

# THE TITLE EXAMINER

A QUARTERLY PUBLICATION OF THE MICHIGAN LAND TITLE ASSOCIATION



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- Third Party Vetting
- MLTA Fall Education Seminar Recap
- Members Who Care PAC Initiative



The Michigan Land Title Association is a professional association dedicated to creating an environment which enables its members to provide the public with the highest quality land title evidencing, title assurance and settlement services.

[www.MiLTA.org](http://www.MiLTA.org)



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**HAPPY HOLIDAYS & BEST  
WISHES FOR A WONDERFUL  
NEW YEAR**

**- FROM THE  
TITLE EXAMINER STAFF**

## THE TITLE EXAMINER STAFF

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with any questions, comments, or if you would like to contribute.



## Linda Hinshon-Canter

Owner/Trainer of Escrow Basics, LLC, Royal Oak, Michigan

**MLTA Involvement:** I am a big believer in the value and benefits of being a member of the MLTA and the importance of being a contributor to that effort. I am a member of the Membership and Education Committees. I was honored to be invited to be a presenter at two Educational Seminars, once presenting "The Closing from Hell" and once a discussion on "Split Closings". Both are now part of my on-going training program.



**Personal Interests:** In addition to my 3 children and 4 grandchildren, I enjoy several different kinds of crafting, and enjoy walking as exercise and am working on healthier cooking.

**Something about Linda:** I have been in the Title Insurance industry for 30 years and have worked for Underwriters and Agents, recognizing that providing training is always a challenge. I am passionate about the need to provide organized training to employees and have developed a training program to serve that need anywhere in Michigan. I offer a 4 day comprehensive training program called Escrow Basic Training and will travel to different areas to provide it.

# Welcome New Members

Member Advantage Title Agency LLC –  
*Grand Rapids*

Escrow Basics, LLC – *Royal Oak*

Outsourcing Solutions - *Southfield*

Loomis, Ewert, Parsley, Davis & Gotting PC –  
*Lansing*

## Sharron Ardanowski

Agency Account Executive, First American Title Insurance Company, Oakland County, Troy, Michigan



**MLTA Involvement:** It was awhile back (okay a long way back!), but I served as the MLTA's Executive Secretary for 6 months, when Mary Isham decided to "retire" after many years, but then she came back so I was off the hook.

I also served on the Public Relations Committee. It was my idea to get a banner for the MLTA, and with the help of those Committee members, we made that happen, I've been known to show up occasionally at the Convention and New Members committee meetings. I regularly attend the MLTA Conventions and Educational Seminars. I'm a regular contributor to the MLTA PAC Committee.

**Personal Interests:** Reading, bowling, gardening. If drinking wine with friends is considered a hobby, I'll list that as well. I'm an avid sports fan.

**Something about Sharon:** My 13-year old daughter (Lucy) and I volunteer for the Pug Rescue Network (PRN). We have 2 Pugs: Mugglersz, who's a Big Boy, and then we adopted Penny-a petite girl, from the PRN. I help fundraise for PRN and my daughter's gymnastics booster club, AGA, which keeps me very busy.

## Tobias Lipski

General Counsel,  
Schneiderman & Sherman, P.C.,  
Oakland County;  
Farmington Hills, MI

**MLTA Involvement:**  
Co-Chair and member of MLTA

Legislative Committee, Speaker at 2010 Fall MLTA Education Seminar, Lead Singer and Bassist for MLTA Band "Unreal Property", One of the MLTA 200 Members Who Care

**Personal Interests:** Playing with my toddler who turned 3 on December 20, 2012. Listening to, recording, and performing music. Thinking about exercise. Dry humor. Move to next section.

**Something about Tobias:** I get excited when someone brings me what he or she might refer to as a "nightmare of a title problem." I enjoy the challenge of solving a difficult problem and, moreover, find it empowering to successfully rid someone of his or her painful nightmare.

Also, as a side: I got carded at the last MLTA event.





# ABSTRACTIONS

by Allan Dick, Best Homes Title Agency, LLC

After taking missing an issue, we have some catching up to do. Not having had the opportunity to comment on the MLTA Summer Convention, I'll start there. As you already read, it was a well attended, very entertaining event, featuring the third appearance of the MLTA band, Unreal Property, now featuring some nicknames for a couple of the band members: lead guitarist, John "Jonny Bomb" Bommarito, and lead singer Tobias "T-Lips" Lipski. These guys, along with David Martyn and Tony Viviani (and Adam Kutinsky in past years) have really added some fun, as well as fundraising to our recent summer conventions. But, not wishing to wear out their welcome, the band will be taking a year off from next summer's event. Rest assured that there will be entertainment, with another MLTA-PAC team event fundraiser being formulated (among other things). Heading back to Crystal Mountain, where we had a great time a couple of years ago. Watch for details in the coming months. Always a fun, informative event!



Okay, November is now in the rear view mirror, and still we have so many political firecrackers, especially the so-called Fiscal Cliff. Personally, I was looking for any kind of cliff with all the pre-election day political ads on the TV and radio. It seems we just can't get away from politics these days, whether here in Lansing or in D.C. It reminds me that we are most fortunate to have truly dedicated representation, monitoring and advocating for us in both capitals – not only the MLTA and its lobbyists, legislative committee and legislative steering committee, but also the ALTA efforts in Washington, representing us all, whether or not we are ALTA members.

With the economy uncertainty, and the looming Fiscal Cliff, every day presents a new statistic and forecast as to where the housing industry is headed. Charles Schwab & Co., Inc. recently reported that the housing market recovery will be one of the key drivers of the economy for the next year. According to Core Logic, U.S. home prices rose 6.3% in October compared to a year ago. Michigan prices rose 7.8%, 8th highest in the country. Arizona led with a 21.3% increase, while Alabama, Delaware, Illinois, New Jersey and Rhode Island experienced declines.

The National Association of Realtors reports that the inventory of available homes nationwide is at its lowest level in ten years. NAR also reports that housing saw its highest demand in 2 1/2 years this October, up 5.2% from September, and up 13.2% from October, 2011. NAR also reports that pending home sales are at their highest level since March, 2007.

According to the Michigan Association of Realtors, 11,434 single family homes were sold in Michigan in October, an increase of 22.58% from the previous year. MAR reports the average sale price increased 2.71% to \$114,757. And of course, interest rates continue to be at historic lows. The one major impediment to even more robust growth is tight credit.

A Traverse City surveyor with the DNR found a 4 1/2 foot cedar post, a section corner set in July, 1850, in elbow deep water in Montmorency County this past October – a rare find. Being submerged is probably what preserved the post all these years, which has now been replaced by a galvanized pipe. (The corner being used for the past 60 years was incorrect – ugh!) Hey, you can now donate to the MLTA-PAC using PayPal, check out the MLTA website or call the office, if you are interested. Have a very safe and happy holiday season, and wonderful New Year!

## ALTA Update: Third Party Vetting

by Michelle L. Korsmo, ALTA

There are some significant developments concerning some warehouse lenders requiring that title and settlement companies obtain certification from third-party vetting companies. I've learned that a couple of lenders have put on hold requirements that title and settlement agents be vetted by January 1 in order to continue receiving business from them.

This development is continued good news and comes on the heels of last month's special Advocacy Update indicating that the January deadline was arbitrary and warehouse lenders did not plan to lose business or have deals fall through because a settlement agent wasn't signed up with a vetting company.

The lenders did, however, reconfirm their desire to know more about the companies they work with and a desire to work with the industry and other organizations to design programs like best practices, new certifications and more expansive closing protection. These same warehouse lenders have been looking at possible insurance products that may require agent vetting



and there may be changes if such an insurance product comes to market. That is why it continues to be our priority to implement ALTA's Title Insurance and Settlement Company Best Practices and ensure that title professionals have the tools necessary to meet their clients needs and allow title and settlement agents to continue serving as the vital independent third party to the real estate transaction. You can be sure our conversations with lenders will continue.

