

# THE TITLE EXAMINER

A QUARTERLY PUBLICATION OF THE MICHIGAN LAND TITLE ASSOCIATION



## IN THIS ISSUE:

- Michigan Tops 200 TAN Members
- Legislative Update & Capital Day
- Mid-Term Presidential Update



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)



# MLTA

Michigan Land Title Association  
Board of Directors 2013-14

## OFFICERS:

*President:* Robert N. Wuerfel  
Lighthouse Title Group  
877 E. 16th Street  
Holland, Michigan 49423  
616-393-9240  
bobwuerfel@MiLTA.org

*President-Elect:* Lisa A. Cicinelli  
Old Republic National Title Insurance Company  
4000 Main Street, Suite 150  
Bay Harbor, MI 49770  
231-347-8310  
lisacicinelli@MiLTA.org

*Secretary-Treasurer:* Marcy Welburn  
Transnation Title Agency of MI - Northern Div.  
1675 Watertower Place, Suite 200  
East Lansing, MI 48823  
517-318-4390  
marcywelburn@MiLTA.org

## DIRECTORS:

Deborah A. Wiley  
First American Title Insurance Company  
5910 Tahoe Dr. SE  
Grand Rapids, MI 49546  
517-202-2011  
debbiewiley@MiLTA.org

Jeffrey S. Basil  
Safe Title  
1830 172nd Avenue, Suite D  
Grand Haven, MI 49417  
616-935-1166  
jeffbasil@MiLTA.org

John C. Bommarito  
Attorneys Title Agency  
31440 Northwestern Suite 100  
Farmington Hills, MI 48334  
248-432-2136  
johnbommarito@MiLTA.org

Debra A. Bartlett  
Corporate Settlement Solutions  
802 Bridge Street  
Charlevoix, MI 49720  
231-547-2984 ext. 3003  
debrabartlett@MiLTA.org

Cindy Immonen  
Fidelity National Title Agency Group  
248-331-6860  
cindyimmonen@MiLTA.org

Philip T. Savich  
Old Republic National Title Insurance Company  
4000 Main Street, Suite 150  
Bay Harbor, MI 49770  
231-347-8310  
philsavich@MiLTA.org

*Past President and Ex-Officio Officer:*  
Allan G. Dick  
Best Homes Title Agency  
23938 Research Dr. Ste 100  
Farmington Hills, MI 48335  
248-286-3800 ext. 428  
allandick@MiLTA.org

Executive Director:  
Marcy Lay  
MLTA  
124 W. Allegan, Suite 1700  
Lansing, MI 48933  
517-374-2728  
ed@MiLTA.org



2013-14 Board of Directors.....	2	Surveyor's View Point .....	16-17
Member Spotlights.....	3	tRU Tips.....	19
New Members.....	3	Michigan Realtor Statistics .....	19
Abstractions .....	4	Upcoming Events.....	20
Views from the Shore.....	5		
Legislative Update.....	6-7	<u>Advertisers:</u>	
President's Pen.....	9	DataTrace .....	7
Committee Update.....	9	A.S.K. ....	8
Summer Convention Preview .....	10-11	Title Wave .....	11
Legislative Day Details .....	11	SoftPro.....	13
TAN Action Network.....	12	eRecording Partners.....	14
CLTP & ALTP Designations .....	14	First American.....	18
Committees, Chairs & Goals .....	15	Old Republic.....	20

## SAVE THE DATE SPRING EDUCATION SEMINARS

*Wednesday, April 9, 2014*  
*Soaring Eagle Casino & Resort*  
*6800 Soaring Eagle Blvd, Mt Pleasant,*

*Wednesday, May 14, 2014*  
*Marriott Detroit Livonia*  
*17100 Laurel Park Drive North, Livonia*

MLTA MEMBER BENEFIT  
REGISTER MORE THAN 3 PEOPLE SAVE \$25 PER PERSON!!

1-2 PEOPLE \$75 EACH or 3+ PEOPLE \$50 EACH

REGISTER ALL COMPANY REGISTRANTS AT ONE TIME TO SAVE  
GO TO [www.MiLTA.org](http://www.MiLTA.org)

## THE TITLE EXAMINER STAFF

Editor & Board Representative: Bob Wuerfel ■ Lighthouse Title Group  
Publisher: Laura Veldhof ■ Laura Veldhof Designs  
Communications/PR Committee: Sarah Sutton ■ FNE, Chair;  
Bob Wuerfel ■ Lighthouse/BOD Liason; Debbie Wiley ■ FATCO;  
Pam McGowan ■ eTitle; ■ Allan Dick and Jacquie Brink ■ Best Homes

## CONTACT

Laura Veldhof 616-212-8536 ■ [LauraVDesigns@gmail.com](mailto:LauraVDesigns@gmail.com)  
or MLTA 517-374-2728

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



## Kathleen M. Kitchen

President, Antrim County Title, Inc.  
Mancelona, Antrim & Kalkaska Counties



**MLTA Involvement:** I have been a member since 1999 and attended most of the Spring and Fall Seminars since 1995. I find the seminars to be educational but also the sharing between peers is an education of its own.

**Personal Interests/Hobbies:** I have 4 grown sons and 12 beautiful grandchildren plus some step grandchildren and they are all the light of my life! With 4 sons it should be no surprise that I enjoy watching football and I am usually influenced by at least one of them as to who to cheer for. My husband Mel & I will celebrate 16 years of marriage this year and look forward to many more. Mel & I enjoy traveling, camping, fishing (I am a fair weather fisherperson so he baits the hook, takes the fish off the hook, cleans the fish and cooks the fish for dinner) but hey I am always on time and he enjoys my company. I also enjoy long walks, crafts, reading and keeping up with some family and friends through Facebook!

**Something about Kathleen:** I started working in the Title Industry as an Escrow/Closing Agent in 1994 and opened Antrim County Title, Inc. in 1999, celebrating our 15th Anniversary on March 1st, 2014. I find the industry rewarding with opportunity to learn everyday. I find the "challenging" files to be motivational and energizing. Our office staff has combined experience of over 70 years in the Title Industry. The growth and success of Antrim County Title, Inc. is a reflection of the commitment and loyalty from the entire staff.

I am on the board of our local Chamber of Commerce, DDA and CRD (Community Resource Development) trying to contribute to make our community a better place for business and supporting our local events.

## Kimberly A. Tortora

President, Reputation First Title  
Agency, LLC  
Livonia, Wayne County

**MLTA Involvement:** I am a new member with the MLTA.

**Personal Interests:** I enjoy traveling with my husband, Patrick, who makes each and every trip interesting. Recently, I travelled to New York City during the Super bowl. I Love Summer the most for Boating and outdoor FUN!



**Something about Kimberly:** I am passionate about title insurance and I have dedicated nearly a quarter century of my life to this business. A long term trend has been to talk about title insurance as if we are an industry. I think this is misguided and has taken us away from our roots. Title insurance is a service focused profession! Customer service is our key to success! We make sure everyone has a wonderful experience throughout the closing process, we bake cookies and ALWAYS have popcorn, nachos and cheese. My agency is our agency, EVERY Employee has years of experience and adds a great value to contribute, we are ALL POSITIVE ROLL MODELS for a changing Title world (Best Practices.) there are many challenges in this Profession and we love challenges!.

I began working in title insurance nearly twenty-five years ago with my parents, who owned a title agency in Livonia, Michigan. Working for my parents provided me with invaluable experience about how to successfully run a business and instilled a passion about title insurance and sales from an early age. My parents sold their agency in 2004. In 2009, I started Reputation First Title Agency along with two other former employees of my parent's company. We had a humble start, but now we have built a company which boasts twelve full-time employees and focuses on residential and commercial transactions, I believe my parents had a GREAT Reputation in business/and handpicked employees... I would like to mirror that!!!

