



THE TITLE EXAMINER

A PUBLICATION OF THE MICHIGAN LAND TITLE ASSOCIATION

SPRING 2009

Spring Seminar Sign Up Reminder

April 15th in Mt. Pleasant & May 6th in Livonia

Details on page 6.

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Mid-Term Report with MLTA President Tony Viviani

by Connie Curio, Assistant Vice President, Lighthouse Title Group

“I love it” said our MLTA President Tony Viviani when he spoke with me about how his term was working out. But he’s feeling that there is not enough time to accomplish everything he’s working on. And it’s quite a list.

Among the things Viviani has been working on are the three main goals for the Michigan Land Title Association this year. One is to increase the political significance of MLTA. Which means, he says, to protect the industry and the consumer and the impact MLTA has on the process. Tony was very pleased to see the turnout and success of the Legislative Day in Lansing. (See article on page 5).

The second is to increase membership. Recruiting and retaining members is a high priority. A method of doing this would be to assign a current member to a new member. This would mean inviting a new member to educational seminars and conventions, and to be with them and introduce them to other people and encourage committee participation.

A component of achieving goal number two is goal number three which is to set up “districts” in Michigan. These districts shall consist of MLTA members in that geographical area. This will result in getting more member input for the Board of Directors and to will stimulate agent activity. (See article on page 4).

Continuing Education is a hot topic at the moment. Viviani has worked with a committee to make MLTA a driving force in providing the content and the means to work through this process. The State of Michigan is again looking at making ConEd a requirement.

Another item in the works is a legislative newsletter to be sent out to the membership. This will communicate what specific issues the MLTA is working on for its’ members. So to include feedback from our members, our lobbyist Tim Ward will also contribute information about new legislation.

Still on Viviani’s “to do” list!

- **An agent summit and a separate underwriter summit.** The purpose of this is to discover what value the member is getting from MLTA and to provide a forum for constructive criticism. This will also be used to focus energy on what’s important and how can MLTA play a part.
- Viviani will also implement **leadership conference calls** with committee chairs to help properly equip them to carry out the committee and MLTA goals.
- Finally a “**pro bono**” type of **Public Service Committee** is on the plate. Namely finding out what MLTA can do to contribute back to the local communities. One suggestion has been a Habit for Humanity build.



It's plain to see that Tony Viviani is an involved and productive President. We are very fortunate to have him at the helm. Thanks for all your hard work Tony!!!

MLTA

Michigan Land Title Association
Board of Directors 2008-2009

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by Randy A. Watkins, Senior Investigator, Office of Financial and Insurance Regulation

Cancelled, terminated, or leaving voluntarily, safeguarding your client's personal financial information in your possession is still your responsibility. Currently OFIR has no regulations regarding recordkeeping, so we look to the requirements of your underwriter or the Internal Revenue Service for guidance. In the absence of any policy, OFIR suggests records be held a minimum of seven years.

You should be aware that Sections 507 and 509 of the Insurance Code (MCL 500.501 – 500.539) establish the privacy policies agents are required to follow; and though the explicit duties of title agents are not covered, you are held to the same standards as other lines of insurance.

So what do you do with the reams of paper left in your care? First, consult with your underwriter. If you have a storage facility, provide them with access to the information. If you scan your files, give them a copy of the hard drive or appropriate storage device or at a minimum provide them with where this information can be found.

I'm sure no explanation is needed to explain why the safeguarding of your clients information is important. In this age of mortgage fraud and identity theft, we all need to ensure that our personal financial information is safeguarded. This is especially true in your industry. Unlike life and health, or property insurance, you rarely have the opportunity to build a trusting relationship with individual clients. Buyers and sellers come to you through a third party and leave in your possession vital personal information. It is essential that you do all you can to protect that information and also make it available in the event a claim or complaint is filed. Remember, your livelihood depends on trust and ethical behavior. If you have any doubts or questions, contact your underwriter or OFIR.

Comments are the authors own and do not necessarily reflect the views and positions of the Commissioner of OFIR.

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

MLTA Member Spotlight

Gina Davidson

President

Delta Abstract & Title Agency, Inc.

Delta County

MLTA Involvement: I have been able to attend various seminars over the last 18 years and have enjoyed meeting some wonderful people within our industry. I have not yet ventured into the MLTA Committee arena although I truly appreciate the efforts of those who serve.



Personal Interests: I enjoy any type of activity involving my family. It can range from boating and camping in the summer to just relaxing at home and having a movie marathon. As of late, my daughter keeps me busy between bowling league, girl scouts, swimming class and whatever else she will soon "sweet talk" me into.

Something About You: My husband Steve and I have a five year old daughter, Erin. I am also blessed with a step-son, Jason, who currently resides in Milwaukee.

ON THE MOVE...

Antrim County Title, Inc. in Mancelona

celebrated its 10th Anniversary on March 1st and has been an MLTA member since their beginning in 1999.

Linda Hishon-Cantor recently moved to **Devon Title** in Troy.

John Bommarito started with **Title Source** in Troy.

Mike Farrer joined **Traverse Area Title Service, Inc.** in Traverse City.

Pat Darden & Jim Gawron recently moved to **Attorneys Title with Marcy Powers.**

*If your firm would like to share information in this section
email jsmalldon@lighthousegroup.net.*

Mary C. Jackowski

Owner/President

Pavilion Title Agency, Inc.
Grand Traverse County



MLTA Involvement: I have attended nearly all MLTA seminars since 2000.

Personal Interests: I have been a guest speaker with "Stonecroft Ministries" on 2 occasions and have spoken at my church as well. I am actively involved in my church. My husband Brian and I sing on our praise team for Sunday worship. We have 4 children; 1-married to a pastor; 1 in Bible College getting married to a pastor and then going to Africa on Mission; 1 in a Christian College pursuing a Urban Ministry/Psychology Degree and 1 in high school. When we aren't busy and they are home we enjoy spending time with them. I enjoy the outdoors, going for hikes with my husband and riding my horse. I love art!! I enjoy drawing and my favorite median to work with is graphite, however I am also doing some glass fusing in my kiln, which is a lot of fun!

Something About You: My business partners are Karen Nickerson and Holly Middaugh, and we founded our company, Pavilion Title, in 2002 based on Christian Principles. We believe in doing it right the first time and strive to do quality work and provide excellent customer service. As Christians, we believe it is important to operate with honesty and integrity.

Jeffrey S. Basil

President

Safe Title
Ottawa & Muskegon Counties



MLTA Involvement: I try to attend as many of the MLTA events and programs as possible, and I actively participate in the The Abstracter and Title Agents Committee.

Personal Interests: Skiing, Fishing, Hockey, Football and Golf

Something About You: If someone predicted that by 2008, after graduating from law school in 1998 and practicing law full-time until 2004, I would own and operate a title agency with 4 offices and 12 employees, I would have laughed.

In Memoriam - David Frederick Upton

Former MLTA President, David Upton, 87, died of congestive heart failure on Saturday, January 31, 2009, at the University of Michigan Hospital in Ann Arbor. David was MLTA President from 1986-88, President of *Southwestern Michigan Abstract and Title Company* in St. Joseph, Michigan, and also was the 1997 Robert J. Jay Award winner.

Beyond David's involvement in the Title industry was his passion and involvement in *Tabor Hill Winery*, which he took possession of in 1978, along with all its debts! Upton used bank loans and income from his abstract and title business to keep the winery afloat until it finally turned a profit. David retooled the bankrupt winery and turned it into a model for the rest of the industry!

BOARD BIZ

by Anthony Viviani, MLTA President

MLTA Prepares to Launch New Districts

At the February Board of Directors meeting, 13 MLTA colleagues were identified to be contacted to lead their respective districts. Over the next several weeks, these coordinators will be confirmed and the districts will be officially launched. Below, are the district by laws.

District By-Laws

ARTICLE I - GOVERNMENT

1.1 Governing Instruments. The District (herein "District") of the Michigan Land Title Association (MLTA) shall be governed by these Bylaws, to the extent not inconsistent with the Bylaws, of the MLTA.