Your comments and questions are always welcome. I can be reached at [michelle@alta.org](mailto:michelle@alta.org).

# VIEWS FROM THE SHORE

By Sam Hill

Season's Greetings from the receding shoreline. I thought global warming meant water levels would be rising. We sure haven't seen it. Of course, you never know from one week to the next whether it's going to be below freezing or pushing 60 degrees. But hey, it's Michigan! Sure hope our 2013 spring weather stays more consistently seasonable, so we can get our apple and cherry crops back. But, speaking of "Pure Michigan", how about a montage of orange barrels, protesters gathered around the State Capitol and frustrated Lions and Red Wing fans.

Good things the holidays are here to draw our attention. And maybe a good layer of the white stuff will make everything look better as we head into the New Year. Did you ever wonder why an angel sits on top of a Christmas tree? Here's a holiday story for people having a bad day.

When four of Santa's elves got sick, the trainee elves did not produce toys as fast as the regular ones, and Santa began to feel the Pre-Christmas pressure. Then, Mrs. Claus told Santa her Mother was coming to visit, which stressed Santa even more.

When he went to harness the reindeer, he found that three of them were about to give birth and two others had jumped the fence and were out and about, Heaven knows where. Then, as Santa began to load the sleigh, one of the floorboards cracked. The toy bag fell to the ground and all the toys were scattered.

Frustrated, Santa went into the house for a cup of apple cider and a shot of schnapps. When he went to the cupboard, he discovered the elves had drunk all the cider and hidden the schnapps. In his frustration, he accidentally dropped the cider jug, and it broke into hundreds of little glass pieces all over the kitchen floor. He went to get the broom and found the mice had eaten all the straw off the end of the broom.

Just then the doorbell rang, and irritated Santa marched to the door, yanked it open, and there stood a little angel with a great big Christmas tree. The angel said very cheerfully, "Merry Christmas,

Santa. Isn't this a lovely day? I have a beautiful tree for you. Where would you like me to stick it?" And thus began the tradition of the little angel on top of the Christmas tree.



With that bit of holiday cheer, I'll go back doing pre-commitments for short sales and tying flies on the hope that the river and lake levels improve. If not, it might make for some interesting riparian

rights scenarios. Well, that's the way I see it and this is the view from the shore, so you can see from the country what it looks like from here to there from time to time.

Regards,

*Samantha Hill*



At November's board meeting, the MLTA Board along with Dave Moldovan, MLTA Public Service Committee Chair, presented Sandra A. Pearson, President & CEO, Habitat for Humanity Michigan a \$2,000 contribution. Pictured, Left to Right: Jeff Basil, Dave Martyn, Cathy Lamont, Marcy Welburn, Dave Moldovan, Sandra Pearson, Allan Dick, Lisa Cicinelli, Debbie Wiley, Debbie Bartlett, John Bommarito (Bob Wuerfel, not pictured)



## IN THE NEWS

### Attorneys Title Agency Hosts Gift Basket Auction to Benefit Four Michigan Charities

Attorneys Title Agency (ATA), internally auctioned off gift baskets on November 21st. Proceeds from the charity event will be evenly distributed to Macomb County Rotating Emergency Shelter Team, Kids First Initiative, Orion/Oxford Fish Organization and Habitat for Humanity of Clinton County. ATA President Bill Robinson made the announcement.

ATA employees from all 30 branches statewide volunteered their time and worked in teams to create and build 32 gift baskets filled with items, including a variety of cheeses, sweet treats and gift cards. In a private online auction among locations, each gift basket was sold to raise money for the four charities ATA employees selected prior to the event.

Through the auction, ATA employees raised \$3,300 for the causes, and the company contributed a \$2,700 gift. In total, the event raised \$6,000, exceeding ATA's goal, and will allow each local charity to receive \$1,500.

"Each year we strive to help build and support our state through a variety of efforts," said Robinson. "Being able to partner with four charities for this auction is a great honor, and I am proud of the generosity our employees have shown—from putting the baskets together to donating to the causes—that has allowed us to surpass our goal."

ATA is committed to giving back to the community by partnering with various local nonprofit organizations that work to provide homes and shelter to those in need. The gift basket auction is part of an ongoing corporate giving program carried out by the company.

### RamQuest Announces MortgageDocs Integration Service

RamQuest, Inc., announced the availability of its interface with MortgageDocs, a nationwide notary management company. This integration enables title companies using RamQuest's Total Solution to electronically order notary and attorney services for closings from directly within their title production solution. This connection is made possible through RamQuest's Closing Market, an application to application interface that electronically connects business partners allowing each participant to work from within their own software.

With a database of more than 10,000 mobile notaries and attorneys across the U.S., MortgageDocs has the breadth of network reach that enables them to service any notary or document signing need. The company focuses on technology inspired customer service and is committed to building relationships. "Our fully vetted, professional notary network coupled with our powerful, proprietary solution ensures our clients that they will be taken care of and that we are the best partners to serve their business needs," commented MortgageDocs CEO Burt Campbell.

"We are pleased to add MortgageDocs notary and signing services to our Closing Market network of providers. The services available on Closing Market increase efficiency and effectiveness and offer competitive advantages for Closing Market-enabled title companies," said Brooks Yeager, Director of Internet Services for RamQuest.

MortgageDocs is a nationwide notary management company with a database of uniquely qualified professional notaries and a proprietary notary management system, signSTAT, which was developed with a focus on security, speed and reliability. The company works within the title, mortgage and banking industries.

## BOARD BIZ

*by Bob Wuerfel, MLTA President-Elect*

● Membership is strong as we head into 2013 with total membership at 134 broken down into three areas:

Abstractor/Agents: 97

Professionals: 31

Underwriters: 6

● While dues for 2012-13 were held to same level as previous year, with the influx of new members during the year our dues revenues are 5% higher this year. NOTE: Dues had been lowered a few years back when the economic factors impacted our industry. The directive was to increase annually over time to return due to pre-downturn levels. With the influx of new members and the professional membership, which also supports MLTA with Convention Sponsorships, the BOD determined the increase was not financially needed.

● As we move into 2013, an increased awareness of a game plan for issues affecting our industry on a state, regional and local level is key (as ALTA handles the national scope). The Communications/Public Relations committee had a survey located on our website in which

we sought member feedback on. The input and views will help us in paving a Public Relations awareness road map for the MLTA and its members. More details on this in the upcoming Title Examiner editions.

● 2013 Summer Convention Details are being worked out. At this point we have lined up the venue (Crystal Mountain). Also, we've heard from owners, managers, partners attending that the networking part is great, but that also having some topics with "substance" to take back to use/implement would be welcomed. In addition to having the privilege of hearing the ALTA President speak, we have lined up two such sessions:

1. Scott Patchin, a contributor in this newsletter, and CEO of the trU Group, brings a Human Resource passion to help leaders and individuals grow professionally and personally to realize their full potential, which ultimately fuels business growth.

2. Bank of Northern Michigan and Greenleaf Trust, will send two representatives (to be firmed up over next few months) who will give an economic update regarding the state of Michigan as well as the real estate/housing sector which impacts our industry.



# American Land Title Association Annual Convention

*by Allan Dick, Best Homes Title Agency, LLC  
Photographs Courtesy of Shawn Sullivan, ALTA*



As MLTA President, one of my most interesting and pleasurable assignments was to attend the annual convention of the American Land Title Association in Colorado Springs this October. While it was an honor and a privilege, it was far more than a social gathering. As has been chronicled in other articles and at our MLTA Fall Education Seminars, the national

political scene is impacting us more than we have experienced in decades – more than I can ever recall in my 40+ years in the title business. Between the Consumer Financial Protection Bureau, and the economic stalemate in Washington, then leading up to the November election and now pointing to the fiscal cliff, change and uncertainty are looming. Never was it clearer how much we title folk must band together to protect our industry and the valuable services we provide to the public, and the real estate and lending communities. Strength in numbers.