# Welcome

## New Members

Hometown One Title Agency - *Plymouth*

Venture Title Agency - *Detroit*

RedVision - *Parsippany, NJ*

Partners Title Agency - *Clarkston*

Glassen Rhead McLean Campbell & Schmacher  
- *Lansing*





# ABSTRACTIONS

by Allan Dick, Best Homes Title Agency, LLC

Over the past few years we have discussed and reported on fraud of various sorts, most notably mortgage fraud and identity theft in the title context. But, in the broadening spectrum of cyber hacking and security breaches, even seemingly obscure fraud reports might affect our real estate transactions – at least temporarily. The recent data breaches at Target and other retailers could result in damaged credit for prospective buyers and borrowers, jeopardizing home sales and mortgage applications. Of course, securing your own data is also matter of concern!



RealtyTrac reports that home flipping, defined as a recently purchased home being sold again within 6 months, rose 16% nationally in 2013 as compared to 2012, and 114% from 2011, accounting for 4.6% of all single-family home sales. And the report states that the average gross profit from a home flip last year was \$58,081! In Detroit, home flipping rose 51% from 2012 (no profit figures were given). It is worth noting that deeds in REO sales from major sources, such as Fannie Mae, often include a restriction from re-selling at a substantial mark-up for a period of 90 days after the recording of the REO deed.

The long-standing game show, Jeopardy, periodically has “tournaments of champions”. In a nostalgic twist, it recently called back “champions” from the 1980’s. One such undefeated 5 time champ (in 1987) is the current Director of the Consumer Financial Protection Bureau, Richard Cordray, who had competed just out of law school, while clerking for Justice Anthony Kennedy of the U.S. Supreme Court. Cordray, it turns out, is a graduate of Michigan State University’s James Madison College, who later went on to earn an MA at University of Oxford and his JD at University of Chicago Law School. After a strong start in his most recent Jeopardy appearance, Cordray faded in the second half and lost in Final Jeopardy. Back to the CFPB.

According to DS News, CoreLogic reports that its Home Price Index for December 2013 shows a year-over-year increase in home prices of 11%, nationally, with Michigan showing a 14% appreciation. CoreLogic Chief Economist Dr. Mark Fleming noted: “We expect the rising prices to attract more sellers, unlocking the pent-up supply, which will have a moderating affect on prices in 2014.” Notwithstanding the irregular increases in home prices since home values plunged after peaking in 2006, Clear Capital reports in its Home Data Index that it will likely be 2021 before home values return to those peaks, with annual growth typically 3%-5%.

The Mortgage Bankers Association estimates that refinance activity will decrease over 50% in 2014, compared to 2013, but anticipates purchase mortgage originations to increase 9%. Mortgage rates are expected to rise about 1% over the next year, still at historic lows. All in all Freddie Mac chief economist, Frank Nothaft expects the resurgent housing sector to help drive economic growth in the 2.5%-3% range. And speaking of mortgages, some more positive news.

Trans Union reports that the national mortgage delinquency rate (60 days or more delinquent) fell 24 % at the end of 4th quarter of 2013 vs. the previous year to 3.85%. Alas, that rate is still double the delinquency rate prior to the housing bubble and economic recession. But, more to the positive – the Departments of Treasury and Housing and Urban Development report that between the lowered foreclosure rate and rising home prices, national homeowner equity rose \$3.4 Trillion in 2012 and 2013. Now if we could just get rid of the snow ...

A recent Wall Street Journal article reports the 5 things that economists think will boost new home sales as much as 40% in 2014 include: 1. Job Growth – not so much for new hires, but for tenured workers feeling greater job security; 2. More Access to Credit – anticipating slightly relaxed credit standards; 3. Interest Rates NOT rising too sharply – they will certainly rise, but hopefully not too much or too fast; 4. A Larger Market – production is up, more new homes should translate to more sales (duh!); and 5. Most of all, Confidence – (a lot like #1 in my opinion), an improving economy and job growth can have a positive snowball effect.

And just in case you hadn’t heard about this... one of the latest scams involves receiving a random one-ring call on your cell phone. If you get such a call and the number is not a familiar one, resist the curiosity temptation to call it back and determine who had called you. Many of these calls are scams originating from somewhere in the Caribbean, and that innocent call back will cost you \$19.95 (for an international call) and \$9/minute as you wait on hold!

I recently ran into good friend Sam(anth) Hill, and am happy to report that she is back. Look for her article in this issue. Reminders: The second edition of the MLTA Title Basic Training “Boot Camp” is scheduled for March 20 at the Kellogg Center in East Lansing. Last spring, this presentation “sold out”. And this is likely the last time it will be presented. Of course, the MLTA Spring Seminar is just ahead with a focus this time on the CFPB and the new Closing Disclosure form, as well as an extensive look at Claims. Then, there is the MLTA Legislative Day in Lansing April 30. We need a big turnout! Finally, think summer! The 2014 MLTA Summer Convention will be at the Mission Point Resort on Mackinac Island! Can’t wait!

# VIEWS FROM THE SHORE

By Sam Hill

Aloha! Okay, that was wishful thinking with all this snow sub-zero temperatures. But, I am back from my sabbatical and my fingers are thawed enough to do a little typing. First, despite the bone-chilling cold, it does look like the frozen lakes and snow pack will make for higher lake and river levels this summer. Good for boaters, fishing fanatics and those who live on the shore. But, that sure seems a long way off! Heck, it's even a cold day in Hell (Michigan) these days. Oh well, at least things look clean and bright, covered with snow.

But, if you were wondering, the coldest recorded temperature in Michigan was February 9, 1934 in Vanderbilt (Otsego County), 51 degrees below zero! Suddenly, minus seven doesn't seem so bad. And on the subject of weather and Michigan's seasons, I wanted to share a journal from a recent transplant into our lovely state, with a slightly different point of view:



August 12 – Just moved up north into our new home in Michigan. It's so beautiful here. The hills, the valleys, the rivers and lakes are so picturesque. I especially love the beautiful big oak tree and the sugar maple in my front yard, and the evergreen by the road. I can hardly wait to see the changing seasons. This is truly God's country!

October 15 – Michigan sure is a gorgeous place to live. The leaves are turning a multitude of different colors, the shades of reds, yellows and oranges. I went for a walk in the woods today and saw a white tailed deer. They are so graceful. They must be the most peaceful creatures on Earth. This must be paradise!

November 11 – Deer season opens this week. I can't imagine anyone wanting to shoot these elegant animals. They are the very symbol of peace and tranquility. I am looking forward to our first snow fall. Gosh, I love it here!

December 5 – It snowed last night! I awoke to the wonderful sight of everything covered by a beautiful blanket of white. The trees look magnificent, just like a postcard. We went out and swept off the steps and driveway. The air is so crisp and clean and refreshing. We built a snowman. A snowplow came down the street and must have gotten too close to the driveway, because I had to shovel it out again. What a beautiful place, nature in harmony.

December 13 – More snow last night – love it. The shoveling is a workout. But, it's good for me. We had a snowball fight and I won. The snowplow did his cute little trick again – what a rascal. A winter wonderland, I am looking forward to a White Christmas!

December 20 – More snow again – couldn't get out of the driveway to get to work on time. I am exhausted from all shoveling. And that snowplow ...

December 22 – More of that white crap coming down. I've got blisters on my hands and an aching back. I think that snowplow driver just waits around the corner until I am done shoveling the driveway. What a #!%@&\*!

December 25 – White Christmas? More freakin' snow! If I ever get my hands on the SOB who drives that snowplow ... And why don't they use more salt on these roads to melt this crap?

December 28 – It hasn't stopped snowing since Christmas. I have been inside since then, except, of course, when that SOB comes by with his plow. I'm thinking of borrowing my neighbor's hunting rifle. The weatherman just said to expect another foot. I'll give him another foot!

January 1 – Happy New Year, my @#&! The way it's still coming down, it won't melt until the 4th of July! The snowplow got stuck down the road, and the #!%@&\* had the nerve to come and ask to borrow a shovel. I told him I've broken 6 already this winter.

January 4 – Finally got out of the house. Went to the store to get some food and a stinkin' deer jumped out in front of my car. Did \$3,000 worth of damage to the car. Those beasts ought to be

hunted down and shot. The hunters should have a longer season, if you ask me.