1.2 Interpretation. The Board of Directors of the MLTA ("Board") shall resolve all questions of interpretation of these Bylaws.

1.3 Rules of Order. Except as otherwise provided in the Bylaws, the conduct of meetings of the members shall be governed by the rules of procedure set forth in Robert's Rules of Order Newly Revised.

ARTICLE II - MEMBERSHIP

2.1 Qualification. The membership of the District shall consist of all members of the MLTA in good standing and residing in the geographic area of the District, as prescribed by the Board who have properly joined the District.

2.2 Non-Residents. Notwithstanding the foregoing, a member of the MLTA residing in the geographic area of a District may elect to be a member of another District. A member may elect to belong to more than one District.

2.3 Rights and Privileges. All District members who are MLTA members shall be entitled to the same rights and privileges, except that anyone who has not paid dues, assessments or other charges within sixty (60) days of their due date shall not be entitled to voting privileges or the right to election or appointment as a Coordinator of the District. All rights and privileges of a member are vested solely in the member and may not be delegated or transferred.

2.4 Suspension. In the event that a member does not pay all the dues, or other charges within six (6) months of their due date, all rights and privileges of membership in the District shall be suspended. Such membership rights and privileges shall be restored to the member upon full payment by the Board.

2.5 Termination. Membership in the District shall terminate upon the death of any member, the removal of a member's principal place of residence to the geographic area of another District, or the receipt of notice by the member of termination of membership in MLTA.

ARTICLE III - MEETINGS OF MEMBERS

3.1 Regular Meetings. Meetings of the District shall be held on a quarterly basis from September through May at such time and place as is prescribed by the Board.

3.2 Appointment of District Coordinator and Secretary. A District Coordinator and Secretary are appointed positions. Appointment of the District Coordinator shall be made in the month of August by the Board.

3.3 Term. Appointed District Coordinators and Secretary shall hold office for a 1-year term or until the District Coordinator or Secretary's successor has been elected and qualified by the Board.

3.4 Special Meetings. Special meetings of the District may be called by the President at the President's discretion, or at the request of the Board.

3.5 Notice of Meetings. Timely written notice of all meetings of the District shall be sent by the Secretary to all members setting forth the place, date and hour of the meeting and, in the case of a special meeting, the purpose of that meeting.

3.6 Quorum. A quorum for the transaction of business at a meeting of the District shall consist of 50 percent of the members having voting rights.

ARTICLE IV - DUES AND FINANCE

4.1 Association Dues. The annual dues for membership in the MLTA, as prescribed by the Association, shall be paid to the MLTA.

4.2 District Dues. The Board, in its discretion and subject to the approval by a vote of members, may levy such dues, fees, charges or other assessments as are reasonable and necessary to meet the current operating expenses of the District. The due date of such payments shall be as prescribed by the Board.

ARTICLE V - OFFICERS

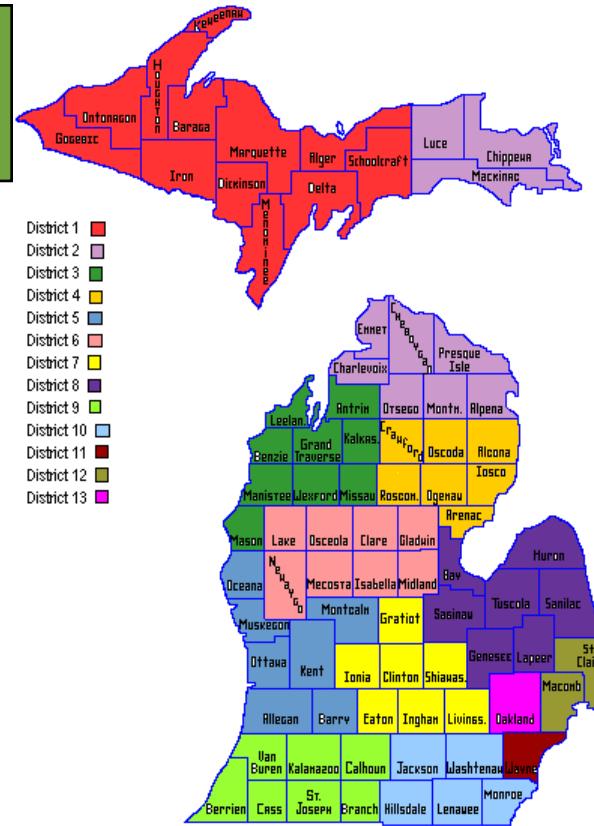
5.1 Titles. The officers of the District shall be a District Coordinator, and Secretary.

5.2 The District Coordinator. The District Coordinator shall be the chief executive officer of the District and shall provide general direction of the affairs of the District and provide general supervision over other officers, subject to the control of the MLTA Officers and Board. The District Coordinator shall, at the request from the Board produce a report to the Board.

5.3 The District Coordinator duties: the District Coordinator shall make the committee chair appointments, set up workshops for the District and coordinate activities of any District Committees.

5.4 The Secretary: The Secretary shall send notices of meetings to the District members and to the Board as prescribed in these Bylaws, and to Committee Chairs as requested by the Officers and Board. The Secretary shall keep the minutes of the meetings of the District and promptly file a copy of the minutes of each meeting of the District with the MLTA Secretary. The Secretary shall maintain a membership roster, a roll of membership attendance, and such books, papers, and records as the District directs, and shall be open to the inspection of any member of the Board.

ARTICLE VI - ADOPTION shall be completed and adopted by a majority of the Board. Written copies of said Bylaws shall be sent by the Secretary to each District Coordinator and Secretary, and shall be sent, as amended, to such persons as shall, from time to time, become members of the





LEGISLATIVE DAY a Resounding Success!

by Allan G. Dick, COO, Best Homes Title Agency, LLC

Congratulations and thanks to the 35 MLTA members who attended the MLTA's first Legislative Day meeting and luncheon at the State Capitol this past February 11th. By all accounts, it was a resounding success and will no doubt be repeated next February! Compared to our evening receptions in past years at the Lansing Sheraton, which resulted in a maximum combined attendance of 24 senators and representatives, and another 9 legislative staff, this years luncheon totaled 21 senators, 26 representatives and 24 staff, for a total of 71 attendees!

Beyond the opportunity for individual meetings with our legislators, it was an excellent opportunity for our Association to show up and demonstrate its strength as an organization. If you are, like me, not particularly active politically and unfamiliar with the governmental offices and environment in downtown Lansing, this turned out to be a pleasant and very unintimidating exercise.

For many of us, it was an opportunity to schedule an introduction to or a brief meeting with our state representative and/or senator. I am personally pleased to

report that they were quite approachable and even genuinely appreciative of the visit. Whoda thunkit?

And for those who just wanted to get a feel for the Capitol setting and be a part of the MLTA representation (or whose representative and senator were unavailable for a one-on-one meeting that day), there was a very informal buffet luncheon in one of the Capitol corridors to which we could invite our representatives and senators, as well as their staff. It was a very friendly setting to demonstrate the interest and relevance of the MLTA and its membership.

We all received a short, informative briefing that morning from our lobbyist, Tim Ward (who regularly updates us with his "Lansing Report" at Education Seminars), before individual meetings and the opportunity to sit in on a session of the senate, and prior to the lunch buffet. The representatives were in session that afternoon. If you have never had the opportunity to tour the Capitol or witness our state government in process, it is a very worthwhile experience. Here's hoping that you, too, will join us and participate next year.