Of the many meetings and presentations I attended, many were dedicated to the anticipated impact of the Consumer Financial Protection Bureau, created by the 2010 Dodd-Frank Act. As the name indicates, this act was designed to protect the consumer, in light of the economic and banking meltdown experienced in recent years. The CFPB's attention has been directed first to the banking and lending industry, but secondarily to the support services to that industry, in particular the real estate settlement. As you have no doubt been informed from several sources, the HUD-1 settlement statement form will be replaced with a Closing Disclosure form, which will combine the HUD and the Truth in Lending Disclosure form (TIL). But, more than just the changing of forms (no small issue), a review of the title industry's independent third party role as settlement agent has come under scrutiny, and the lenders have been charged with responsibility for their vendors' actions, which



is creating the need for some additional accountability.

This has given rise to independent companies purporting to evaluate and provide some form of certification for title companies to the lenders and their warehouse banks. This has created quite a stir with the title industry. But, as outgoing ALTA President, Chris Abbinante, noted – shame on us for not recognizing earlier the increased need for vetting and certifying to the lenders. Well, the ALTA leadership has risen to the occasion and has developed a list of Best Practices, after

extensive discussions with the lending community, which is intended to head off outside vetting companies at the pass. After all, title agents undergo much greater scrutiny before being offered an agent contract, and are regularly audited by their underwriters. But, implementing and selling this alternative solution to the lenders' needs is one of the many projects at hand.



It is certainly impressive to be in the company of so many knowledgeable and committed title people from across the map, focused and dedicated to the protection of our industry, as well as their own businesses. We will be relaying the Advocacy Updates provided by ALTA CEO, Michelle Korsmo, to keep you abreast of developments on these topics. Of note, as much as Michigan is a major title insurance provider, aside from my wife and me, only two other Michigan representatives were registered attendees, Tom and Michelle Richardson from Liberty Title. We really need more representation on a national level and will explore ways to make that happen. Attending events like this and the Federal Conference last May is very energizing. I think we sometimes forget that we are a part of a much bigger picture – the TITLE INDUSTRY.





# Legislative Update

by Cami Pendell,  
Michigan Legislative  
Consultants

## Recap of the 2012 Election

The results of the state level elections on November 6th held very little surprise. It was expected that the Republicans would maintain their majority status in the House of Representatives, but still lose a few seats and that is exactly what happened. Currently, the Republicans hold a 64-46 seat majority in the House, but that will be reduced to a 59-51 seat majority next year. Unlike the 2010 election which ushered in 63 new House members, the 2012 election resulted in a new freshman class of 28 members.

What do these changes mean to MLTA? We should expect to work with some different and new committee members as well as some new committee chairman and women. For example, we know that there will be a new Chairman of the Local, Intergovernmental and Regional Affairs Committee and also for the Tax Policy Committee. With the Republicans losing a few seats, we may also see some committees reduced in their overall size. But, we will have to wait a few more months before knowing all of the changes since the new committee compositions will not be announced until January of next year.

The results of the election could also change who MLTA members work with next year in their local county clerk and register of deeds' offices. For instance, Genesee County will have Sen. John Gleason as their new clerk and register of deeds beginning in 2013. In order for him to assume that post, he will need to step down as a state Senator. This in turn will likely result in the Governor calling for a Special Election for his Senate district early next year to fill the anticipated vacancy.

See the list of the newly elected and re-elected County Clerks and Registers of Deeds on this page and the next that you can expect to work with next year:

## House of Representatives Selects its Leaders for 2013-14

Two days after the November 6th general election, the newly elected and re-elected Representatives held internal elections to select their leaders for the upcoming legislative cycle. While leadership elections may seem like inside baseball, they are very important to MLTA because the caucus leaders make the decisions regarding who will serve on committees and in what roles. Below is an overview of the House Republican and Democratic leadership teams for 2013-14:

2013 County Register of Deeds & County Clerks		
County	Register of Deeds	County Clerk
Alcona	Karen Healy	Patricia Truman
Alger	Mary Ann Froberg	Mary Ann Froberg
Allegan	Joyce Watts	Joyce Watts
Alpena	Kathy Matash	Bonnie Friedrichs
Antrim	Patty Niepoth	Sheryl Guy
Arenac	Darlene Mikkola	Ricky Rockwell
Baraga	Wendy Goodreau	Wendy Goodreau
Barry	Barbara Hurless	Pamela Jarvis
Bay	Vicki Roupe	Cynthia Luczak
Benzie	Amy Bissell	Dawn Olney
Berrien	Lori Jarvis	Sharon Tyler
Branch	Nancy Hutchins	Terry Ann Kubasiak
Calhoun	Anne Norlander	Anne Norlander
Cass	Monica Kennedy	Monica Kennedy
Charlevoix	Virginia Marme	Cheryl Potter Browe
Cheboygan	Mary Ellen Tryban	Mary Ellen Tryban
Chippewa	Sharon Kennedy	Cathy Maleport
Clare	Pamela Mayfield	Pamela Mayfield
Clinton	Diane Zuker	Diane Zuker
Crawford	Sandra Moore	Sandra Moore
Delta	Nancy Kolich	Nancy Kolich
Dickinson	Dolly Cook	Dolly Cook
Eaton	Diana Bosworth	Diana Bosworth
Emmet	Michele Stine	Gail Martin
Genesee	John Gleason	John Gleason
Gladwin	Ann Manning	Laura Brandon-Maveal
Gogebic	Gerry Pelissero	Gerry Pelissero
Grand Traverse	Peggy Haines	Bonnie Scheele
Gratiot	Mary Merchant	Carol Vernon
Hillsdale	Bambi Somerlott	Marney Kast
Houghton	Mary Schoos	Mary Schoos
Huron	Sheri Stanton	Lori Neal-Wonsowicz
Ingham	Curtis Hertel Jr.	Barb Byrum
Ionia	Diane Adams	Tonda Rich
Iosco	Bonita Coyle	Nancy Heubel
Iron	Joetta Greig	Joan Luhtanen
Isabella	Karen Jackson	Minde Lux
Jackson	Amanda Riska	Amanda Riska
Kalamazoo	Timothy Snow	Timothy Snow
Kalkaska	Joann Degraaf	Deborah Hill
Kent	Mary Hollinrake	Mary Hollinrake
Keweenaw	Julie Carlson	Julie Carlson
Lake	Shelly Myers	Shelly Myers
Lapeer	Melissa DeVough	Theresa Spencer
Leelanau	Dorothy Miller	Michelle Crocker
Lenawee	Carolyn Bater	Roxann Holloway