January 27 – Warming up a little, but then it started to rain – freezing rain. The roads are a sheet of ice and the trees are coated with ice. A huge limb of the oak tree broke off and went through my roof. I should have cut that sucker up for firewood, when I had the chance. What next?

April 6 – I took the car to my local garage. The underside is all dented and rusted from the ice and all the damn salt they dump on the road. And the car looks like crap.

May 13 – Sold the car, sold the house, and moved back to Florida. Suddenly bugs and alligators ain't so bad. Can't imagine why anyone in their right mind would want to live in the God forsaken State of Michigan! Winter wonderland, indeed!

I guess it's not for everyone. But, it's mine!

Regards,

*Samantha Hill*



# Legislative Update

by Cami Pendell,  
Michigan Legislative  
Consultants

## Governor Snyder's State of the State Address

In mid-January, Governor Rick Snyder delivered the annual State of the State Address to a joint convention of the Michigan Legislature. He once again declared Michigan as the "Comeback State". The Governor reviewed the positive changes that have occurred in the state since he took office three years ago, including an increase in jobs, personal income, home prices and sales and population retention.

The Governor's comments on the issue of blight are of particular interest to MLTA members. He said that the state has been very successful in securing hundreds of millions of dollars from the federal government to address blight. He also noted that he doesn't think the work is done and urged the Legislature to take up and move



SB 295 (Hunter) which deals with "stopping situations where someone's delinquent on their taxes, to stop them from going to auctions to buy even more properties." While the bill's goal is laudable, there are some technical aspects of the bill that are problematic for MLTA. That is discussed further below in the "MLTA Legislative Activity" article, along with MLTA's success in working with the Administration to resolve those concerns.

Other issues the Governor discussed included:

- Immigration reform - making Michigan a destination for top talent. He announced the creation of a new office, the Michigan Office for New Americans, which will assist new Americans moving to Michigan.
- Education reform - including an early warning system for schools facing financial troubles and the implementation of the Michigan Council for Educator Effectiveness. Governor Snyder wants additional funding available for school districts to create year-round schools.
- Public safety - the Governor gave an update on the four most violent cities in the state, including Flint which has seen a decrease of 30% in violent crimes.
- Senior citizens - He will do a special message specifically on senior issues later this year. He also specifically mentioned creating more independence for seniors, including decreasing the waiting list for meals on wheels and in-home services.

## House Committees Changed

At the very end of December 2013, the Speaker of the House changed the membership composition of several House committees. Many of the changes were related to placing newly elected state Representative Phil Phelps (D-Flushing) onto committees. The changes having the most impact on MLTA are the modifications to the House Local Government Committee. Here is a full listing of the committee changes:

- Appropriations – Rep. Howrylak (R-Troy) left the committee and Rep. Mike Shirkey (R-Clark Lake) was added.
- Energy and Technology – This committee added two new seats for Reps. Howrylak and Phelps.
- Financial Liability Reform – Reps. Shirkey and Rep. Tinsley-Talabi (D-Detroit) left the committee, while Reps. Brad Jacobsen (R-Oxford) and Rep. Vicki Barnett (D-Farmington Hills) were added on to it.
- Health Policy – This committee increased by two seats to add Reps. Howrylak and Phelps.
- Judiciary – Rep. Jacobsen left this committee and Rep. Howrylak joined in his place.
- Local Government – Rep. Dave Rutledge (D-Ypsilanti) left this committee, Rep. Robert Kosowski (D-Westland) joined and Rep. Woodrow Stanley (D-Flint) was made the Minority Vice Chair.
- Oversight – This committee added two new seats for Reps. Howrylak and Phelps.

## Governor Snyder Presents Fiscal Year 2014-2015 Executive Budget Recommendations

In early February, Governor Rick Snyder, Lt. Governor Brian Calley and State Budget Director John Nixon presented the executive budget for the 2014 – 2015 fiscal year which begins on October 1, 2014. The recommended budget totals \$52.1 billion, with nearly three-fourths of dollars going towards education and health and human services. They touted the proposal as one that will pay the state's bills, invest wisely and save for the future. While this budget recommendation includes increased spending in several areas, it was noted throughout the presentation that the state budget made hard cuts over the past few years and the Administration is hoping to get back to pre-2011 levels in many areas. Below are highlights from the Governor's Executive Budget recommendations:

- Increased funding of 3% for both K-12 schools and community colleges and an increase of 6.1% for higher education.
- The budget calls for an increase to the Homestead Property Tax Credit, which took a hit in the 2011 budget. Under the proposed budget, the plan would lower the income multiplier from 3.5% to 3% and would increase the income limit to \$60,000 per year. The expanded credit would apply to the 2013 tax year.
- A \$36 million increase to local revenue sharing payments through the Economic Vitality Incentive Program (EVIP) and an increase of 3%

to constitutional revenue sharing.

- An added \$120 million to the budget stabilization fund, which is the state's savings account. Also, the state would make a \$122 million deposit into the state's health savings fund to help offset future health care costs. With the additional dollars, the total amount in savings would be \$822 million.
- \$385,000 to create the Office for New Americans, the newly created state office aiming to attract immigrants with advanced academic degrees or entrepreneurial skills to Michigan.
- \$2 million in additional funding for the Pure Michigan campaign.
- \$71.7 million to implement the Healthy Michigan Plan, which expands Medicaid coverage within the state.
- The budget provides \$254 million to match all available federal aid available to fix Michigan's roads and bridges.
- An additional \$17.8 million to train 100 new state troops and 31 motor carrier officers at the Michigan State Police Training Academy.
- The budget includes the \$17.5 million for the next 20 years to aid Detroit pensions that the Governor called for last month.

Using the Governor's recommendations as a template, the House and Senate Appropriations Committees will now begin introducing their own budgets for each department and begin holding committee hearings on each proposal. The targeted deadline to have all budgets completed and to the Governor for his signature is June 1, 2014.

## Part-Time Legislature Petition Drive Announced

A group calling themselves the "Committee to Restore Michigan's Part-Time Legislature, Inc." submitted petition language to the Michigan Board of Canvassers seeking to change Michigan's Legislature from having a full-time status to meeting on a part-time basis. The State Board of Canvassers met on February 6 to review the petition's form to ensure it fulfilled all statutory requirements. It is important to note that the Board does not review subject matter, only the form of the petition which relates to font size, number of words and other technical aspects of the petition. Ultimately, the Board determined that the form did meet statutory requirements. The group can now progress to the next step of collecting at least 322,609 valid signatures by July 7 in order to put the proposed constitutional amendment before voters in November. The proposed amendment to the state constitution contains a number of items, including:

- No more than sixty session days per year
- Legislator compensation would be capped at \$35,000 per year
- Disclosure of all state payments to legislators
- Bills must be publicly available online for at least five days prior to adoption
- No more than 250 legislative staff
- Allowance for a mechanism to suspend executive



actions when the legislature is not in session

A number of groups and legislators are lining up against this proposal arguing that it creates additional bureaucracy and negatively impacts the balance of power among the three branches of government. It is also being reported by Capitol media insiders that former legislator and embattled Republican National Committeeman Dave Agema is behind the Committee to Restore Michigan's Part-Time Legislature. That adds an additional layer of controversy to the proposal.

## MLTA Legislative Activity

As previously written in the article on the Governor's State of the State Address, the Governor highlighted SB 295 in his speech. This bill is sponsored by Sen. Tupac Hunter (D-Detroit) and is designed to preclude a prospective bidder from bidding on a foreclosed property if the person had any unpaid fines for the violation of a local blight or nuisance ordinance. The bill also contained a reverter clause that created complications in insuring title. MLTA worked with Senators Hunter, Booher (R-Evart, the Chair of the Senate Banking Committee) and officials in the Snyder Administration to have the reverter clause language removed from the bill. At this time of writing this article, other work is still taking place on the bill so it remains in committee. Once it is scheduled for a second hearing, we can expect to see a new substitute to the bill which will reflect our agreement by removing the language in question.