FOR ATTENDING LEGISLATIVE DAY

MLTA MEMBERS

George Amar
Nancy Amar
Jeff Basil
Dennis Bila
John Bommarito
James Casson
Lisa Cincinelli
Connie Curio
Colleen Devlin
Michael Donovan
Michelle Donovan
Byron Gallagher
Charlotte Haack
Michael Hagerty
Mary Lou Hartwell
Julie Hill
Linda Hinshon-Canter
Cindy Immonen
Gary Jackson
Jennifer Jacobs
William Jaquinde
Jerome Jelinek
Catharine LaMont
Daniel Lievois
David Martyn
Timothy McDonnell

Doug McFarlane
Bob Meredith
Kimberly O'Connor
Diana Parker
Laura Rebello
Bruce Redman
Kurt Riedel
Phil Savich
Jilanne Scholtz
Moshe Shapiro
Doug Smith
Angela Veda
Tony Viviani
Brent Warner
Marcy Welburn
Debbie Wiley
Darlene Wilsey
Rob Wineman
Bob Wuerfel

HOUSE OF
REPRESENTATIVES

David Agema, *Grandville*
Vicki Barnett & Staff, *Farmington Hills*
James Bolger, *Marshall*
Darwin Booher, *Evart*
Pam Byrnes & Staff, *Chelsea*
Barb Byrum, *Onondaga*
Andy Coulouris, *Saginaw*
Cindy Denby, *Fowlerville*
Larry Deshazor, *Portage*
Fred Dehual Jr., *Detroit*
Anyd Dillion & Staff, *Redford Twp.*
Bob Genotski II, *Saugatuck*
Jennifer Haase & Staff, *Richmond*
Joe Haveman, *Holland*
Rick Jones, *Grand Ledge*
Michael Lahti, *Hancock*
Richard LaBlanc & Staff, *Westland*
Matt Lorl, *Constantine*
Pete Lund, *Shelby Twp.*
James Marleau, *Lake Orion*
Gary McDowell, *Rudyard*
Tom McMillin, *Rochester Hills*
Mark Meadows, *East Lansing*
Arian Meekhof & Staff, *West Olive*
Tim Melton, *Auburn Hills*
Chuck Moss, *Birmingham*
Andy Neumann & Staff, *Alpena*
Paul Opsommer, *DeWitt*

Tom Pearce, *Rockford*
Sarah Roberts & Staff, *St. Clair Shores*
Roy Schmidt, *Grand Rapids*
Tonya Schultmaker & Staff, *Lawton*
Jim Slezak & Staff, *Davison*
Jim Starnes, *Midland*
Sharon Tyler & Staff, *Niles*
Coleman Young II & Staff, *Detroit*

SENATE

Jason Allen, *Traverse City*
Glenn Anderson, *Westland*
Jim Barcla, *Bay City*
Liz Brater, *Ann Arbor*
Deborah Cherry, *Burton*
Irma Clark-Coleman, *Detroit*
Hansen Clarke, *Detroit*
Valde Garcia & Staff, *Howell*
Tom George & Staff, *Kalamazoo*
Jud Gilbert, *Algonac*
John Gleason, *Flushing*
Gilda Jacobs, *Huntington Woods*
Roger Kahn & Staff, *Saginaw Township*
Wayne Kuipers, *Holland*
Michelle McManus, *Lake Leelanau*
Alan Sanborn, *Richmond*
Tony Stamas, *Midland*
Michael Switalski, *Roseville*
Buzz Thomas, *Detroit*
Gerald Van Woerkom, *Norton Shores*
Gretchen Whitmer, *East Lansing*

Mark your
calendars!
and sign up on milda.org

2009 MLTA
Spring Education
Seminars

April 15, 2009 at the Soaring Eagle Inn, Mt. Pleasant
May 6, 2009 at the Radisson Hotel Livonia, Livonia

Committees will meet Tuesday evening, April 14, 2009 at the Soaring Eagle Inn and Conference Center.

*Speakers and topics will be the same at both locations for the 2009 Spring Seminar.

8:30 - 9:00 Registration and Continental Breakfast

9:00 - 9:10 Opening Remarks and Welcome
Anthony Viviani, MLTA President

9:10 - 9:25 Lansing Report
Tim Ward, MLTA Lobbyist

9:25 - 10:15 Railroad Spurs and Tracks: Fee Ownership Analysis and Determination
Jerry McDonnell, Durkin McDonnell, Clifton & O'Donnell PC

10:15 - 10:30 Break

10:30 - 10:45 Professional Designation & Webinar Update
Sarah Maddox Sutton, Fidelity National Title Group

10:45 - 11:15 Powers of Attorney: Who can sign, when can it be used, and can a corporate entity give one?
Bruce Redman, Redman Law Firm, PC

11:15 - 12:00 Trusts, Trust Certificates, Land Trusts, and Custodial IRA Accounts
Gregg Nathanson, Couzens, Lansky, Fealk, Ellis, Roeder, & Lazar PC, Allan Dick, Best Homes Title Agency

12:00 - 1:00 Lunch

1:00 - 1:30 Case Law Affecting Foreclosures and Red Flags in the Deeds in Lieu
Michael P. Donovan, LaMont Title Corp.

1:30 - 2:00 The Foreclosure Guaranty
Allan Dick, Best Homes Title Agency

2:00 - 3:00 REO Sales and Potential Deal Killers
Mike Reynolds, First American Title Insurance Company

Views from the Top

by Lester Sam Hill

Well howdy again to all my land title buddies. Hasn't this been a blinger of a winter? There has been more snow flying around up here in the north than there has been BS flying around Washington...well, almost. And cold to boot!!! My law partner Gordie Gillespie, who ya'll know isn't a native to the upper North Country, is havin' a terrible time of it. You would think after 15 years he'd be used to this, but he still has to wear his thermals to work...at least I got'em used to wearing the ones with the drop seat so on his emergency trips to the boiler room he doesn't have the accidents like he used to.

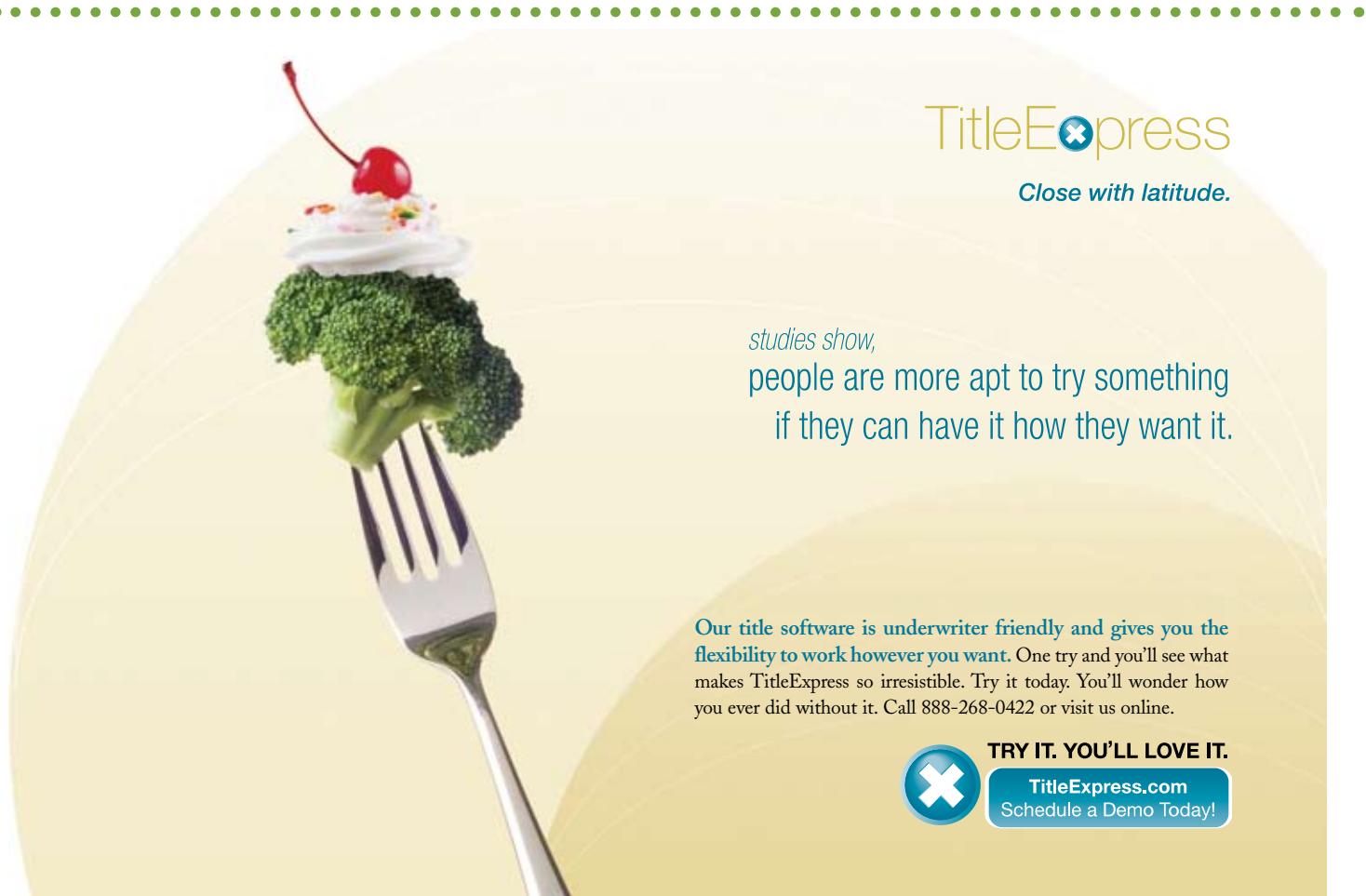
And speakin' of Washington, by golly there is some really crazy stuff going on down there, eh? Me and Gordie being counselors at law should be able to read and figure out all the mumbo jumbo those politicians been generating, but its not working out that way. Poor Gordie has been literally working on his feet (or sitting on his whoopee cushion 'cause of an ailment that gets aggravated by an overdose of snowmobiling) and almost fell over from getting dizzy from trying to follow the path and rules of some of that high powered legislation. Billion here, a trillion there and not a single cent can we find for private not-for-profit-hunt-and-fish-clubs. We were hoping to fence in the 3000 acres in the northern UP we bought for \$437.28 at a foreclosure sale last month. I thought it kinda' odd the group of foresters from Botselvania that owned it would stop paying their mortgage when they only owed \$7,500,000 to that one big bank that just got some of that bailout money a month or so ago. But Gordie says he thinks it looked like an over appraised deal that looked fishy, and that those boys from Botselvania walked away with a good chunk of American greenbacks stiffin' the bank. Could that kinda' thing really happen in the good ole' USA?