<b>2013 County Register of Deeds &amp; County Clerks</b>		
<b>County</b>	<b>Register of Deeds</b>	<b>County Clerk</b>
Livingston	Sally Reynolds	Margaret Dunleavy
Luce	Sharon Price	Sharon Price
Mackinac	Deborah HoHe	Mary Kay Tamlyn
Macomb	Carmella Sabaugh	Carmella Sabaugh
Manistee	Marylynn Wrzesinski	Jill Nowak
Marquette	Patricia Manley	Peter Dishnow
Mason	Diane Stark	Jim Riffle
Mecosta	Karen Hahn	Marcee Purcell
Menominee	Marc Kleiman	Marc Kleiman
Midland	Julie Atkinson	Ann Manary
Missaukee	Carolyn Flore	Carolyn Flore
Monroe	Sharon Lemasters	Sharon Lemasters
Montcalm	Lori Wilson	Kristen Millard
Montmorency	Teresa Walker	Cheryl Neilsen
Muskegon	Mark Fairchild	Nancy Waters
Newaygo	Linda Landheer	Laurel Breuker
Oakland	Lisa Brown	Lisa Brown
Oceana	Richard Hodges	Becky Griffin
Ogemaw	Denise Simmons	Gary Klacking
Ontonagon	Eugene Fiszser	Eugene Fiszser
Osceola	Nancy Crawford	Karen Bluhm
Oscoda	Jeri Winton	Jeri Winton
Otsego	Susan DeFeyter	Susan DeFeyter
Ottawa	Daniel Krueger	Daniel Krueger
Presque Isle	Cathy Idalski	Ann Marie Main
Roscommon	Michelle Stevenson	Michelle Stevenson
Saginaw	Mildred Dodak	Susan Kaltenbach
Sanilac	Michele VanNorman	Linda Kozfkay
Schoolcraft	Daniel McKinney	Daniel McKinney
Shiawassee	Lori Kimble	Lauri Braid
St. Clair	Jay DeBoyer	Jay Deboyer
St. Joseph	Pattie Bender	Pattie Bender
Tuscola	John Bishop	Jodi Fetting
Van Buren	Paul DeYoung	Tina Leary
Washtenaw	Lawrence Kestenbaum	Lawrence Kestenbaum
Wayne	Bernard Youngblood	Cathy Garrett
Wexford	Lorie Sorensen	Elaine Richardson

### HOUSE REPUBLICAN CAUCUS

The House Republican caucus re-elected Representative Jase Bolger (R-Marshall) to serve as Speaker of the House. Representative Jim Stamas (R-Midland) will continue to serve as Majority Floor Leader and Representative John Walsh (R-Livonia) will continue to serve as Speaker Pro Tempore. All three are headed into their third and final terms under Michigan's term-limit restriction.

### HOUSE DEMOCRATIC CAUCUS

The House Democratic Caucus appointed current first-term Representative Tim Greimel (D-Auburn Hills) to lead their caucus as Democratic Leader. Representative Rudy Hobbs (D-Southfield), who is also in his first-term, was elected to serve as the Minority Floor Leader.

The newly selected caucus leaders will assume their positions after an official vote of approval when the 97th Legislature begins in January.

## Lame Duck Session and the Legislative Schedule

When the Legislature returns back to work on November 27th, it is expected that the Lame Duck session will last for three weeks. This equates to nine session days. While the overall number of session days may seem low, they are guaranteed to be packed full of activity because any legislation that is not taken up will die at the end of the year. However, with the new 97th Legislature beginning in January, anything that is not taken up can be reintroduced in a short month's time.



### Member Spot Light:

With so much focus having been on the House elections, we'll turn our attention back to the state Senate where its members will not have to face an election until 2014. This quarter's member spot light is on Senator Arlan Meekhof. He is the vice-chairman of the Local Government and Elections Committee and is also the Senate

Majority Floor Leader.

State Sen. Arlan Meekhof was elected to serve the 30th Senate District in November 2010 and assumed office in January 2011. He was chosen by his Republican colleagues to serve as Majority Floor Leader for the 2011-2014 term, where he represents the Republican majority on the Senate floor, expediting legislative proceedings through parliamentary procedures such as motions, communications and points of order.

He also serves as a member of the Local Government and Elections Committee, Government Operations, Natural Resources, Environment & Great Lakes, and Regulatory Reform committees.

Prior to becoming senator, Meekhof served four years in the Michigan House of Representatives in the 89th District from 2007-2010. During that time, Arlan was selected to his first leadership post midway through his first term, and was elevated to the position of assistant leader in January 2009.

Arlan was first elected to the Olive Township Board of Trustees in 1996, where he served as a trustee and later as township supervisor. He was responsible for the daily operations of Olive Township-one of the fastest growing communities in Ottawa County.

Arlan has lived in Olive Township with his wife Barb for more than 25 years. They also have three adult children - Adrian, Rich and Meredith. The Meekhofs also have two granddaughters.

## Sponsorship Committee Update

With the New Year fast approaching – Yea ! and snow shoveling not too far behind – Boo! It's time to start looking forward to the upcoming 2013 Summer Convention!!!

The Sponsorship Committee would like to start off by thanking everyone that contributed to last year's successful sponsorship drive and we look forward to your continued support. We would like to remind everyone that there are many sponsorship and exhibitor opportunities available for the 2013 convention and we would like to extend an invitation to those that sponsored last year – all sponsors will be able to secure their same sponsorship as 2012, if they decide by Dec 31, 2012.

The money that is raised through sponsorships and exhibitor fees helps defray the costs to our association and is very important in the planning and execution of the convention. We have a few new ideas planned for the upcoming convention and our goal is to surpass the money raised last year. All though this will be a tough task, I know that everyone will pull together and help push us over the top!

The committee will be sending out more info in the coming weeks, highlighting your sponsorship and exhibitor options and you will also start hearing from our "Elite Team of Sponsorship Specialists" as they hit the streets trying to secure your sponsorship dollars. All those that control the company purse strings, beware, we are coming for you.

We look forward to a successful sponsorship drive and watch your "inbox" for more info.

*Thanks, Steve Frank, Director of Client Services*

## Public Service Committee Update

As most of you know, the charity of choice for the MLTA has been Habitat for Humanity. Over the past 3 years the MLTA and its members have donated money and time to help out this worthy cause. While it is our plan to continue to grow our partnership with Habitat, we also recognize that many of our members have already built relationships with other charitable organizations that are near and dear to them.

If your organization is involved with any charity, please let the Public Service Committee know about it so we can recognize your work. You can find a list of committee members on the MLTA website (<http://mlta.org/aboutmlta/committees.html>)

Lastly, if you have any questions on how your organization can get involved with Habitat or any other charities, or if you are interested in becoming a member of our committee, please contact Dave Moldovan at [dmoldovan@atatitle.com](mailto:dmoldovan@atatitle.com).

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Michael Holden, Michigan & Ohio Agency,  
[mholden@natic.com](mailto:mholden@natic.com), 440-725-8973



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# Education Committee

by Pam McGowan  
eTitle Agency, Inc.



## MLTA Fall 2012 Education Seminar

One would never have known that this year's Fall Education Seminar underwent a last minute agenda change had we not been notified about it. The revised agenda was executed without a problem, and everyone left with some valuable information, though the sunny November day in Livonia found a smaller-than-usual crowd in attendance. Perhaps the missing registrants had stayed up too late the night before watching election results.

The seminar began, as always, with some opening remarks from President Allan Dick. Besides explaining the agenda changes, he encouraged everyone to consider joining one of the many MLTA committees, such as the busy PAC (Political Action Committee).

The president was followed by Cami Pendell, Michigan Legislative Consultant, who had plenty of information to share considering the major elections that had taken place the day before—some of which were not even finalized yet. Cami talked about the surprises in a couple Michigan's ballot races: Brian Banks, a convicted felon, won the race for District 1 state representative; and Senator John Gleason was elected Genesee County Clerk, leaving a senate spot open and a need for a special election. Tim Greimel, who has only served nine months, was chosen to be the new House Minority Leader, and Rudy Hobbs will be the new Democratic Floor Leader. Cami also updated the group on the Legislative Bills affecting the title insurance industry which have been signed or may be signed soon.

Jim Stipanovich (Old Republic National Title Insurance Co.) then presented Reinvent and Transform Your Company (based on a presentation by author/speaker Jason Jennings). He explained the six secrets used by great leaders and companies to embrace constant innovation, change and growth:

1. They make double-digit improvement in their annual financial performance a guiding principle--improvement in revenue, profit, or productivity.
2. Great leaders/companies "let go" of yesterday's breadwinners, egos, same old-same old, and conventional wisdom, in order to deal with change and stay more focused than their rivals.
3. They make lots of "small bets"—listening to and trying new things/ideas. Jim used the personal example of giving a simple (and inexpensive), plastic flower in a vase to the customer at every closing. It seemed like a silly idea, but his company tried it, and it actually brought in new customers.
4. Transparency is important. Everyone must know and buy into the big strategic objectives. If strategies are kept secret, then people don't become emotionally connected, corners get cut, and there's no accountability.
5. Systemize everything.
6. Great companies that embrace constant innovation, change, and growth are led by good stewards. They are nurturing, authentic, mentoring, and exhibit selflessness.