MLTA has also been active in working with legislators in the House of Representatives. We continue to work closely with Representatives Pettalia, Lane and Price on revising language in our Neal Case Fix legislation (HBs 4638-40). We have also been serving as a valuable resource to Rep. Yonker (R-Gaines Township) as he works on different land title initiatives that have not yet been introduced in a legislative form. It is always beneficial to be asked to be at the table prior to legislation being introduced so we can help guide its development and build relationships with legislators.



### Member Spotlight

This quarter's spotlight is focused on Rep. Robert (Bob) Kosowski (D-Westland), who was recently added to the House Local Government Committee. Representative Kosowski is serving his first term representing Michigan's

16th House District, which includes a portion of the city of Westland and the entire city of Wayne.

Before serving in the Legislature, Kosowski worked for the City of Westland as their Parks and Recreation Director. That was a post he held for 20 years. He was also a member of many advisory boards during that time. Kosowski studied business management at Adrian College and Wayne State University.

He and his wife, Elizabeth, have two sons: Andrew and Austin. The family has resided in Westland for nearly 20 years.

## Thank you MLTA Members!

With over 70 MLTA member calls into legislative offices, the bills passed February 26, 2014 on the House floor 106-4! As the bills make their way to the Senate, we may be reaching out to you once again for your involvement, stay tuned.

As a reminder, House Bills 4638-40 address the problem that was created in 2009 when a United States Bankruptcy Court Judge decided in *In re Neal* that a copy of an original instrument along with a verified affidavit does not satisfy the necessary requirements for recording a real estate conveyance because it does not contain the original signatures as required by statute. This has created a problem in the industry because of the impact it has on determining the chain of title on certain parcels of property. To resolve this issue, Representatives Peter Pettalia (R-Presque Isle) and Marilyn Lane (D-Fraser) introduced House Bills 4638, 4639 and 4640 on MLTA's behalf. This legislation will allow a copy of an original instrument (mortgage) that is verified by an affidavit by a person that has knowledge of the instrument to be deemed recorded and in compliance with recording requirements in this state. Additionally, this language will be retroactive so that it will cover these types of recordings that have happened in the past thereby protecting the interests of all parties involved. This legislation will help to protect consumers and provide greater clarity and certainty to public records.



When county offices are closed, Data Trace® is open.

As the leading provider of title plant technology to the settlement services industry, Data Trace helps you complete title searches faster by providing you high quality data delivered on progressive platforms, right to your desktop. Tap into over 500 counties and within moments, collect the necessary title chain, tax information and document images you need to close title orders faster.

Call us today to learn how Data Trace can boost your business.

We are a proud sponsor of the  
Michigan Land Title Association.

  
The National Title Technology Company  
[www.eDataTrace.com](http://www.eDataTrace.com)

800.221.2056  
200 Commerce, Irvine, CA 92602



# When volume drops, what's the answer?

## ARE HIGH FIXED SEARCHING COSTS

holding down your bottom line? A.S.K. Services can help.

For more than two decades, we've helped title companies control their fixed costs while maintaining the highest service, quality and accuracy standards. Count on us for:

- > Scalable costs
- > Guaranteed turnaround time
- > Improved efficiency
- > Tracked and measured performance.

**Is outsourcing the right answer for you?**  
**Call for a free cost-saving consultation:**

**888.416.1313**

**Just A.S.K.**



**YOUR TRUSTED  
TITLE SEARCHING PROS  
SINCE 1990**





## Mid-Term Thoughts from MLTA President, Bob Wuerfel



Over six months have passed since being installed as MLTA President in July at Crystal Mountain. Ah, to think back then of the sun, networking and warm weather.

Your MLTA Board, Committees and Lobbyists have all been very active since the convention. Our Association continues to grow as we are now 150 members strong with the three newest firms approved at our February meeting.

As I mentioned at the beginning of my term, one of my main goals was to have the MLTA story shared with representatives, customers, consumers and non-member firms. The focus of my message was intended to provide a better outside awareness of our Association and its value. This has indeed begun with the MLTA branded business cards, pamphlets, and soon to be utilized display banners at various venues and meetings.

In addition to the outside awareness, there was a focus on the political awareness, both statewide and nationally. We continue to have great state lobbying support provided by Cami Pendell and Tim Ward of Michigan Legislative Consultants (MLC). Also, please see the Legislative Update in this newsletter for their latest success story. Our association support of Title Action Network (TAN), to keep apprised of national matters and utilize the network to support statewide efforts, has seen over 200 members sign up and that continues to grow.

Beyond the outside branding and political awareness that have both been great success stories to date, I believe it will be important to state the value and clarity of our Association to its own and prospective members.

Did you know:

- The MLTA membership currently consists of 95% agents and attorneys and 5% underwriters.
- Though a small percentage of membership, underwriters and annual convention sponsors contribute significant financial support, therefore dues have been kept fair and reasonable.
- While the Board consists of a blend of agents and underwriters, five of the last six MLTA elected presidents have been agents.
- We are an association that is recognized and respected in Lansing through the relentless lobbying efforts of MLC and have supported efforts that aid not just our members but the entire title, mortgage and real estate industries as well as the consumer.
- There are many members involved in their communities through wonderful non-profit venues and who have donated hours, labor and/or funds to support these locally.
- We have nearly a dozen committees for members to become involved in, from Abstractor/Agent to Public Service, and everything in between (see committee page in this newsletter to get connected).
- We are indeed a wonderful collaborative association consisting of many types of firms and members with a bright future, based upon a great history.

I know I'm proud of our Association... now let's make sure we share our story both externally AND internally as well. I look forward to the remaining months in my role and working with the Board.

Sincerely,

## COMMITTEE UPDATE

### Public Service Committee

by Dave Moldovan, Attorneys Title Agency

Once again, the Public Service Committee (PSC) will hold a raffle for Tigers tickets to help raise money for Habitat for Humanity! Raffle tickets only cost a couple of bucks, but all of the money raised will go to help out a great organization. You will be able to purchase your raffle tickets at the Title 101 class as well as both Spring Education Seminars.

Remember to contact a member of the PSC if your company has done any charitable work in your community- we'd love to hear about it and share your story!

### MLTA Sponsorship Committee

by Steve Frank, Attorneys Title Agency

Even though the snow is falling... again - it is time to start thinking about the 2014 MLTA Annual Summer Convention. This year's convention will be held at the Mission Point Resort on Mackinac Island, July 13-15.

The sponsorship committee would like to thank everyone that contributed to our successful fundraising campaign last year and we ask that you would join us again this year. For those that were not able to contribute last year, now is a prime time to join in making our annual convention a great success.

Without the financial support of our members, industry partners and exhibitors, we would not be able to put on a rewarding convention for our membership

Our sponsorship committee is hard at work reaching out to the last year's sponsors and exhibitors and also potential new supporters. Please take the time to review this year's convention sponsorship options and we look forward to everyone's continued support.



***SAVE THE DATE!***  
*More Details  
to Follow*



Holly Spencer Bunting, Partner  
K & L Gates

Holly Spencer Bunting is a partner in the firm's Washington, D.C. office. She practices in the areas of mortgage banking and consumer finance, and concentrates on issues of federal and state regulatory enforcement. Ms. Bunting represents companies in the mortgage lending, title insurance and real estate industries in connection with regulatory compliance matters, and defends clients subject to government audits, investigations and enforcement proceedings. Her practice also includes advising clients about federal and state consumer credit and protection laws and regulations, including the Real Estate Settlement Procedures Act, and reviewing and analyzing existing and proposed business arrangements for compliance with federal and state requirements.



Robert A. Dye, Ph.D., Sr. VP  
and Chief Economist  
Comerica Bank

Robert Dye leads the Comerica Economics Department, which provides research and analysis vital to Comerica and its customers, as well as business leaders and policy makers throughout the country. Dye provides commentary and research on the U.S. economy and the economies of Texas, Arizona, California, Florida and Michigan – Comerica's primary markets. He publishes a monthly U.S. economic update and quarterly regional economic updates targeting 10 key metropolitan statistical areas within Comerica's footprint. His other regular publications include state-level economic indexes, Comerica's Auto Affordability Index, daily economic alerts and the Comerica Economic Weekly. Dye joined Comerica in July 2011.