The last couple of months have felt kinda good with the little "refi pop" we been havin'. Fortunately the northern office of Loggers Paper Mill Community Bank has been winkin' at the fact that a lot of the folks trying to get mortgages refinanced are upside down on their value to loan ratio, which is fine by me, but it sure has Gordie's beard looped in tight bunches. We just had a grizzly awful argument 'cause Gordie keeps trying to tie Loggers Bank's kindness in a comparison to the boys from Botselvania. Can he be right? And even if he is I sure didn't hear him complainin' about writin' that check from our law firm for \$437.28 to that big bank for 3000 acres of plush huntin' land in the U.P. See what I mean about this all being so confusin'? Gordie says if it looks like a skunk, walks like a skunk and smells like a skunk, it is most definitely a skunk...but I hasten to add...unless it is workin' for ya, in which case it isn't a skunk but a pure bred Springer Spaniel in costume.



Well, anyway, I will be talking to you again soon, and this is the view from the North so you can see from the country what it looks like from here to there from time to time.

Regards,
[Lester Sam Hill](#)



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ABSTRACTIONS

by Allan Dick, COO, Best Homes Title Agency, LLC

The Homeowner Affordability and Stability Plan – what is it and how will it impact beleaguered homeowners and, of course, the real estate, mortgage and title industries? Obviously, it is far too soon to know. But, the new administration is claiming that this potentially “comprehensive strategy to get the economy back on track” will contain the following three major components:

- Affordability – provide access to low-cost refinancing for responsible homeowners suffering from falling home prices.
- Stability – create a \$75 Billion homeowner stability initiative to reach up to 3 or 4 million at-risk homeowners.
- Confidence – support low mortgage rates by strengthening the commitment to (and therefore confidence in) Fannie Mae and Freddie Mac.

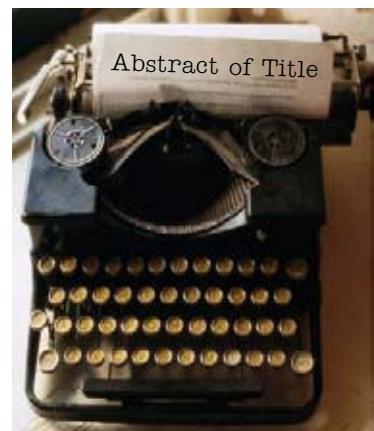
Speaking of Fannie Mae and Freddie Mac, federal lawmakers are debating three courses of action to stabilize and strengthen these two institutions, which, between them, purchased or guaranteed about three out of four mortgages originated in the last quarter of 2008. Those options include:

1. nationalizing the two companies,
2. retaining their public-private status with increased oversight, or
3. selling them off to private investors. 

Stay tuned ...

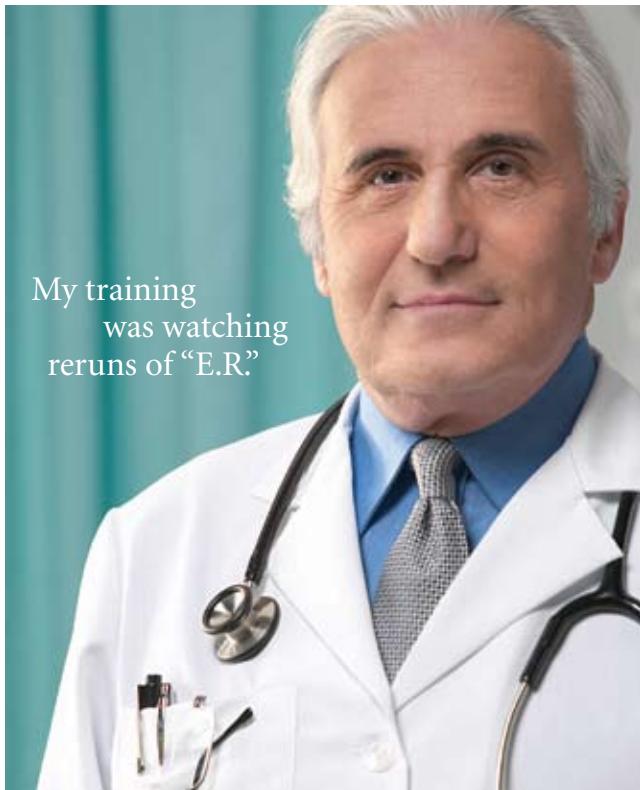
How about that Wayne County Sheriff! Now that he has suspended mortgage foreclosure sales, I wonder if he will also try to forestall the tax foreclosure process in Wayne County ... It will be interesting to see how soon this moratorium on mortgage foreclosures gets resolved, and what impact it might have on home lending for property in Wayne County. 

Again, stay tuned ...



• • • • • Finally, perhaps a bit of a silver lining. According to a Wall Street Journal article, “after two years of rapid home-price depreciation, the relationship between the cost of rental payments versus after-tax mortgage payments is tilting toward ownership in a number of metropolitan areas.” Between bargain home prices and low mortgage rates, the relative cost is swinging back in favor of homeownership (and real estate sales?). But, will affordability inspire a willingness to buy? (People are still worried about falling prices.) And how will employment worries keep potential buyers on the sideline? Consumer confidence and job creation/stabilization will be the key to people deciding to take advantage of this favorable purchasing opportunity. 

My training
was watching
reruns of “E.R.”



Some things are not what they seem. Don't assume that every title information provider has the skills and resources to get the job done - the right way. In today's challenging marketplace, Kasparnet continues to grow and excel in delivering automated search and traditional title products. Our industry-leading quality assurance process gets you to the closing table with fewer hassles. At Kasparnet we have earned our 28-year reputation of delivering accurate and innovative products.