When everyone follows the six secrets, the extraordinary happens! For

more information on this and Jason Jennings' publications, go to [www.jason-jennings.com](http://www.jason-jennings.com).

After a short break, Eric Dusenbury of the Michigan State Housing and Development Authority updated us on the two new programs being introduced by MSHDA. One is a Down Payment Assistance grant for single-family, owner-occupied, primary residences. \$15 million in grants is available on a first come-first serve basis for any loan type. The other grant (\$5 million) is for borrowers refinancing single-family, owner-occupied, primary residences, and is to be used with the HARP Refinance program. Borrowers may receive up to \$500 toward their closing costs. Eric highly recommends that title companies/closing agents sign up early to receive EFT (Electronic Fund Transfer) authorization of payments.

Michael Holden, of North American Title Insurance Company, then shared a wealth of information regarding the Dodd-Frank Act and the Consumer Financial Protection Bureau (CFPB), and its impact on the title industry. The CFPB began regulating almost everything having to do with money, including the enforcement of RESPA, in 2011. It has had a tremendous effect on lenders and, therefore, title companies because of lenders being responsible for "third-party risk". Hence, the vetting of vendors, servicers, settlement agencies, etc. is expected to be a common practice by lenders. The CFPB's "New Rule" is expected to take effect in 2014. One controversial part of the rule is the implementation of the Closing Disclosure Form which replaces the HUD-1 and must be delivered to the consumer three days before closing on a loan. Underwriters and title companies need to plan for the obstacles created by this new form and its requirements--new software may be needed, closing preparation is going to change. "Lenders and settlement agents are going to have to work together," Michael Holden pointed out.

In a related topic, ALTA Recommended Best Practices were explained by Allan Dick, Michael Holden, and Jim Stipanovich. Though many title agents are already complying with the seven best practices, they probably

need to put it in writing because certification/verification by underwriters is coming. Jim said, "It's better to get ahead of this." The best practices are:

1. Establish and maintain current license(s) as required to conduct the

business of title insurance and settlement services.

2. Adopt and maintain appropriate written procedures and controls for Escrow Trust Accounts allowing for electronic verification of reconciliation.
3. Adopt and maintain a written privacy and information security plan to protect Non-public Personal Information as required by local, state and federal law.
4. Adopt standard real estate settlement procedures and policies that ensure compliance with Federal and State Consumer Financial Laws as applicable.
5. Adopt and maintain written procedures related to title policy production, delivery, reporting and premium remittance.
6. Maintain appropriate professional liability insurance and fidelity coverage.



7. Adopt and maintain procedures for resolving consumer complaints. If every title company complies with these seven best practices laid out by ALTA, they should have no problem when reviewed by underwriters. And they are also a great marketing tool!

After a delicious lunch presented by the Livonia Marriott, and reiteration by Allan Dick about joining committees and professional designation, we got to enjoy a panel discussion about e-recording. The six-person panel consisted of Jerome Czaja, Kent County Deputy ROD; Katherine Haiker, Ottawa County Deputy ROD; Mark Schwarting, Fidler Technologies; Jerry Lewallen, eRecording Partners; and Thomas Richardson, Liberty Title.

Mark, peppering his information with jokes, gave us the history and current status of e-recording, which started in 1999 and is currently utilized by 40 states. Only 15 counties in Michigan use e-recording, but those counties consist of about 50% of the state's population. Some benefits of e-recording are that it is quicker, cheaper, and more comprehensive than regular recording. Also, document tracking is much better. The challenges of e-recording include limitations as to document acceptance and imaging requirements. Mark Ladd of Simplifile, added an explanation of the three levels of e-recording: 1) scanned image, 2) wet ink/part digital, and 3) all electronic—no paper document.

Jerry Lewallen then shed some light on the e-recording process which begins with vendors and counties partnering up to provide the service to title companies. Title companies scan documents, attach them to a web-based application, and enter some information. The documents are sent and returned electronically. If a document is rejected, the entire document package is returned with no fee. The standard e-recording fee is \$4.00-\$5.00 per document, over and above the county's fees and taxes.

Tom, who has been appointed by Governor Snyder to the Electronic Recording Committee, explained the need for standards in e-recording,

and also pointed out the benefits of it. He emphasized that title companies should be very careful about showing fees for e-recording on the HUD1, due to RESPA rules.

Kathy gave us a county perspective. Ottawa County began electronic recording in 2004 and currently e-records everything except master deeds and plats. According to Kathy, there are eight different e-recording software programs being used in Michigan; therefore, it is best for title companies to go through a vendor.

Jerry Czaja moderated the discussion, and also shared his comments and his Register of Deeds point-of-view.



Finally, Michael Holden returned to the spotlight to enlighten us on Marketing Agreements, Joint Ventures, Affiliated Business Disclosures, and Understanding RESPA Section 8 Enforcement. Marketing Agreements, also known by other names, must follow certain rules enforced by RESPA, but not all agreements fall under RESPA's referral policy, as disclosed by Section 8(c)(2). Agreements between title agents and realtors should be reviewed quarterly, include proper documentation/records, and should be drafted by an attorney who is familiar with RESPA and HUD.

Michael shared the details of three RESPA enforcement cases with us: Edwards v. First American Title Insurance Company, Freeman v. Quicken Loans, and Carter v. Welles-Bowen. After tying it together with the CFPB "New Rule", we were all released back into the sunshine, our minds brimming with the day's new information.

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*For more information, contact:*

**Jerry Lewallen**

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## MLTA 200 MEMBERS WHO CARE... PLEASE TAKE 2 MINUTES TO READ AND CONSIDER JOINING TODAY!

The real estate industry in Michigan is rebounding and it is essential that we support candidates who are committed to continuing this improvement and who support our industry. That is why the MLTA-PAC has launched a new campaign, "200 MLTA Members Who Care!"

We all understand the importance of the MLTA and the work that it does to protect our industry. The efforts of the Legislative and Legislative Steering Committees and the important contacts made during our Annual Lobby Day are just a few examples of the vital work of the MLTA and its members.

For instance, MLTA has been instrumental in getting legislation passed that provides for e-recording of documents, and to raise the statutory limit for issuing title insurance policies in Michigan. Those are real success stories that affect how our businesses operate, our risk exposure, and our bottom line. We have sponsored legislation introduced to provide for effective recording of lost documents, which is now pending in the legislature. We are working on revisions to the Construction Lien Act to better balance the interests of lenders and title insurers with those of contractors and sub-contractors. We have been so effective in raising our profile and credibility in Lansing than when legislation is introduced affecting real property, legislators now seek the MLTA's position and opinion.

We thank everyone who has made the extra effort to get involved on behalf of the industry. We also know that there are many more of you who want to be more involved in furthering the objectives of the MLTA. While we need you to attend our Annual Lobby Day, and to meet with and write to your legislators regarding our legislative agenda, we also need you to financially support our MLTA-PAC. Your contributions to the MLTA-PAC are used to support candidates who understand the value of the title insurance industry and the work that we do every day. This support along with the efforts of our lobbyists, Tim Ward and Cami Pendell, help us maintain a seat at the table for the MLTA when legislation is proposed that could have a negative impact on our industry and all of our livelihoods! It helps to make our legislative agenda effective, which helps your bottom line, as a title professional that has made a career in our industry.

Our voices are being heard in Lansing, and we are making a difference!

"200 MLTA Members Who Care" is a simple yet important fundraiser for the MLTA-PAC. The MLTA-PAC is looking for 200 members to make a contribution of \$100 or more to the MLTA-PAC between now and the end of July 2012. We know that budgets are tight; but, \$100 is a little more than \$8.30 per month. Many people spend this much or more on coffee each week. Is your industry and career important enough to make a \$100 contribution to the MLTA-PAC?