Rob Chapman, President  
American Land Title Association

Mr. Chapman is executive vice president and chief information officer (CIO) for Old Republic National Title Insurance Company and has played a vital role in the company's technology advances. In 1996, Chapman joined Old Republic Title as manager of Image Technologies for Old Republic Business Information and Technology (ORBIT), which was established to provide company owned locations and customers with image enabled real estate information. It flourished and has achieved great success under Chapman's direction.

**July 13-15, 2014**

***Mission Point Resort, Mackinac Island***

## CONVENTION AGENDA:

### Sunday, July 13, 2014

6:00 pm: Icebreaker Reception  
7:00 pm: Welcome Dinner BBQ  
6:00 pm: PAC Silent Auction  
9:00 pm: MLTA GLOW GOLF PAC FUNDRAISER (Mission Point)

### Monday, July 14, 2014

7:30 am: MLTA Committee Meetings & Breakfast  
8:15 am: MLTA Spouse/Guest Breakfast  
7:30 am: KEGS (Past MLTA Presidents) Breakfast  
8:45 am: Opening Business Session  
9:15 am: ALTA President, Rob Chapman – ALTA Update  
10:30: Holly Spencer Bunting, K&L Gates LLP  
11:45 am: Luncheon  
12:30: Robert A. Dye, Ph.D. Senior Vice President and Chief Economist Comerica Bank  
1:50 pm: Legislative Update  
5:45: President's Reception  
7:00 pm: Annual Banquet

### Tuesday, July 15, 2014

7:00 am: Open Seating MLTA Departure Breakfast Buffet

## 2014 MLTA Legislative Day Wednesday, April 30, 2014

The MLTA will be hosting their Legislative Day on Wednesday, April 30th. The purpose of this day is to bring our members from across the state to Lansing to meet with their elected officials. The goal of our event is to make legislators aware of the value and benefits that Land Title Professionals play in our state.

We have had 25-40 MLTA members attend this annual event over the past several years and look forward to adding more members this year! We are aware that an end of month event may not be ideal, however, due to the Capital Hall calendar it was the best date to line up access for lunch, networking and MLTA branding/exposure.

9:00–10:00 am: MLTA Legislative Update & Briefing  
*Location: Boji Tower – 22nd floor*  
10:00–11:30 am: Legislative Meetings  
*Location: Farnum, Capitol & HOB*  
11:30–1:00 pm: MLTA Legislative Luncheon  
*Location: 1st Floor Senate Capitol*  
1:00–2:30 pm: Legislative Meetings  
*Location: Farnum, Capitol & HOB*

The day will begin with a brief “Legislative Visits 101 & Update”. The location of this year’s briefing will be the Boji Tower, 124 W. Allegan, 22nd Floor - Lansing, MI 48933. The briefing will provide you with important insights on key land title issues and legislation that may come before the legislature. We will provide you with talking points and other leave behind materials for your visits. Meetings with legislators will be scheduled prior to your arrival based on the registration information that you provide. We will try to schedule you with your legislator when possible and will also schedule you to meet in other legislative offices.

A legislative luncheon is planned at the State Capitol at 11:30 a.m. It will be an opportunity to informally meet legislators and staff. Immediately following lunch we will resume scheduled meetings. Forms will be provided where you can capture your meeting notes to share with the legislative team.

There is no cost to participate but you do need to register at [www.MiLTA.org](http://www.MiLTA.org) so that we can line up visits with your representatives as well as others throughout the state.

## REGISTER APRIL 2014

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

Find more information on our website, [www.MiLTA.org](http://www.MiLTA.org).

MLTA has worked out an arrangement with Mission Point – our convention rates will be extended 2 days either side of convention

Invites and hotel information will be available in April.

# Learn It. Surf It. Live It.



## TitleWave Real Estate Solutions

“We wrote the book on Quality, Service, and Title Knowledge”

### Order, Track, Produce. Online Anytime

- Customized products and services for your specific needs
- Conduct business in many states at once
- Place your title order from a single website, with access to TitleWave Support 24/7

Export your typed Title Product and eliminate rekeying to the following software:

**SoftPro, RamQuest, Closers Choice, DisplaySoft, iClosing, Land Tech, Streamline, Title Express, Title Soft, Turbo Title, WinTitle**

Our Dedicated Title Professionals Will Exceed Your Expectations.  
Just Grab Your Keyboard and Ride The Wave!



**TitleWave**  
REAL ESTATE SOLUTIONS

Serving you in Indiana, Michigan, Minnesota, Ohio and Wisconsin.

[www.TitleWaveRES.com](http://www.TitleWaveRES.com)

Phone: 855-616-8400 | Fax: 330-487-6790 | E-mail: [Support@TitleWaveRES.com](mailto:Support@TitleWaveRES.com)



# Michigan Surpasses 200 Members that have Signed Up for TAN - Title Action Network

Last fall the MLTA Board of Directors approved the association's support of TAN. Since this time many individuals have signed up. In fact, this past month we exceeded 200 members that have signed up on the TAN sign. Michigan now stands at 203 TAN members and would love to see this number continue to grow.

## What is TAN?

The Title Action Network (TAN) is the premier grassroots organization promoting the value of the land title insurance industry and what industry professionals do for the consumer.

## How do I join TAN?

Visit [www.titleactionnetwork.com](http://www.titleactionnetwork.com) and click "JOIN" to access the TAN membership form. From there, submit the form with your contact information. You will receive a confirmation email once you submit the form.

## How long does it take to join TAN?

Completing the membership form takes only two minutes. Your membership will be processed in 2-3 business days. Once processing is complete, you will be sent your user name and password and can then begin using TAN.

## Do I have to pay for a TAN membership?

No – TAN membership is FREE.

## Do I have to work for an ALTA member company to join TAN?

No – TAN membership is open to anyone engaged in the land title insurance industry. You do NOT have to be an ALTA member to join TAN.

## How can I retrieve my user name/password?

You will be sent your user name and password after your membership has been processed. If you forget your user name/password, visit this page to send yourself a reminder email or contact us at [tan@alta.org](mailto:tan@alta.org).



## How often will I receive emails from TAN?

We are careful not to flood your inbox with unnecessary emails. You will receive emails when action alerts are active in your state or on the federal level. You will also receive periodic email updates on important legislation.

## Does my TAN membership expire?

- TAN membership expires after one year. Your membership will be automatically renewed if you take one of the following actions before your membership expired:
- Open an email from TAN
- Log into the TAN website
- Take action on any TAN alert
- Interact with the TAN Facebook page
- Communicate with TAN staff
- Contribute to the Title Industry Political Action Committee (TIPAC)

## TAN Success Stories

TAN partnered with the Michigan Land Title Association by sending out a Michigan alert urging land title professionals in Michigan to call State Representatives to express support for HBs 4638 – 4640. These Bills addressed the problem that was created in 2009 when a United States Bankruptcy Court Judge decided in *In re Neal* that a copy of an original instrument along with a verified affidavit does not satisfy the necessary requirements for recording a real estate conveyance because it does not contain the original signatures as required by statute.

TAN partnered with the Minnesota Land Title Association to send letters to Governor Dayton expressing opposition to proposed taxes on real estate services. The proposal was eventually dropped, avoiding increased costs for members of the land title industry.

In Indiana, TAN partnered with the Indiana State Land Title Association to successfully urge Governor Mike Pence to sign legislation on rate and form filing supported by the ILTA.

TAN members in Colorado played a role in overcoming opposition in the state legislature to a bill clarifying requirements that title insurance companies obtain tax certificates when issuing an owner's insurance policy.

Federally, TAN members succeeded in urging 80 members of the House of Representatives to sign onto a bipartisan letter urging the CFPB to ensure needed flexibility for consumers when considering a proposed 3-day rule.

**Why Should You TAN?**

The Title Action Network (TAN) is an energized grassroots organization that promotes the value of the land title industry and what we do for the consumer.

TAN is quick and free to join. TAN provides easy-to-understand alerts on issues impacting you and your business.