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Dear HUD: It's Eleven O'clock. Do You Know Where the Kickbacks Are?

by Howard Lax, Attorney/Partner in firm of Lipson, Neilson, Cole, Seltzer & Garin, P.C.



This is part 1 of 2 articles on this topic. Look for part 2 pertaining to Aiding and Abetting a Crime, Where to Go from Here, and other topics in the Summer 2009 Title Examiner.

Attorney Howard Lax continues the “Unauthorized, Unofficial, Non-Staff RESPA Commentary that Congress never got around to authorizing HUD to draft.” Here, Mr. Lax considers the plight of title agents and title companies frozen out of the REO sale market.

Our reader submits the following question:

We are losing title orders when loan servicers sell foreclosed properties. The real estate broker will order a title commitment for an REO sale, and then cancel the commitment when the loan servicer insists that the buyer use the seller's title agent. This is usually done by means of a clause in an addendum to the purchase agreement, or a “statement” of general sales policies. The seller's purchase agreement uses a subtle clause, such as “Seller to have the right to select and provide title insurance and closing/escrow agent or office” or “Seller to advise who will have the choice of Title/Escrow/Closing entity once property is under contract” to force the buyer to use its title agent.

Foreclosure sales are over half of our market in Michigan. We cannot survive as a title agency if we are limited to competing for less than half of the current sales business. Is there anyway that HUD or the insurance commissioner can stop this practice?

This practice is illegal, both under state and federal laws. There are ways to stop this practice, but HUD and the National Association of Insurance Commissioners have been asleep at the wheel. The following is a roadmap for you and your state regulators to stop this practice.

Section 9 of RESPA

Any direct or indirect method of limiting the buyer's selection of a title agency or title company violates Section 9 of RESPA. The Real Estate Settlement Procedures Act applies to all residential transactions involving a consumer purpose mortgage loan. Section 9 of RESPA (12 U.S.C. §2608) provides:

(a) No seller of property that will be purchased with the assistance of a federally related mortgage loan shall require directly or indirectly, as a condition to selling the property, that title insurance covering the property be purchased by the buyer from any particular title company.

(b) Any seller who violates the provisions of subsection (a) of this section shall be liable to the buyer in an amount equal to three times all charges made for such title insurance.

HUD wrote several informal opinions to explain that all direct and indirect methods of requiring the buyer to use the seller's selected title agent are illegal. For example, a seller who gives the buyer

a choice of using one of three title agencies, and who charged a higher fee if another agency was used, violated Section 9 of RESPA (opinion by Grant Mitchell, 10/1/1987). A seller who designated a closing attorney who required the use of a particular title company violated Section 9 of RESPA (opinion by Grant Mitchell, 7/18/1989). A clause in a purchase agreement that has the effect of forcing the buyer to obtain and pay for a lender's title policy from a specific title company or title agency is illegal. The seller and the seller's real estate broker are liable to the buyer for three times the cost of the title insurance policy each time that a seller or the seller's real estate broker includes such a clause in the purchase agreement. In a recent case, Hopkins v. Horizon Management Services, an addendum to the purchase agreement stated:

Title/Closing Agent. Seller shall select the title and closing agent. The Seller shall pay the title examination fee and the premium for the owner's title insurance policy. Buyer shall pay their customary closing fee to the closing/title agent. If Buyer obtains a mortgage loan in

connection with this purchase, the Buyer will pay any premium of a mortgagee title policy. The Buyer is entitled to legal representation at the closing and may elect to have such representation at the Buyer's expense. All closing transactions will be held at the Title/Closing Agent selected by the Seller. It is Sellers intent to deliver owner's title insurance policy in lieu of an abstract in the customary abstract

states. The Buyer hereby accepts title insurance in lieu of an abstract if applicable. In the event there is a requirement for the abstract to be updated, the associated expense will be a Buyer expense on the HUD 1 Settlement Statement.

The District Court held that this clause only mandated that the Seller select the title agency and title company to provide the owner's title policy, and the closing agent to close the transaction. Since the seller paid for the owner's policy, and RESPA does not restrict the seller from choosing the closing agent, there was no RESPA violation. Unlike the situation described in our reader's question, the purchase agreement did not state that the seller would choose the title agency to provide the lender's policy, and the buyer received a state disclosure that the buyer could purchase the lender's title policy from an agency of her choice. The buyer never made a choice, and did not object when the seller's closing agent selected the title insurer. The Court of Appeals affirmed the District Court decision because Hopkins never provided any evidence that she requested any title agency or company to provide title insurance. Hence, there was no evidence of a RESPA violation.



It is incumbent on buyers to stand up for their right to choose a title agency and title company if the buyer will pay for the policy. It is your job, as a title agent, to tell consumers that they have a choice, and that exercising this choice might save them a lot of money. In the Hopkins case, the seller only paid \$75 for the owners' title policy, and the buyers paid \$270 for the lender's title policy plus a \$300 closing fee. If the buyers' attorney had been a better negotiator, or if the buyers shopped around for a title agency, the buyers may have saved some money.



Section 8 of RESPA

If the seller's selected title agency is providing any uncompensated benefits to the seller, the seller may also be liable to the buyer for three times the sum of the title insurance premium, the closing fee, and all miscellaneous fees that the title agency may charge to the buyer. This liability arises when an agreement or understanding between the seller and the title agency (or between the seller's real estate broker and the title agency) for referrals is inferred through a pattern and practice of referrals to this title agency, and some benefit is exchanged for these referrals. Section 8(a) of RESPA, (12 U.S.C. §2607(a)) provides:

No person shall give and no person shall accept any fee, kickback, or thing of value pursuant to any agreement or understanding, oral or otherwise, that business incident to or a part of a real estate settlement service involving a federally related mortgage loan shall be referred to any person.

Any referral made by the seller's title agency to the seller or to the seller's agent, any reduction in fees given to the seller by the title agency, or any beneficial service provided to the seller by the title agency than is not fully compensated (e.g. when title commitments or searches are provided without payment) is a "thing of value" that is presumed to be an illegal kickback for the seller's referral of business to its title agency. The payment and receipt of any thing of value in return for

the referral of title agency business is punishable by civil fines and incarceration for up to a year in prison.

Furthermore, if the title agency and the seller are affiliated, the requirement that the buyer use the services of the seller's affiliated title agency taints the dividends paid to the seller by the title agency. Section 15 of Regulation X permits an owner of a settlement service business to make referrals to an affiliated business and earn dividends based on the percentage of ownership of the affiliate, provided that the persons referred to the affiliate receive an Affiliated Business Arrangement Disclosure, and (with certain exceptions) the persons referred to the affiliated business are not required to use the services of the affiliate. If the seller does not provide this disclosure or the borrower is required to use an affiliated title agency, then all dividends received by the seller are illegal kickbacks for the referral of business.

Deciphering the 105% Refinance Plan



by Tom VanderWell,
Mortgage Officer, Fifth Third Bank

I'm sure that you've heard a lot about the new plan, but probably not much in terms of details. Well, let me tell you what I know and what I don't about the new 105% refinance plan that was rolled out recently: I'm going to attempt to summarize a 10 page document (Freddie Mac Bulletin 2009-5), so I'm only going to hit the "highlights" of it:

The things that I know about the plan:

- The loan to value is indeed max'd out at 105% but with a second mortgage, it can go higher than that (frankly unlimited) if the second mortgage holder will agree to it and if the second mortgage was already in place. You can't put a new second mortgage in place right now.
- There are three "levels" of potential appraisals: What Freddie Mac calls the "Home Value Explorer," or a new appraisal or the existing appraisal. There's some verbiage in the Freddie Mac docs about certifications that the lender has to make about the existing appraisal, so I don't know what that involves yet.
- The borrower's mortgage payment history can have no 30 day late payments in the last 12 months. The only loan that can be paid off is the existing first mortgage plus up to \$2500 toward closing costs and escrows.