Now, we've made it easier to contribute. Just go to our MLTA Website at <http://www.milta.org/pac.html>, and you can pay by Paypal. You don't have to have a Paypal account; you can charge it to a major credit card.



Join your fellow members who care:

*Allan Dick, Best Homes Title Agency, LLC*  
*Amber Verburg, Safe Title*  
*Anthony Viviani, American Title Agency*  
*Bill Robinson, Attorneys Title Agency*  
*Bob Wuerfel, Lighthouse Title Group*  
*Byron P. Gallagher, Gallagher Law Firm*  
*Connie Curio, Lighthouse Title Group*  
*Curt Dinklemeyer, Devon Title Agency*  
*Darlene Wilsey, Fidelity National Title Insurance Company*  
*David Martyn, Stewart Title Guaranty Company*  
*Debbie Bartlett, Corporate Settlement Solutions*  
*Deborah Wiley, First American Title Insurance Company*  
*Diana Parker, First American Title Insurance Company*  
*Doug McFarlane, MLTA Past President*  
*Douglas Smith, Stewart Title Guaranty Company*  
*Dwayne Ruzsala, Best Homes Title Agency, LLC*  
*Eileen LaPlante, CFC Title Services*  
*James Casson, First American Title Insurance Company*  
*Jeffrey Basil, Safe Title*  
*Jerome Jelinek, Corporate Settlement Solutions*  
*Jill Scholtz, First American Title Insurance Company*  
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*Lisa Cicinelli, Old Republic National Title Insurance Company*  
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*Mario Castillo, ASK Services*  
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*Meredith Weingarden, Chicago Title Insurance Company*  
*Michael Cook, Chicago Title Insurance Company*  
*Michael Hagerty, Plunkett Cooney, PC*  
*Neal R. Sherman, Schneiderman and Sherman, PC*  
*Rob Wineman, Fidelity National Title Insurance Company*  
*Sarah Sutton, Fidelity National Title Insurance Company*  
*Tim McDonnell, Old Republic National Title Insurance Company*  
*Tobias Lipski, Schneiderman and Sherman, PC*  
*Cathy LaMont, LaMont Title*  
*Michael Donovan, LaMont Title*  
*Cindy Immonen, DataTrace*  
*Patty Bolser, Montmorency Abstract*

On behalf of your Michigan Land Title Association, thank you for your support!

*Tim McDonnell, PAC Committee Chair*  
*David Martyn, PAC Committee Board Liaison*

It is amazing how a divorce can affect a closing. Many people believe their domestic problems

Company must hold all funds due John "Jim" Smith and/or ABC Novels, Inc. DBA XYZ

Mr. Smith's attorney agreed this modification would work. The settlement agent sent the revised Recon along with an AKA statement to be signed by Mr. Smith and requested the corporate documents and a Corporate Resolution from XYZ Books as she was told it was a corporation.

## ▶ **DRAMA,** drama, drama



become the settlement agent's problem and often look to the settlement agent to be the tie-breaker for them. It is important for a settlement agent to take a step back, stay out of the drama and never lose sight of the proper escrow procedures and underwriting requirements.

This story illustrates how a simple refinance turned into a whole lot of drama — other people's drama — and our Company was continually asked to take on unnecessary risks. Read on to find out why it is crucial settlement agents do not abandon policy and procedures.

The transaction was opened as a refinance. The new loan amount was approximately \$5,500,000. Per the title report there were two existing deed of trusts recorded against the property. The first lien was for the benefit of Chase and the original loan amount of \$5,230,000. The second lien was for the benefit of a private beneficiary.

Per the deed of trust the beneficiary was two individuals, Jim Smith and John Smith, with an original loan amount of \$2,000,000. The loan officer told the settlement agent she would receive a zero demand for payment from the second lien holder and fully executed release.

The settlement agent requested the contact information for the Smiths and sent them a request for a payoff demand, the original note and a Substitution of Trustee and Full Reconveyance (Recon). Shortly after the request, she received a payoff demand and the original Promissory Note.

Unlike the deed of trust, the promissory note indicated Jim Smith or John Smith or XYZ Books were the payees. The payoff demand instructed the settlement agent to pay all funds to XYZ Books and was signed only by Jim Smith.

A few days later, the Company received a Notice of Motion and Court Order stating our

Books pending further order of the court. It was then the settlement agent realized Jim and John were one in the same. The Order was issued because Mr. Smith was in the process of getting divorced.

Mrs. Smith claimed the funds due to payoff the Note were community funds. Mr. Smith claimed the funds belonged to XYZ Books. Since the funds were in dispute, the court ordered the Company to hold the funds until it was determined who the funds belonged to. The Order did not prohibit the borrower from closing on her refinance, but the payoff funds for the second lien would have to be escrowed post-closing.

The Company was still in need of an executed Recon. Originally, the settlement agent completed the document listing only the beneficiaries named on the Deed of Trust; Jim Smith and John Smith. Mr. Smith did not want to sign anything which could be construed as his admittance the funds were due him individually. His attorney called asking if the Company would be willing to modify the Recon. They requested the following change:

The undersigned, Jim Smith or John Smith, present Beneficiary as owner and holder of the Note secured by Deed of Trust dated June 15, 2009 made by Roberta Jones.

Rather than modify the language (and in light of the new information she had received) it was agreed the settlement agent would add XYZ Books, since she had a demand instructing her to pay the full amount to XYZ Books and was informed the note had been assigned to XYZ Books. The settlement agent agreed to add the other beneficiary, pending the corporate documents to ensure she was accepting the Recon from the authorized person. The Recon was changed to:

The undersigned, Jim Smith AKA John Smith or XYZ Books, present Beneficiary as owner and holder of the Note secured by Deed of Trust dated June 15, 2009 made by Roberta Jones.

The attorneys representing Mr. and Mrs. Smith in their divorce went back into court to ask the judge to issue an Order allowing the Clerk of the Court to sign the Recon, since Mr. Smith did not want to sign it and imply in any way the funds were his personally. The settlement agent received a fax of an Order allowing the Clerk to sign the Recon and copy of the executed Recon.

Unfortunately, the Recon signed was not the proper Recon as it did not include a signature line for XYZ Books, which the settlement agent later found out is actually ABC Novels, Inc. DBA XYZ Books. Since the Company had been put on notice the note was assigned to XYZ Books, they explained the Recon would have to be executed by an authorized officer of ABC Novels, Inc. DBA XYZ Books.

A few days later an executed Recon, along with an amended demand for payment, was delivered via messenger to the settlement agent. The revised demand was conditional. It stated the Recon could only be recorded if the funds were paid in accordance with the original demand stating all funds were to be paid to XYZ Books. Clearly the settlement agent would not be able to comply because the previously issued Court Order required the Company to hold all funds.

Mr. Smith had been notified of these requirements and that the Recon was not executed in a manner which complied with the Company's Document Execution Guidelines. Escrow notified Mr. Smith's attorney the document would have to be re-executed to meet the Company's underwriting requirements — and they were still in need of the AKA statement and corporate resolution.

What happened next? Only one week later the IRS issued a Notice of Levy to the Company and one to the borrower, Ms. Jones. The levy covered any funds due Mr. Smith and had a copy of the Promissory Note attached indicating the IRS was aware Mr. Smith may have been due a payment of \$2,000,000. The full amount of the Levy exceeded this amount.

Then, Ms. Jones' attorney contacted the settlement agent to find out what could be done to enable the transaction to close. The attorney was informed the deal could not close until they received the outstanding Recon, the AKA statement and corporate resolution from Mr. Smith. Upon receipt of those items the funds would have to remain in escrow until it was determined who the funds belonged to and how they would be disbursed. The attorney contacted Mr. Smith's attorney and the IRS.