**Come TAN with us!**

Join TAN today at [www.titleactionnetwork.com](http://www.titleactionnetwork.com)

**TITLE ACTION NETWORK**

# Making Sense of New Regulations isn't Easy.

## **SoftPro Can Help.**

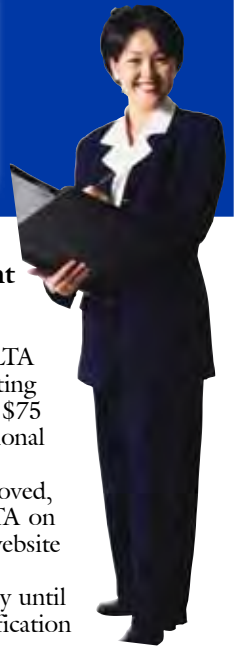
In an industry filled with constant regulatory changes, understanding these changes and how they affect your business can be a daunting task. You need a software partner that is working alongside you to help make sense of everything. As the nation's leading provider of closing and title software, you can count on SoftPro to deliver state-of-the-art technology that is always current with the latest industry regulations and requirements.



Call **800-848-0143** for a **FREE 30 DAY TRIAL** or visit **[www.softprocorp.com](http://www.softprocorp.com)**.



Have you been in the land title insurance industry for a long time?  
Do you have an exceptional knowledge of the land title insurance industry?



Then you may have what it takes to earn a Certified Land Title Professional (CLTP) or an Associate Land Title Professional (ALTP) designation. The CLTP and the ALTP designations represent the highest measure of achievement in the land title insurance profession.

**What are the requirements to be eligible to become a Certified Land Title Professional ("CLTP") or an Associate Land Title Professional ("ALTP") through the MLTA?**

1. Minimum 5 years of employment with a land title insurance company, an agent or agency or abstractor authorized to conduct business in Michigan.
2. Secure and submit a letter of recommendation from a senior officer of your present employer or underwriter.
3. Be a member in good standing of the MLTA or be employed by an underwriter or company that is a member in good standing.
4. Be a licensed title agent in Michigan.
5. Submit an official application (new and improved) for candidacy with \$75 non-refundable application fee

Applicants then have 5 years from date of acceptance to complete requirements for Designation.

**How do I obtain the new and improved application for designation?**

1. Go to: <http://www.milta.org/>
2. Click Professional Designation
3. Download Application for CLTP or ALTP
4. Tally the points you have earned thus far through:
  - Land Title Industry Experience (min 5 years required)
  - Land Title Education (points can be accumulated retroactively for up to 5 years) through a variety of MLTA seminars, ALTA home study courses, real estate and law curriculum, ICLE classes, underwriting seminars and workshops

- Professional Participation in the MLTA and ALTA
5. Submit your completed Application and starting points, Letter of recommendation, and your \$75 application fee payable to MLTA, to the Professional Designation Committee for review and approval.
  6. Once your application is reviewed and approved, your starting points will be recorded by the MLTA on an official record of progress maintained on the website and accessible by you.
  7. Continue to submit your points earned annually until you have earned enough points to sit for the certification exam.
  8. You will have a period of 5 years to obtain enough additional points to be able to sit for the ALTP or CLTP certification. An exam fee of \$150 is due and payable when applying to sit for the exam. You may sit for the ALTP exam first and then upgrade to the CLTP certification exam for an additional \$50.

ALTP certification requires that you earn 900 points to sit for the exam and you must pass the exam with an 80% or better passing grade.

CLTP certification requires that you earn 1250 points to sit for the exam and you must pass the exam with 80% passing grade or better. Once you pass the exam, you may maintain your designation by earning 100 points per year for continuing education.

## eRecording Made Easy

eRecording Partners Network (ePN) is not just an eRecording service provider, we are your eRecording partner. Since our launch in 2008, ePN has built a network of hundreds of counties located across the country to receive electronic recordings. With a business strategy based on technology leadership, competitive pricing and outstanding customer support, ePN has quickly become the vendor of choice for a growing number of title companies, banks, law offices, and other submitters.

- No set up fee
- No annual fee
- Only pay for the documents you record

For more information, contact:

Jerry Lewallen

[jerry@erecordingpartners.net](mailto:jerry@erecordingpartners.net)

512.590.2733 or 888.325.3365

[www.erecordingpartners.net](http://www.erecordingpartners.net)



eRECORDING PARTNERS  
NETWORK



# 2013-2014 MLTA

## COMMITTEES, CHAIRS AND GOALS

The MLTA encourages involvement and participation of its members. If you'd like to join a committee, please email the chairperson/liaison of the committee.

### ABTRACTOR & TITLE AGENTS:

*Mary Lou Hartwell – Co-Chair: vbcao@aol.com*

*Donald Rump – Co-Chair: drump@capitaltitle.net*

Goal: Shall consist of five or more members, all of whom shall be abstractors or title insurance agents and not title underwriters. Shall promote professional standards and provide for the dissemination of information to those members of the Association who are abstractors and title insurance agents. Shall also provide a forum for abstractors and title insurance agents for discussion and examination of matters of particular concern to them.

### AUDIT:

*Bob Wuerfel – Chair: bwuerfel@lighthousegroup.net*

Goal: To complete a year-end audit of the finances.

### AWARDS:

*Allan Dick – Chair: adick@besthomestitle.com*

Goal: To select those persons to receive awards at the Summer Convention.

### BYLAWS:

*Allan Dick – Chair: adick@besthomestitle.com*

Goal: 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.

### COMMUNICATIONS & PUBLIC RELATIONS:

*Sarah Sutton – Chair: sarah.m.sutton@fuf.com*

Goal: Shall consist of not less than five members. Collect and disseminate useful information to the membership as the Committee deems appropriate.

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. 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.

### CONVENTION:

*Lisa Cicinelli – Chair:*

*lcicinelli@oldrepublictitle.com*

*Sponsorship Sub-Committee:*

*Steve Frank – Chair: sfrank@atatitle.com*

Goal: Secure locations for upcoming conventions. Review price and policies for spouse attendance. Review whether a "big name" speaker really increases attendance vs. costs. To put together the Mid-Winter Convention in Lansing.

### EDUCATION:

*Cindy Immonen – Chair: cindy.immonen@fnf.com*

Goal: 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 members and for the special benefit of beginning and intermediate employees of members, to promote Association seminars and workshops and to conduct such 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.

### EXECUTIVE:

*Bob Wuerfel – Chair: bwuerfel@lighthousegroup.net*

Goal: 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 2nd 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

### GRIEVANCE:

*Allan Dick – Chair: adick@besthomestitle.com*

Goal: Shall consist of five members, who shall perform the function set forth in Article III Section 9 of the MLTA Bylaws.

### LEGISLATIVE:

*Tobias Lipski – Co-Chair: tlipski@sspclegal.com*

Goal: Shall consist of seven or more members who shall review proposed or pending state legislation affecting the land title industry. Review regulations, or attorney general opinions, as directed by the Board of Directors.

### LEGISLATIVE STEERING:

*Phil Savich – Chair: psavich@oldrepublictitle.com*

Goal: Shall make recommendations to the Board of Directors on action it determines should be taken on such proposed or pending legislation or regulations. 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 is warranted.

### MEMBERSHIP:

*Gregg Nathanson – Co-Chair: gregg.nathanson@couzens.com*

*Jil Scholtz – Co-Chair: jscholtz@ugtfc.com*

Goal: Shall consist of five or more members who shall foster and encourage membership of all eligible persons and corporations in the industry. Review all applications and make recommendations to the Board of Directors.

### NOMINATIONS:

*Allan Dick – Chair: adick@besthomestitle.com*

Goal: Shall consist of the following: The current President and President-Elect, All Past Presidents in attendance at any duly convened meeting of the Committee. The Chair of the Committee shall be the most recent Past President in attendance at any duly convened meeting of the Committee. The current President will convene the Committee not less than sixty (60) days prior to the annual convention of the Association by serving Committee members with written notice via U.S. mail and email if (available) not less than thirty (30) days prior to the meeting date of said Committee. Present to the Board of Directors its slate of candidates for Officers and Directors not less than thirty (30) days prior to the annual convention. Present to the annual convention of the Association its' recommendation for persons to fill expiring and/or vacant seats of the Board of Directors. Recommend to the annual convention a slate of Officers for election. A quorum for Committee meetings shall be seven (7) or more qualified members.