- The new mortgage has to be done with the same servicer as the existing mortgage. So, unfortunately for borrowers, you can't shop around on this type of loan.
- There are some "kind of" confusing guidelines about mortgage insurance and my initial read of it says that there might be some questions on mortgage insurance. If there was mortgage insurance, it sounds like there would need to be mortgage insurance again, but we don't know that the mortgage insurance companies will "reissue" the insurance.
- Primary residence loans that were sold to Fannie Mae or Freddie Mac are eligible. There are other restrictions too.

The things that I don't know (about the plan):

- The documents I read call for a "Market Condition Delivery Fee" but I don't know how much that will be and what impact that will have on the interest rate.
- It appears that we don't know exactly what underwriting criteria will be used besides for at least a 620 credit score and 12 month positive payment history on the mortgage (if the loan is less than 12 months old, then it had to have been 0 x 30 days the whole life of the loan.

If you have questions about it please email me at
thomas.vanderwell@53.com



Can Title Insurer be Liable in Tort Action?

by Gregg A. Nathanson, Esq., Attorney, Couzens, Lansky

The Michigan Court of Appeals recently ruled that Michigan law does not recognize tort claims against title insurers.

A tort is a wrongful act that results in injury to another's person, property or reputation, and for which the injured party is entitled to compensation. This is different than a lawsuit for breach of contract, where a cause of action arises by one party breaching a (title insurance policy) contract.

In this case, the customer company ("Customer") purchased four residential lots in a platted subdivision. Related to the purchase, the Customer hired a title insurance agent and its underwriter to conduct title searches and provide title commitments. The Customer did not pay for or receive a title policy. The Customer alleged that it relied on the agent's and underwriter's title searches, and that the title companies failed to apprise the Customer of a permanent injunction barring commercial use of the lots. The Customer sued for negligence and negligent misrepresentation, claiming the title companies were liable in tort.

According to the Court, "to protect the rights and expectations of the parties, a title insurer should be liable in accordance with the terms of the title policy only and should not be liable in tort. To hold otherwise does violence to the whole concept of insurance." The Court cited a prior decision which recognized that "no Michigan court has ever held that a title insurer or agent has a professional duty of care to those who employ them, outside of their contractual obligations." In reaching its decision, the Court did recognize the existence of a split among jurisdictions on this issue, and numerous other states and federal district courts have imposed tort liability against a title insurance company.

Case law is different than a statute. A statute is passed by the legislature, signed by the governor and enacted into law. Case law, on the other hand, is the result of a court making a determination of "law" based upon the facts before it. A word of caution: since this principle is derived from case law, not a statute, it is possible, that under a different set of facts, a different court could reach a different conclusion.

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Law, New Code of Conduct is Aimed at Easing the Pressure on Real Estate Appraisers

by Dan Meisler, Ann Arbor Business Review

A law passed in Lansing and a new code of conduct from the Federal Housing Finance Agency is aimed at easing the pressure on real estate appraisers to "hit the number," or to place values on homes based on the perceived desires of lenders. Attempts to influence appraisers' work would be a misdemeanor punishable by fines and imprisonment under a bill passed by both houses of the Legislature and sent to Gov. Jennifer Granholm's desk for her signature, according to the Legislature's Web site. Threats to withhold payment or blacklist appraisers are specifically cited as punishable under the bill.

The new federal-level code of conduct - which applies to business done with Fannie Mae and Freddie Mac but also sets the standard for private mortgage lenders - seeks to restrict the relationship between appraisers and lenders. For example, it prohibits lenders or their agents from basing payment to appraisers on an appraisal meeting a pre-determined value. The code also requires a lender to provide reasons, in writing, for removing an appraiser from a qualified list.

Marko Berishaj, vice president at DartAppraisal.com in Troy, said the relationships between lenders and appraisers have been fraught with potential conflicts. He said a desire to maintain business relationships, rather than any intentional wrongdoing, may have contributed to inflated valuations and the housing bubble. He said specific guidelines about what can be discussed between lenders and appraisers will help create and maintain an appropriate distance between the two sides. "That assures independence," he said.

The code, which will go into effect in May, says that no members of a lender's loan production staff may select an appraiser or have communication with an appraiser meant to impact valuations. The legislative bill recently approved in Lansing carries specific penalties for attempting to influence an appraiser: a fine of up to \$15,000 and a year in jail.

According to a House Fiscal Agency analysis of the proposal, Senate Bill 356 from 2007, at least half of appraisers have reported pressure to make sure their appraisals match the value that a lending institution or broker had in mind beforehand. "If appraisers don't comply, according to some accounts, they don't get paid for appraisals, or worse, they get blacklisted and stop getting appointments for future jobs," the analysis said. The bill is seen as part of the solution to the spate of foreclosures in Michigan. That's because an artificially inflated appraisal could aid predatory lending by validating loans - and therefore broker fees - in amounts greater than the market value of the house in question. "If the appraiser comes in higher than the true market value, and the loan originator agrees to that amount, the new homeowner ends up unwittingly paying too much for the home," the bill analysis said.

The proposal did not meet any opposition in the legislative process, according to the agency's report, garnering support from the Michigan Bankers Association, the Michigan Mortgage Lenders Association, the Michigan Association of Realtors and the Michigan Mortgage Brokers Association.

Do The Math!

by Darryl Turner, The Darryl Turner Corporation

"Your Market Has Fallen and You Can't Get Up!"*

This is the cry of so many people we know. Too many people are waiting for the market to return. While waiting seems to be their primary strategy, it lacks the ingredients needed to actually realize the revenue returns that all desire so much.

If additional revenue is what you need, where will it come from? Is it really "New Business" that you need or do you need to take another look at it?

"If your business is down, it is because your customers' business is down... so if you retain and keep 100% of your customers happy, your business will still be down!"



Here is a thought to process: In most of the cases we investigate, nearly 80% of a unit's volume (Closer/Assistant) is only coming from 6 core customers. This creates even a greater problem. That is the increased fear of losing one of the 6 primary core customers. That causes us to focus even more on retention of these customers and we actually stop generating new customers.

Here is a fact, "You don't have an order count problem; however, you have a customer count problem!"

Since 80% of a unit's volume is coming from 6 customers, let's look at the next point. In order to hit the financial goals that most title agencies have, each unit really needs about 6 to 12 more closings monthly. Sound familiar?

If you take the 6 to 12 additional closings needed and divide it into the 6 people who are the most active with you and you have the best relationship with, you will immediately realize that your revenue salvation will not or cannot come from these people. So, stop thinking that you need new business..." You Need New (Additional) Customers!"

So here is the challenge: First, change your vocabulary. Stop using the term "New Business" and replace it with "New Customers". This creates a perfectly clear and objective call to action.

Secondly, create an environment where closers know that they are 100% responsible for all customer retention and make sure all salespeople (no longer call them marketing reps) know that they are 100% responsible for the number of new customers generated monthly. In other words, "Divide and Conquer!"

Focus on your individual duties and realize that "Everyone" is not responsible for new customers and "Everyone" is not responsible for customer retention. If you say that everyone is responsible, then you must realize that no one is responsible because everyone thinks that someone else is doing it! If everyone is responsible, then the only time it is done is reactively or when it is a problem. If someone is assigned each of these duties, then the acts of retention and acquisition are done proactively. This is certainly the way you want it!

Divide and conquer! Same goals, different roles! 

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2008 The Darryl Turner Corporation *This statement was borrowed from a good friend, John Voso. John is a Vice President with Old Republic Title in Ohio.