Ms. Jones' attorney called the settlement agent almost daily with a new scenario inquiring as to whether the Company would be willing to insure based on the different scenarios. He asked the Company if they would close and insure without receiving any of the documents due from Mr. Smith and send the funds to the court to decide. He then asked the Company to close and file an action to interplead the funds without receiving the pending documents. He even asked if the Company would close and insure if the IRS issued a Notice of Seizure, taking possession of the Note and requiring all funds be paid to the IRS.

The answer was always the same. The Company could close and hold the funds, send the funds to the court, file an action to interplead the funds — but not until it received the required documents from Mr. Smith.

In the end the Company received word the new lender decided to withdraw their loan and not proceed with the refinance. It was at this point the settlement agent resigned from the transaction and returned the original documents to Mr. Smith.

### MORAL OF THE STORY

In 2005 our Company implemented Document Execution Guidelines as a result of a dramatic rise in fraud and forgery claims. Since then fraud and forgery claims have dropped from the number one reason down to number three. The policy works — which only reinforces why settlement agents should not veer from, or make exception to, the policy.

Our Company has the right to implement policy, procedure and sound underwriting requirements even though statutory requirements are stronger. We owe this to our shareholders. Never be afraid to stand by Company policies. Abandoning these only opens the Company to additional liability. Consult management for further direction or do not hesitate to contact your National Escrow Administrators at [settlement@fnf.com](mailto:settlement@fnf.com).

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# SURVEYOR'S VIEW POINT: Traversing the Law: Does Title Equal Location in Land Surveying?

by Jeffery N. Lucas, PLS, Esq.



For many attorneys and title companies, there is no conflict between what the deed describes and the occupied boundaries. If the evidence on the ground, i.e. occupation and existing monumentation, does not comport to the written description of location as contained in the deed, then what's on the ground needs to be modified to comply. Whether modified or not, exceptions to title will be written into any policies issued, and the landowner will be on her own when the boundary dispute goes to court. The title company will defend the title as written—with due consideration of the caveats included in the exceptions—but not insure location.

Too many land surveyors are also onboard with this way of thinking—that title equals location and when in conflict, location conforms to title. The proof of this statement is easily found on the ground and in the maps surveyors issue to their clients and put on the public records.

This way of thinking is not the way the courts generally view the situation. When the deed is in conflict with the reality on the ground, it is the deed that yields to the fact of location. The courts in all jurisdictions have described the resolution of any boundary dispute as a two-part question of law and fact.

It is the role of attorneys to argue the question of “what” the property is in court or even to possibly advance the notion that what the boundary is has changed, as in adverse possession. This question, or even arguing this question, is beyond the purview of the land surveyor. This doesn't mean the land surveyor ignores this question. Just like a stop sign, the legal question is, “What does

it mean?” The factual question is, “Did you stop?” Every citizen is charged with knowing the law. It's up to the legal profession to actually define it or argue that it means something else.

The factual question of location is completely different. This is the land surveyor's question, and it is completely within the line and scope of the land surveyor's duties and responsibilities to give an opinion on the location question. This is the only reason land surveyors hold an exclusive license to survey property. Not to argue the legal question of title, but to opine on the factual location question.

A land surveyor can have a wrong opinion on location; that alone does not constitute negligence. On the other hand, if a surveyor argues title or even that title has changed, this is outside the practice of the land surveyor and entering into the practice of law. This is beyond negligence. The retracing land surveyor's only duty is to find where the property boundaries have already been established on the ground (the fact of location), not to argue that location must necessarily change to conform to the title documents. They are two separate questions. This is the same thing the courts say the land surveyor is supposed to be doing.

When a land surveyor goes to the field and finds two monuments within a subdivision that gives the surveyor a geometric connection to the lot to be surveyed and then from these two monuments proceeds to lay out the geometry of the lot inconsistent with the established boundaries on the ground, the surveyor is not surveying property; the surveyor is giving a legal opinion on title. When a surveyor finds four locally accepted quarter-section corners and ties them in with GPS and then proceeds to break down the section for the umpteenth time driving in new irons in disagreement with the established boundaries on the ground, this is no longer surveying. The surveyor is advocating a position that title equals location. At least half of this question is the practice of law, not surveying.

The fundamental rules of surveying property are relatively simple and straightforward. You are either an original surveyor setting out new property lines for the very first time, or you are a following surveyor whose only duty is to find where the lines have already been established on the ground. There is nothing in between. There are no title questions to argue or advocate. The multiple monuments we leave in our wake evidence our confusion over these basic fundamental principles.

More information on this topic can be found in Lucas' latest book, *The Pincushion Effect, The Multiple Monument Dilemma in American Land Surveying* (2011, Lucas & Co., LLC, Birmingham, AL)



*Jeffery N. Lucas, PLS, Esq. Jeff Lucas is in private practice in Birmingham, Ala. He is president of Lucas & Co. LLC, and publisher of “The Lucas Letter,” a legal newsletter for the surveying and engineering community. He can be contacted through [www.TheLucasLetter.com](http://www.TheLucasLetter.com). For a more in-depth study of the legal principles that affect our everyday practice, subscribe to “The Lucas Letter” at [www.TheLucasLetter.com](http://www.TheLucasLetter.com). Reprinted with permission.*



## Strategic People Reminders for the Busy Executive

by Scott Patchin, The trU Group

### What I'm hearing

I am committed to doing one-on-one conversations with my people, but how will we make it work?

### What it means

Two things about this statement: First the use of "we." It's important to see one-on-ones as benefitting both parties involved. Actions tend to follow our attitudes, and trusting relationships are built based on a history of actions that say, "This matters to me and you matter to me." Keeping the "we" in this statement is step one. Secondly, keep in mind that this is a journey, not something you do twice and say, "Done." It is important to believe passionately in what you're doing in order to generate the energy and commitment needed to work through the setbacks that inevitably will occur.

### What you should do

I have published a single-page guide to the one-on-one conversation, with rules and guidelines for both the individual and the leader. Here is the link: [www.thetrugroup.com/resources/talent-management-resources/](http://www.thetrugroup.com/resources/talent-management-resources/)

A good place to start is with the three rules for this conversation that must never be broken.

- Be in the same room (unless it's absolutely unavoidable — see guide).

- The individual (not the leader) owns the agenda.
- Never cancel without rescheduling.

My standard communication rule is to stay away from the words "never" and "always," with the following qualification: You earn the right to break these rules based on living into the word "never" as a rule. That means that, for the first three months, you treat these rules as sacred and make following them a priority. This is true for both you as the leader and for the individual taking part in the one-on-one.

The two guidelines that appear for both the leader and the individual are especially noteworthy:

- This time is to help you. Outcomes will follow your attitude.
- Follow up on all commitments.

I often hear comments such as, "I'll do it, but they don't really care," or "This is a waste of my time." I see these attitudes show up as the result of a lack of preparation or a lack of follow-through in the first few meetings. Somewhere between the fourth and tenth meetings, it changes.

Focus on the process and trust that outcomes will follow. Family business expert Greg McCann says, "When relationships matter, process trumps the solution." The number-one mistake I see in business is believing the formula to be: plan + individual ownership = accountability.

The real formula is:

plan + relationship + ongoing conversation = accountability.



Are you struggling with accountability on your team? Need help building or leading a team in which work gets done and the actual outcomes match the plan?