### PAC:

*Tim McDonnell – Chair:*

*timcdonnell@oldrepublictitle.com*

Goal: To raise monies for the PAC. To help institute a new program for pledges during the year.

### PROFESSIONAL DESIGNATION (BOARD OF REVIEW):

*Debra A. Bartlett – Chair & Liaison:*

*dbartlett@corporatetitle.com*

Goal: 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. 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. 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.

### PUBLIC SERVICES (FORMERLY HABITAT FOR HUMANITY) COMMITTEE:

*Dave Moldovan – Chair:*

*dmoldovan@attorneys-title.com*

Goal: Initially work in concert with Habitat for Humanity of Michigan to create a program wherein any MLTA member can become involved with and support the Habitat for Humanity Chapter in their area. Once the program is established the committee will be responsible for introducing it to the membership and assisting any members that wish to participate on an ongoing basis. Also coordinate the Habitat for Humanity efforts of the board of directors at the annual convention.

# SURVEYOR'S VIEW POINT: How Boundary Lines are Established

**Boundaries defined by property owners are as old as property itself; property lines are dependent on the actions (or inactions) of landowners.**

*by Jeffery N. Lucas, PLS, Esq.*



How do boundary lines become established? This is a critical question for the land surveyor who is interested in surveying property.

What I mean by surveying property is rendering a well-reasoned opinion on the limits of ownership, not simply staking out geometry from a deed or rendering a new mathematical breakdown of a section. These later activities often lead to unnecessary strife, chaos and even litigation, and demonstrate to those who matter (landowners, realtors, attorneys and the courts) that land surveyors don't know what they are doing.

If the position of the line always remained to be ascertained by measurement alone, the result would be that it would not be a fixed boundary, but would be subject to change with every new measurement. Such uncertainty and instability in the title to land would be intolerable. For these and other reasons the rule has been established that when such owners, being uncertain of the true position of the boundary so described, agree upon its true location, mark it upon the ground, or build up to it, occupy on each side up to the place thus fixed and acquiesce in such location for a period equal to the statute of limitations, or under such circumstances that substantial loss would be caused by a change of its position, such line becomes, in law, the true line called for by the respective descriptions, regardless of the accuracy of the agreed location, as it may appear by subsequent measurements.<sup>1</sup>

The establishment of boundaries is as old as recorded history, and it has almost nothing to do with land surveyors:

So Jacob took a stone and set it up as a pillar. He said to his relative, "Gather some stones." So they took stones and piled them in a heap

.... Laban said, "This heap is a witness between you and me today ...." Laban also said to Jacob, "Here is this heap, and here is this pillar I have set up between you and me. This heap is a witness, and this pillar is a witness, that I will not go past this heap to your side to harm you and you will not go past this heap and pillar to my side to harm me." ... So Jacob took an oath in the name of fear of his father Isaac.<sup>2</sup>

Landowners continue to establish their own boundaries today, without the aid of land surveyors:

George's 18 acres were legally described as: "The West Thirty-Six (36) rods of the North Half of the Northwest Quarter (N 1/2 N.W. 1/4) of Section Thirteen (13), Township Twenty-Nine (29) North, Range Seven (7) East of the Sixth Principal Meridian, Dakota County, Nebraska." George and Eugene decided not to hire a professional surveyor to mark the boundary. There was a barbed wire fence along the north and south borders of the properties, and George and Eugene mistakenly believed that the middle of the county road represented a section line marking the west boundary of George's 18 acres. Thus, George and Eugene, with Elliotte's assistance, took a 100-foot tape measure and some flags and measured 594 feet (36 rods) east from the middle of the county road. Elliotte testified that they crimped a penny over the barbed wire and tied red flags on the fence at the 594-foot line of both the north and the south ends of the properties.<sup>3</sup>

And when they do, prior to or contemporaneously with the conveyance, the boundaries are established as set in the field, notwithstanding a later mistaken description of the property. In other words, the boundaries thus established and the monuments set to mark those boundaries are infallible.

The true boundary lines of the tract conveyed are where they were



actually run, and when such lines, or any of them, are actually marked by monuments placed by the surveyor or the parties at the time to indicate where they may be found, such monuments will afford the most satisfactory evidence of the place where the true lines were located. The original stakes or posts must control the call for courses and distances. When a deed describes by measurements, and at the same time by known and visible monuments, the latter will govern. The rule of applying description of boundaries is—First, to natural objects; second, to artificial marks; and, lastly, to courses and distances given. ... A grantee has a right to the land as located by the grantor.<sup>4</sup>

We often couch the establishment of boundaries in terms of what the surveyor did. The familiar and oft-quoted saying is that you are either an original surveyor setting out the lines for the first time or you are a following surveyor finding where the lines have already been established on the ground. The courts have used these terms, other commentators have used these terms, I've used these terms, and, as a general proposition, these terms are true. However, when you drill down to the foundation and really see what's going on, it's almost irrelevant what the surveyor does; the relevant question is what do the landowners do as a result of the survey? Do they accept the monuments and go into reliance on those monuments as the true representation of their property limits?

Purchasers of town lots have a right to locate them according to the stakes which they find planted and recognized, and no subsequent survey can be allowed to unsettle their lines. The question afterwards is not whether the stakes were where they should have been in order to make them correspond with the lot lines as they should be if the platting were done with absolute accuracy, but it is whether they were planted by authority, and the lots were purchased and taken possession of in reliance upon them. If such was the case they must govern, notwithstanding any errors in locating them.<sup>5</sup>

This relatively straightforward process of monumenting the property first and then conveying the dirt surrounded by monuments, rendering the monuments infallible and any mistaken description always subordinate to the actual monuments on the ground, has been complicated by at least two phenomena that have taken place over the last half-century. The first is, due primarily to the influence of subdivision regulations, we typically don't monument property before the conveyance anymore, although this does happen. The second is that a large segment of the land surveying profession has added a procedure requirement into the equation.

In the case of conveyances being made without the monuments in the ground, where people are buying a piece of paper as opposed to dirt surrounded by monuments, the establishment of these boundaries, to a great extent, is still dependent upon the actions and inactions of the landowners. In contradistinction to the monuments-first rubric where the monuments are instantly infallible, the paper-first scenario adds equitable considerations and an element of time. These are the weeds many surveyors do not want to get down into. It is much more expedient to stake out the math from the client's deed or break down the section, even though that process has been done several times before. This is how pincushion corners are created—multiple monuments all ostensibly representing one corner under legal contemplation.

To truly find if and when the paper-first boundaries are established requires a thorough examination of the deed and possibly the deeds of adjoining, reading the deed(s) in light of the surrounding circumstances, the consideration of ambiguities, an examination of collateral and extrinsic evidence, consideration of oral evidence, gathering and evaluating the best available evidence as any other reasonably prudent practitioner would, and rendering a well-reasoned opinion on the only question within the land surveyor's purview: Where is the property located? The tools available to the land surveyor when rendering this opinion are the boundary establishment doctrines of acquiescence, practical location, oral agreement, estoppel and repose (maintaining the status quo).

I have been led to adopt in my own work the "Principle of Cumulative Evidence." It seems that, either rightly or wrongly, it is incumbent on the surveyor to collect all the evidence in each case and to carry his work along the lines of the preponderance of probability. In

nearly all cases, while some of the data are either ambiguous or even conflicting, there is usually a large preponderance of evidence which point more or less clearly to one solution of the problem, and my own experience, containing some few examples, leads me to believe that this generally indicated solution is probably the right one.<sup>6</sup>

The procedure requirement is especially nonsensical and even mind-boggling. There is little doubt that the procedure requirement was given birth by the Bureau of Land Management's "Manual of Surveying Instructions" (the Manual). Under the procedure regimen, it seems that even correct results are to be thrown out if proper procedure was not followed and, conversely, if proper procedure was followed, even incorrect results are accepted. I can't spend much time in this column providing the proof of the absurdity of this line of thinking. I have spent many of these columns devoted to the subject. Even proof-positive court cases and citations right out of the Manual that have debunked this mythological prerequisite to boundary establishment will not convince the invincible of its absurdity.