Local Association	2009 Jan sales	2009 YTD Jan # Sales	2008 YTD Jan # Sales	09-08 YTD % Change	2009 YTD Jan Ave Price	2008 YTD Jan Ave Price	09-08 YTD % Change
Alpena, Alcona, Presque Isle Board of REALTORS®	11	11	20	-45.00%	\$65,927	\$94,813	-30.47%
Ann Arbor Area Board of REALTORS®	152	152	142	7.04%	\$153,486	\$224,831	-31.73%
Antrim Charlevoix Kalkaska Association of REALTORS®	32	32	21	52.38%	\$110,842	\$194,521	-43.02%
Battle Creek Area Association of REALTORS®	70	70	71	-1.41%	\$68,523	\$90,472	-24.26%
Bay County REALTOR® Association	66	66	77	-14.29%	\$45,863	\$91,250	-49.74%
Branch County Association of REALTORS®	23	23	24	-4.17%	\$81,252	\$94,621	-14.13%
Central Michigan Association of REALTORS®	39	39	48	-18.75%	\$78,542	\$83,771	-6.24%
Clare-Gladwin Board of REALTORS®	27	27	19	42.11%	\$51,930	\$59,677	-12.98%
Dearborn Board of REALTORS®	192	192	121	58.68%	\$83,560	\$110,567	-24.43%
Detroit Board of REALTORS®	1007	1,007	736	36.82%	\$13,638	\$23,755	-42.59%
Down River Association of REALTORS®	126	126	206	-38.83%	\$57,892	\$99,481	-41.81%
Eastern Thumb Association of REALTORS®	107	107	82	30.49%	\$82,301	\$127,870	-35.64%
Eastern U.P. Board of REALTORS®	16	16	17	-5.88%	\$91,446	\$125,000	-26.84%
Emmet Association of REALTORS®	20	20	22	-9.09%	\$147,623	\$622,274	-76.28%
Flint Area Association of REALTORS®	327	327	326	0.31%	\$67,112	\$84,122	-20.22%
Grand Rapids Association of REALTORS®	740	740	996	-25.70%	\$95,010	\$127,164	-25.29%
Greater Kalamazoo Association of REALTORS®	169	169	197	-14.21%	\$112,633	\$131,942	-14.63%
Greater Lansing Association of REALTORS®	318	318	293	8.53%	\$85,447	\$120,588	-29.14%
Hillsdale County Board of REALTORS®	21	21	27	-22.22%	\$47,419	\$67,726	-29.98%
Jackson Area Association of REALTORS®	93	93	98	-5.10%	\$49,987	\$93,428	-46.50%
Lapeer & Upper Thumb Association of REALTORS®	28	28	27	3.70%	\$76,807	\$170,926	-55.06%
Lenawee County Association of REALTORS®	94	94	53	77.36%	\$71,009	\$110,213	-35.57%
Livingston County Association of REALTORS®	124	124	125	-0.80%	\$151,182	\$204,252	-25.98%
Oakland	405	405	345	17.39%	\$101,063	\$159,002	-36.44%
Macomb	464	464	364	27.47%	\$88,420	\$131,857	-32.94%
Mason-Oceana-Manistee Board of REALTORS®	16	16	48	-66.67%	\$78,195	\$123,966	-36.92%
Midland Board of REALTORS®	22	22	43	-48.84%	\$118,056	\$171,047	-30.98%
Monroe County Association of REALTORS®	58	58	68	-14.71%	\$100,966	\$157,735	-35.99%
North Oakland County Board of REALTORS®	259	259	206	25.73%	\$105,744	\$156,231	-32.32%
Northeastern Michigan Board of REALTORS®	17	17	22	-22.73%	\$59,771	\$85,484	-30.08%
Paul Bunyan Board of REALTORS®	53	53	81	-34.57%	\$61,460	\$75,757	-18.87%
Saginaw Board of REALTORS®	95	95	112	-15.18%	\$63,530	\$79,304	-19.89%
Shiawassee Regional Board of REALTORS®	33	33	37	-10.81%	\$64,039	\$92,055	-30.43%
Southwestern Michigan Association of REALTORS®	120	120	148	-18.92%	\$94,564	\$141,672	-33.25%
St. Joseph County Association of REALTORS®	32	32	26	23.08%	\$77,263	\$114,102	-32.29%
Traverse Area Association of REALTORS®	115	115	99	16.16%	\$136,028	\$250,687	-45.74%
Upper Peninsula Association of REALTORS® *	63	63	82	-23.17%	\$79,611	\$94,051	-15.35%
Water Wonderland Board of REALTORS®	61	61	54	12.96%	\$66,090	\$110,742	-40.32%
West Central Association of REALTORS®	49	49	65	-24.62%	\$82,880	\$100,930	-17.88%
West Michigan Lakeshore Association of REALTORS®	172	172	259	-33.59%	\$94,768	\$150,812	-37.16%
Western Wayne Oakland County Association of REALTORS®	616	616	508	21.26%	\$116,220	\$174,878	-33.54%
TOTALS	6452	6,452	6,315	2.17%	\$84,832	\$134,721	-37.03%

*Escanaba, Iron Mountain, Keweenaw, Western Upper Peninsula, and North Central Upper Peninsula

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2008-2009 MLTA

COMMITTEES ROSTERS

The MLTA welcomes and encourages members to become involved by joining an Association Committee. There are several to choose from and join, and additional members are always welcome. Please contact the MLTA office so they can add you to a committee!

- Bob Wuerfel, Editor

ABSTRACTORS & TITLE AGENTS:

George Amar - Chair
Cathy Lamont - Liaison
Connie Curio Mary Lou Hartwell
Cindy Immomen Tony Viviani

The Abstracter and Title Agents Committee shall consist of five or more members, all of whom shall be abstracters or title insurance agents and not title underwriters. The Committee shall promote professional standards and provide for the dissemination of information to those members of the Association who are abstracters and title insurance agents. The Committee shall also provide a forum for abstracters and title insurance agents for discussion and examination of matters of particular concern to them. *MLTA Bylaws Article VII, Section 10*

AUDIT:

Tim McDonnell - Chair & Liaison

To complete the year-end audit as provided by the bylaws.

AWARDS:

Mary Lou Hartwell - Chair & Liaison
Jerome Jelinek
Bob Meredith
Doug Smith

To select those persons to receive awards at the Summer Convention. To select recommendations for new board members to present to KEGS. *MLTA Committees, Chairs & Goals 2007*

BYLAWS:

Mary Lou Hartwell - Chair & Liaison
Jerome Jelinek Bob Meredith
Doug Smith Rob Wineman

The By-Laws Committee shall consist of five members who shall consider all proposals to amend, and may, on its own motion, propose amendments to the Articles of Incorporation and By-Laws of this Association. *MLTA Bylaws Article VII, Section 4*

COMMUNICATIONS:

Bob Wuerfel - Chair/Editor & Liaison
Kathe Biggs - Photographer
Derek Dalling - Writer/Photographer
Colleen Devlin
Allan Dick - Contributing Writer
Darlene Wilsey

The Communications Committee shall consist of not less than five members. The Committee shall collect and disseminate useful information to the membership as the Committee deems appropriate. *MLTA Bylaws Article VII, Section 12*

CONVENTION:

Doug McFarlane - Chair & Liaison
Kathe Biggs Lisa Cincinelli
Connie Curio Derek Dalling
Colleen Devlin Allan Dick
Mary Lou Hartwell Chris Kindsvatter
Tim McDonnell Diana Parker
Sarah Sutton Tony Viviani

To secure locations for upcoming conventions. To review price and policies for spouse attendance. To review whether a "big name" speaker really increases attendance vs. costs. To put together the Mid-Winter Convention in Lansing. *MLTA Committees, Chairs & Goals 2007*

EDUCATION COMMITTEE:

Dawn Patterson - Co-Chair
Sarah Sutton - Co-Chair
Allan Dick - Liaison
John Bommarito Michael Donovan
Scott Fandre Linda Hinshon
Cindy Immomen Eileen LaPlante
Laura McMahon Lynch Gregg Nathanson
Michael Reynolds Doug Smith
Tony Viviani Debbie Wiley
Bob Wuerfel

The Education Committee shall consist of seven or more members who shall plan, organize, promote and be responsible for the execution of a continually improving program of instruction for the general benefit of Association members and for the special benefit for beginning and intermediate employees of members, to promote and conduct Association seminars and workshops and to carry out such other duties as may from time to time be assigned by the President and/or the Board of Directors of the Association. *MLTA Bylaws Article VII, Section 5*

EXECUTIVE:

Tony Viviani - Chair & Liaison
Mary Lou Hartwell
Tim McDonnell
Doug McFarlane

The Executive Committee shall be comprised of the President, who is the Chairperson of this Committee, President-Elect, Secretary-Treasurer and Past President. Meetings of the Executive Committee shall be held on the 4th Monday of each month with a quorum present. The agenda for each meeting will be distributed to Executive Committee Members prior to each meeting.