Contact [Scott@thetrugroup.com](mailto:Scott@thetrugroup.com)

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## Residential Sales Statistics October 2012

Local Association	2012 Oct Sales	2011 Oct Sales	12-11 % Change	2012 Oct Avg Price	2011 Oct Avg Price	12-11 % Change	2012 YTD Oct # Sales	2011 YTD Oct # Sales	12-11 YTD % Change	2012 YTD Oct Avg Price	2011 YTD Oct Avg Price	12-11 YTD % Change
Ann Arbor Area Board of REALTORS®	264	211	25.71%	\$216,466	\$188,962	14.60%	2,806	2,576	8.93%	\$211,582	\$183,535	15.30%
Eastern Chatham County Association of REALTORS®	61	38	56.41%	\$229,049	\$121,213	88.98%	494	448	12.27%	\$183,906	\$151,708	21.15%
North-Central Area Association of REALTORS®	119	168	-29.63%	\$66,622	\$87,968	-24.21%	1,180	1,138	3.69%	\$79,009	\$81,871	-2.59%
Way County REALTORS® Association	149	116	28.45%	\$88,391	\$74,744	18.14%	1,183	1,213	-1.65%	\$77,838	\$70,878	9.65%
Branch County Association of REALTORS®	53	38	35.88%	\$93,125	\$96,963	-3.96%	410	368	11.17%	\$84,733	\$81,678	3.82%
Central Michigan Association of REALTORS®	86	76	13.29%	\$89,204	\$85,128	3.57%	908	753	20.58%	\$92,364	\$87,163	5.97%
Chesapeake Board of REALTORS®	79	61	28.51%	\$74,379	\$67,361	10.42%	644	565	13.89%	\$67,506	\$68,651	-3.88%
Robert Board of REALTORS®	512	518	-1.35%	\$20,521	\$17,546	16.96%	5,388	5,521	-3.86%	\$16,863	\$15,768	6.98%
Down River Association of REALTORS®	113	138	-18.85%	\$108,253	\$75,221	43.91%	1,191	1,258	-5.40%	\$85,965	\$75,218	14.25%
Eastern UP Board of REALTORS®	37	27	37.04%	\$81,358	\$105,868	-23.15%	367	336	9.23%	\$89,204	\$82,767	7.84%
Emmet Association of REALTORS®	59	53	11.32%	\$222,971	\$270,715	-18.59%	540	448	20.54%	\$232,330	\$284,776	-21.88%
Genesee County	585	452	21.37%	\$83,915	\$78,501	5.55%	5,312	4,741	12.09%	\$78,661	\$72,875	8.14%
Grand Rapids Association of REALTORS®	1,008	778	28.56%	\$134,568	\$123,168	9.25%	10,147	8,732	16.20%	\$132,183	\$120,871	9.32%
Greater Kalamazoo Association of REALTORS®	398	271	46.86%	\$138,693	\$127,972	8.35%	3,286	2,673	22.93%	\$139,185	\$134,862	3.22%
Greater Lansing Association of REALTORS®	568	483	17.60%	\$106,780	\$97,963	9.11%	5,113	4,278	19.52%	\$104,431	\$102,277	2.11%
Greater Wayne County	1,467	1,214	20.84%	\$105,848	\$92,235	14.76%	13,733	12,832	7.02%	\$98,549	\$98,778	-0.23%
Hillsdale County Board of REALTORS®	34	32	6.25%	\$79,168	\$61,881	27.93%	305	308	-1.00%	\$79,761	\$75,105	6.20%
Huron County	20	8	150.00%	\$129,170	\$226,406	-42.95%	123	94	30.85%	\$112,377	\$108,257	3.80%
Jackson Area Association of REALTORS®	166	168	-1.19%	\$105,159	\$92,035	14.26%	1,719	1,508	13.40%	\$93,374	\$80,887	15.58%
Lapeer County	108	82	31.71%	\$120,454	\$105,501	14.17%	891	778	14.52%	\$111,523	\$107,633	3.62%
Lawson County Association of REALTORS®	117	88	32.85%	\$117,643	\$105,638	11.33%	925	783	18.14%	\$97,097	\$88,438	9.79%
Livingston County	272	188	44.68%	\$174,812	\$158,807	9.45%	2,299	2,058	11.71%	\$172,239	\$156,405	9.48%
Calhoun County	1,613	1,468	10.00%	\$181,837	\$151,215	19.58%	15,455	14,657	5.46%	\$173,872	\$153,178	13.51%
Macomb County	1,068	947	12.68%	\$108,610	\$92,088	17.85%	9,840	8,626	14.07%	\$99,625	\$80,288	24.09%
Macomb County Association of REALTORS®	97	72	34.72%	\$121,444	\$115,142	5.47%	747	648	15.27%	\$113,414	\$111,888	1.37%
Midland Board of REALTORS®	79	74	6.76%	\$122,182	\$136,878	-10.73%	793	731	8.48%	\$137,207	\$143,847	-4.60%
Monroe County Association of REALTORS®	122	113	7.96%	\$121,189	\$108,894	10.38%	1,099	1,031	6.60%	\$119,244	\$112,678	5.83%
Northwestern Michigan Board of REALTORS®	94	63	47.62%	\$78,836	\$55,532	41.37%	600	511	17.42%	\$83,690	\$77,384	8.15%
Paul Bunyan Board of REALTORS®	135	108	25.00%	\$86,920	\$81,148	7.08%	1,256	1,057	18.83%	\$87,128	\$83,836	3.93%
Saginaw Board of REALTORS®	177	156	13.46%	\$79,543	\$78,624	1.17%	1,619	1,654	-2.12%	\$77,993	\$75,862	2.87%
Sandwich County	19	11	72.73%	\$71,516	\$75,755	-5.58%	154	112	37.50%	\$69,194	\$65,262	6.02%
Shawans Regional Board of REALTORS®	47	52	-9.62%	\$68,131	\$71,628	-4.89%	424	608	-30.55%	\$68,948	\$64,863	6.35%
Southwestern Michigan Association of REALTORS®	273	188	45.21%	\$158,349	\$148,287	6.78%	2,392	1,951	22.60%	\$167,216	\$157,327	6.35%
St. Clair County	159	94	69.15%	\$118,031	\$102,616	15.02%	1,203	971	23.89%	\$106,124	\$100,568	5.52%
St. Joseph County Association of REALTORS®	74	52	42.31%	\$79,670	\$85,941	-7.56%	550	522	5.36%	\$100,826	\$80,888	19.87%
Traverse Area Association of REALTORS®	288	186	54.84%	\$210,390	\$177,475	18.55%	2,255	1,767	27.40%	\$199,988	\$181,268	10.33%
Tuscola County	40	23	73.91%	\$66,169	\$63,276	4.57%	241	192	25.52%	\$62,103	\$70,524	-11.80%
Upper Peninsula Association of REALTORS®	190	132	42.43%	\$107,367	\$83,336	28.28%	1,695	1,484	14.22%	\$101,167	\$86,421	16.82%
Waterford Board of REALTORS®	218	177	23.16%	\$105,104	\$83,148	25.83%	1,619	1,365	18.60%	\$96,590	\$87,158	10.37%
West Central Association of REALTORS®	121	118	2.54%	\$90,210	\$94,338	-4.37%	1,005	861	16.72%	\$82,521	\$77,708	6.07%
West Michigan Lakeshore Association of REALTORS®	345	268	28.73%	\$143,099	\$150,468	-4.89%	3,269	2,717	20.32%	\$138,226	\$130,167	6.17%
<b>TOTALS</b>	<b>11,434</b>	<b>9,328</b>	<b>22.58%</b>	<b>\$114,757</b>	<b>\$111,732</b>	<b>2.71%</b>	<b>105,100</b>	<b>94,926</b>	<b>10.72%</b>	<b>\$110,384</b>	<b>\$105,408</b>	<b>4.72%</b>

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### *MLTA 2013 Events*

April 9-10: MLTA Spring Education Seminar,  
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May 7: MLTA Spring Education Seminar, *Livonia*  
July 14-16: MLTA Convention, *Crystal Mountain  
Resort*  
October 15-16: MLTA Fall Education Seminar,  
*Mt. Pleasant*  
November 5: MLTA Fall Education Seminar,  
*Livonia*

### *ALTA 2013 Events*

May 6-8: Federal Conference, *Renaissance  
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