest in First Ohio Title Insurance Agency LLC. First Ohio has provided title and settlement services throughout Ohio,

Indiana and Kentucky since 1999.

First Ohio has nine centrally located offices and will continue to operate under the First Ohio name.

New Members

ALABAMA

Terry Gillis
Terry Gillis, LLC
Fort Payne

DELAWARE

Geoffrey Grosso
Tarabicos Grosso, LLP
New Castle

FLORIDA

Erik Emmett
21st Century Title
Palm Beach Gardens

Brenda Buta
A-1 Title of the Nature Coast, Inc.
Crystal River

Kathy Gallagher
Avex Title, LLC
Orlando

Linda Esielionis
Baywalk Title, Inc.
dba Title Insurors of Florida
Saint Petersburg

Brian Hess
Brian D. Hess, Attorney at Law
Panama City Beach

Cindy Lou Wilhoite
Down Home Title Services, Inc.
Port St Lucie

Michael Belle
Michael J. Belle, PA
Sarasota

Cheryl Mosley
Mosley & Wallis Title Services, Inc.
Melbourne

Douglas Johnson
Realty Title, Inc.
Orange Park

Grace A. Payne
Southern Title Services Of Tampa Bay, Inc.
Lutz

Jennifer L. Ferri
Title Junction, LLC
Fort Myers

Jennifer Varrasse
TitleTeam
Orlando

GEORGIA

Van D. Jackson, P.C.
Atlanta

James C. Weidner
Oliver & Weidner, LLC
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KANSAS

Denise A. Finlay
Frazee Abstract & Title, Inc.
Syracuse

Richelle Axtell
Meade County Title Company, Inc.
Meade

KENTUCKY

Mark Shepherd
Coy, Gilbert Shepherd & Wilson
Richmond

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Matthew Hite & Associates, PLLC
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James M. Cassidy
Attleboro

MARYLAND

Katrina Hallein
Lawyers Signature Settlements, LLC
Frederick

John J. Ferguson
Main Street Settlements
Olney

MICHIGAN

Teresa R. Newman
Northstar Title Agency, Inc.
Gladwin

Nate Rydstrom
Owner's Title Agency, LLC
Grand Rapids

Pamella Heikkila
Select Title Company
Brighton

MINNESOTA

Dan Plambeck
Clay County Abstract Company
Moorhead

MISSOURI

Chloe White
First State Title Services, LLC
Caruthersville

Lynn Lear
Mike Keith Abstract & Title, Inc.
Clinton

MONTANA

Kenneth Kanenwisher
First Montana Title Company
of Hamilton, Inc.
Hamilton

NORTH CAROLINA

Malcolm Torres
Austin Title, LLC
Charlotte

NEBRASKA

Jennifer M. Jensen
Ideal Title, LLC
Superior

Deborah L. Scott NTP
TitleCore National, LLC
Omaha

NEW JERSEY

Lori Nunziata
RMS Title Services, LLC
Lakehurst

NEW YORK

Janet A. DeBenedetto
Eminent Abstract, Inc.
East Moriches

OHIO

Michelle M. Casper
MK Land Title, Inc.
Canton

Lisa Duco
Peak Title Agency, LLC
Lewis Center

Pat Ballantine
South Park Title Agency
Warren

Tim Ruprecht
SunTrust Title Agency, Inc.
Walton Hills

Dow Voelker
Tri-Village Title Agency, Inc.
Columbus

OKLAHOMA

Danita Francis-Witt
Oklahoma Closing & Title Services, Inc.
Stillwater

PENNSYLVANIA

Britt Brust
2200 Closing Services, LLC
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Abstract Company of
Central Pennsylvania, Inc.
Carlisle

Kimberly A. Jowett
Attleboro Abstract Company
Langhorne

John N. Papoutsis
Keystone Settlements, LLC
Camp Hill

PENNSYLVANIA CONT.

Bruce West
Manito Abstract Company, Inc.
West Chester

Marc L. Aronson
Pennsylvania Association of Notaries
Pittsburgh

Mary Ann Palmer
Southern Chester County Abstracting
Corporation
Kennett Square

Heather L. Gilbert
Title Abstract Services
Waynesburg

SOUTH CAROLINA

Cynthia D. Blair NTP
Blair Cato Pickren Casterline, LLC
Columbia

John Bleecker Jr.
Good Seisin Title & Abstract Company
Charleston

Leonard Krawcheck
State Street Title Agency
Charleston

TENNESSEE

Web Raulston
Jones Raulston Title Insurance Agency, Inc.
Chattanooga

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Your Participation Makes a Difference

There are no simple calculation or valuation models to measure the success of advocacy efforts. Even the simple question “Did we influence the policymakers we set out to reach?” can be opaque. One advocate may report a member of Congress as being engaged and helpful. Another may view the same politician as only paying lip service.

While this subjectivity may be true, it’s hard to deny clear-cut numbers. More than 230 title professionals answered the call of duty to advocate on behalf of the title insurance industry and participate in ALTA’s Federal Conference and Lobby Day. All told, attendees held more than 220 meetings with members of Congress or their staff from 36 states and Washington, D.C.

After taking time to explain the complexities of the CFPB’s TILA-RESPA Integrated Disclosure rule, an overwhelming number of members of Congress announced support for a hold-harmless period through the end of 2015 following the Aug. 1 implementation. Despite mounting pressure from Congress, CFPB Director Richard Cordray did not announce a specific hold-harmless period when saying the bureau would be sensitive to companies making a good-faith effort to comply.

While uncertainty remains about enforcement, our impact on the Hill is crystal clear. Take a look at the support for a hold-harmless period thanks to the efforts of our Lobby Day participants and the thousands who have taken action through the Title Action Network:

- 41 senators signed onto a bipartisan letter from Sens. Joe Donnelly (D-Ind.) and Tim Scott (R-S.C.) urging the bureau to enact a hold-harmless period through the end of the year.
- 254 representatives signed onto a bipartisan letter from Reps. Andy Barr (R-Ky.) and Carolyn Maloney (D-N.Y.) asking for a hold-harmless period.
- 28 co-sponsors have supported H.R. 2213, which was introduced by Steve Pearce (R-N.M.) and Brad Sherman (D-Calif.) and would provide a reasonable hold-harmless period through the end of the year

In August, many members of Congress return home during their summer break. Take the opportunity to visit their local office or attend a local event hosted by your member of Congress. These are great ways to connect with your legislator.

While real estate is local and how our industry operates can vary from county to county, we all share the common bond of assuring property rights and facilitating the exchange of real property. I thank everyone who has discussed the importance of title insurance and promoted the need for a hold-harmless period. We continue working with Congress and the CFPB to ensure homebuyers leave the closing table with keys in hand and a better understanding of the costs of their transaction, including title insurance.



A handwritten signature in black ink, appearing to read "Diane Evans". The signature is fluid and cursive, with a large initial "D" and "E".

— Diane Evans NTP, ALTA president

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Produced by the American Land Title Association and the Land Title Institute, this 2.5 hour training DVD addresses the economic factors that led to passage of the Dodd-Frank legislation, the establishment and goals of the CFPB, key components of the CFPB Rule, related regulatory action impacting your business, and how you can help your customers prepare for implementation. Also included is a detailed walk through of the new Loan Estimate and Closing Disclosure.

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