The Executive Committee shall have no decision making authority, but may, upon its own investigation or evaluation of matters which concern the association, make recommendations to the Board of Directors at its monthly meeting. *MLTA Bylaws Article VII, Section 3*

GRIEVANCE:

Mary Lou Hartwell - Chair & Liaison
Doug McFarlane
Bob Meredith
Tony Viviani

The Grievance Committee shall consist of five members who shall perform the function set forth in Article III, Section 9. *MLTA Bylaws Article VII, Section 6*

LEGISLATIVE STEERING:

Jerome Jelinek - Chair	Tim Ward - Liaison
Derek Dalling	Connie Curio
Michael Hagerty	Chris Kindsvatter
Bill Robinson	Phil Savich
Jil Scholtz	Phil Seaver
Doug Smith	Tony Viviani

The Committee shall make recommendations to the Board of Directors on action it determines should be taken on such proposed or pending legislation or regulations. The Committee shall also propose to the Board of Directors areas in which it determines the Board of Directors may wish to initiate legislation or seek legislative or regulatory assistance. The Committee in the performance of its duties may attend hearings on proposed legislation, seek the assistance of non-committee members in this regard and advise the Board of Directors when it determines that testimony at a legislative hearing by a member of this Association is warranted. *MLTA Bylaws Article VII, Section 8*

LEGISLATIVE:

John Bommarito - Chair	
Rob Wineman - Liaison	
Kim Harper	
Cathy Lamont	
Mark Maddox	
Doug McDougal - Emeritus member	
Kim O'Connor	
Tony Viviani	
Meredith Weingarden	

The Legislative Committee shall consist of seven or more members who shall review proposed or pending state legislation affecting the land title industry. The Committee shall also review regulations, or attorney general opinions, as directed by the Board of Directors. *MLTA Bylaws Article VII, Section 8*

2008-2009 MLTA

COMMITTEES ROSTERS

MEMBERSHIP:

Greg Nathannson - Chair

Diana Parker - Liaison

John Bonmarito

Lisa Cincinelli

Connie Curio

Derek Dalling

Michelle Dishaw

Laurie Figely

Mary Lou Hartwell

Linda Hinshon

Jennifer Jacobs

Chris Kindsvatter

Kevin Kossen

Doug McFarlane

Bob Meredith

Stacey Peters

Ethan Powsner

Jil Scholtz

Tony Viviani

Meredith Weingarden

The Membership Committee shall consist of five or more members who shall foster and encourage membership of all eligible persons and corporations in the industry. The committee shall review all applications and make recommendations to the Board of Directors. MLTA Bylaws Article VII, Section 11

NOMINATIONS:

Mary Lou Hartwell - Chair & Liaison

Tony Viviani

The Nominations Committee shall consist of the current President as a non-voting, ex-officio member and all the Past Presidents of the Association in attendance at the annual convention. The Committee shall present to the annual convention of members its recommendations for nominations of all elective officers. No nomination shall be made by the Committee which will afford any corporate member representation on the Board of Directors by more than two of its' employees. In the event there are less than three Past Presidents of the Association in attendance at the annual convention, the current President shall serve as a voting member of said Nominations Committee. MLTA Bylaws Article VII, Section 9

PAC:

Tim McDonnell - Chair & Liaison

Derek Dalling Mary Lou Hartwell

Adam Kutinsky

Jil Scholtz

Tony Viviani

To raise monies for the PAC. To help institute a new program for pledges during the year. To investigate how corporate dollars may be used legally. MLTA Committees, Chairs & Goals 2007

PROFESSIONAL DESIGNATION (BOARD OF REVIEW):

Sarah Sutton - Chair

Cathy Lamont - Liaison

Mary Lou Hartwell

Linda Hinshon

Eileen LaPlante

The Board of Review – Professional Designations Committee shall consist of a Board of Review which shall include no fewer than five members

including the Chairperson who shall be appointed by the Board of Directors. The Board of Review – Professional Designation Committee shall oversee the implementation of the Association's recognition program for awarding professional designations to those persons within the MLTA who, through combinations of education, experience and performance have demonstrated a proficient knowledge of land title insurance and escrow procedures. The designation(s) will represent the highest measure of achievement in the land title insurance profession. The Board of Review – Professional Designation Committee, subject to the supervision of the Board of Directors, will administer the designation program in accordance with equitable conditions and stringent procedures described in By Laws approved by the Board of Directors. The Board of Review will establish the criteria by which the candidates will be judged, will award the appropriate designations and will maintain the integrity of the designations in accordance with the highest standards of the land title insurance profession. MLTA Bylaws Article VII, Section 13

PUBLIC RELATIONS:

Marcy Welburn - Chair & Liaison

Colleen Devlin Darlene Wilsey

Rob Wineman

Bob Wuerfel

The Public Relations Committee shall consist of five or more members who shall work with and cooperate with other state professional or trade associations and state government departments and agencies whose actions affect the business of members of the Association. The Committee shall also consider and recommend ways and means of effectively advertising and publicizing the title business, and securing a more wide spread understanding and knowledge of the functions and purposes of title insurance and abstract companies. MLTA Bylaws Article VII, Section 7

AD HOC BUDGET:

Tim McDonnell - Chair & Liaison

Mary Lou Hartwell

Cathy Lamont

Doug McFarlane

Bob Wuerfel

To research the budget and potential future funding issues for continuity. MLTA Board of Directors, January 12, 2009

AD HOC INSURANCE BUREAU LIAISON:

Jerome Jelinek - Chair

Tony Viviani - Liaison

Greg Benford

Will Hosler

To establish better and more frequent relations with the Insurance Bureau. Meetings will

be scheduled with the Insurance Bureau on a quarterly basis to discuss issues and standards To provide an opportunity for the Insurance Bureau to be better educated. To establish an ad hoc committee to pursue these objectives with a mix of underwriters, agents and professional members to serve on the committee. MLTA Board of Directors, August 9, 2004

AD HOC FRAUD DATABASE:

Meredith Weingarden - Chair

Tony Viviani - Liaison

Tom Ewald

MLTA will explore a fraud database based upon a similar database created by the Illinois Land Title Association. This could be hosted outside the MLTA website. This would be for members only in a password protected area. MLTA Board of Directors, August 11, 2008

AD HOC PUBLIC SERVICE:

Doug McFarlane - Chair & Liaison

Allan Dick

Cathy Lamont

Tim McDonnell

Rob Wineman

Bob Wuerfel

The goal here would be to explore volunteer ideas related to the real estate industry. MLTA Board of Directors, August 11, 2008

AD HOC TECHNOLOGY:

Tom Ewald - Chair

Tony Viviani - Liaison

Steve Mitchell

The role of the committee will be to share ideas and to give information updates to the MLTA website but will not do the actual technical/software updates. The technical and software updates will remain with MLTA staff. MLTA Board of Directors, January 12, 2009

Welcome
New Members

The Closing Office Title Agency
(Grand Rapids)  Wes Parkinson

Diversified National Title
(East Lansing)  Brent Warner

Richard A. Sundquist, Attorney
(Detroit) 

MLTA Upcoming Events

2009

April 15	Spring Education Seminar <i>Soaring Eagle, Mt. Pleasant</i>
May 6	Spring Education Seminar <i>Radisson, Livonia</i>
July 19 -21	Summer Convention <i>Amway Grand Plaza Hotel Grand Rapids</i>
TBD	Fall Education Seminar

ALTA Events

April 19-20	2009 Business Strategies Conference (Tech Forum 2.0) <i>Grand Hyatt San Antonio, Texas</i>
October 21-24	2009 Annual Convention <i>The Breakers Palm Beach, Florida</i>



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A wide-angle photograph of a city skyline at night, featuring numerous illuminated buildings and a prominent bridge structure.



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