What I will say is that the procedure requirement is totally focused on the activities of the land surveyor and completely ignores the actions and inactions of the most important people involved in the process of establishing boundaries—the landowners. The other thing I will say is that neither federal law nor the Manual says that private practice land surveyors or landowners who took title under the Public Land Survey System must follow proper procedure, and if they don't, their activities are subject to subsequent correction. This myth was created out of whole cloth by the land surveying profession, and it is not serving the profession or our clients very well.

Something land surveyors should keep in mind is that our services are not necessarily required or needed. We are not necessary to establish boundaries, we are not needed to retrace boundaries, and we are not required to resolve boundary disputes. These things can be accomplished with or without land surveyors. The only reason we are still around is because we are perceived as being helpful in these matters. When that perception is gone—when we are deemed to be the problem instead of the solution—then society will have no more use for our services. When it comes to the surveying of property, we need to be about the business of maintaining the status quo, not upsetting the applecart.

Originally printed August, 2013 and reprinted with permission. Neither the author nor MLTA Title Examiner intend this column to be a source of legal advice for surveyors or their clients. The law changes and differs in important respects for different jurisdictions. If you have a specific legal problem, the best source of advice is an attorney admitted to the bar in your jurisdiction.

#### Reference

- 1 Young v. Blakeman, 95 P. 888 (Cal.1908).
- 2 Genesis 31: 45-53, NIV
- 3 Sila v. Saunders, 743 N.W.2d 641 (Neb.2008).
- 4 Fisher v. Bennehoff, 13 N.E. 150 (Ill.1887). Internal citations omitted.
- 5 Flynn c. Glenny, 17 N.W. 65 (Mich.1883). Opinion by Cooley
- 6 Mulford, A.C., Boundaries and Landmarks, 1912, D.Van Nostrand Co., New York, at 42-43.



Jeff Lucas is in private practice in Birmingham, Ala. He is president of Lucas & Co. LLC, publisher of "The Lucas Letter," a legal newsletter for the surveying and engineering community.



WE SPEND A LOT OF  
TIME THINKING  
ABOUT HOW WE  
WORK WITH OTHERS



YOUR SUCCESS MATTERS TO US  
GIVE US AN OPPORTUNITY TO HELP YOU SUCCEED

## FIRST AMERICAN TITLE

REGIONAL AGENCY OFFICE

5910 TAHOE DRIVE SE | GRAND RAPIDS, MI 49546

800.399.3003



*First American Title*™

First American Title Insurance Company makes no express or implied warranty respecting the information presented and assumes no responsibility for errors or omissions. First American, the eagle logo, First American Title, and firstam.com are registered trademarks or trademarks of First American Financial Corporation and/or its affiliates.

REV: 02/2014

©2014 First American Financial Corporation and/or its affiliates. All rights reserved. ▼ NYSE: FAF



## Strategic People Reminders for the Busy Executive

by Scott Patchin, The trU Group

### What I'm hearing

"What is the compelling reason to do regular one-on-ones with your team? I have peers who don't see the value in it."

### What it means

One of the chief challenges of leadership is competing priorities. One mark of maturing leaders is their ability to tell me what they believe, and how that drives their priorities and habits. I don't subscribe to a one-size-fits-all philosophy with regard to leadership habits. If you have more than 10 direct reports, it's almost impossible to do one-on-ones more than bi- or tri-monthly.

When confronted with the above question, I ask the following:

- What do you believe are the priorities of an effective leader?
- What do you believe your people need from you?
- How do those priorities inform your habits and routines as a leader?

### What you should do

As a leader, at some point you must decide what you believe leadership is. Only then can you begin the journey toward developing the skills and experience you need to lead based on that conviction, and not based on what you're told or what kind of leadership you're receiving.

I offer two thoughts on the business case for one-on-ones:

1. The Gallup Organization did some great research (nicely compiled and interpreted in the 1999 book *First, Break All the Rules: What the World's Greatest Managers Do Differently* by Marcus Buckingham and Curt Coffman)

connecting employee perceptions to customer satisfaction, profitability, productivity and turnover. Good things happened for businesses when employees agreed strongly with the statements:

- I know what is expected of me at work.
  - My supervisor, or someone at work, seems to care about me as a person.
2. Research by Frederick Herzberg identifies achievement, recognition, the work itself and responsibility as the top four intrinsic factors in employee motivation.

I believe that the top priority of an effective leader is to maximize organizational performance, a goal that can be achieved only through his/her people. People will do more of what is asked of them if they feel a deeper connection to their organization or team, and if they see their needs being addressed. Gallup, Herzberg and a host of other researchers have confirmed this. It's not easy to balance the needs of individuals and the needs of the organization, but that's what leaders are tasked with.

The final questions I ask leaders in exploring the relevance of one-on-ones are:

- How do you measure success?
- For each person on your team: How does s/he measure success? What does s/he need from you right now? What are his/her key personal and professional goals right now?

I submit that effective leadership is tied to having conversations focused on continually reviewing the needs of the organization, understanding the needs of the individual, and dealing directly with any misalignment that surfaces between the two. The one-on-one isn't the only leadership habit that meets this fundamental need, but it is the most direct way to address the needs of both the business and the individual.



Is this a conversation that you want to explore more? Do you see an opportunity to build this habit into the leadership norms in your organization? This is a conversation I always look forward to having. Contact me. [Scott@thetrugroup.com](mailto:Scott@thetrugroup.com)  
© 2014, Scott Patchin



## Residential Sales Statistics December 2013

Local Association	2013 YTD # Sales	2012 YTD # Sales	13-12 YTD % Change	2013 YTD Avg Price	2012 YTD Avg Price	13-12 YTD % Change	2013 Dec Sales	2012 Dec Sales	13-12 % Change	2013 Dec Avg Price	2012 Dec Avg Price	13-12 % Change
Ann Arbor Area Board of REALTORS®	3,269	3,267	0.06%	\$255,906	\$217,671	17.57%	219	200	9.50%	\$287,085	\$216,869	32.38%
Antrim Charlevoix Kalkaska Association of REALTORS®	582	615	-5.37%	\$203,696	\$176,676	15.29%	32	49	-34.69%	\$204,606	\$120,664	69.57%
Battle Creek Area Association of REALTORS®	1,555	1,463	6.29%	\$90,458	\$81,978	10.34%	125	124	0.81%	\$93,986	\$74,442	26.25%
Bay County REALTOR® Association	1,193	1,395	-14.48%	\$74,704	\$73,839	1.17%	86	107	-19.63%	\$72,978	\$82,900	-11.97%
Branch County Association of REALTORS®	453	495	-8.48%	\$102,428	\$87,277	17.36%	35	38	-7.89%	\$79,521	\$120,158	-33.82%
Central Michigan Association of REALTORS®	1,020	977	4.40%	\$98,092	\$91,916	6.72%	74	83	-10.84%	\$117,295	\$84,984	38.02%
Clare-Gladwin Board of REALTORS®	861	766	12.40%	\$68,986	\$67,309	2.49%	49	53	-7.55%	\$91,086	\$71,119	28.08%
Detroit Board of REALTORS®	5,520	6,224	-11.31%	\$22,522	\$17,279	30.34%	358	463	-22.68%	\$31,185	\$19,815	57.38%
Down River Association of REALTORS®	1,104	1,634	-32.44%	\$105,420	\$86,062	22.49%	81	105	-22.86%	\$116,117	\$85,735	35.44%
Eastern U.P. Board of REALTORS®	447	458	-2.40%	\$95,762	\$87,017	10.05%	44	30	46.67%	\$83,161	\$79,797	4.22%
Emmet Association of REALTORS®	772	672	14.88%	\$287,247	\$239,618	19.88%	54	55	-1.82%	\$317,923	\$375,522	-15.34%
Genesee County	5,925	6,271	-5.52%	\$90,251	\$79,989	12.83%	455	441	3.17%	\$84,380	\$81,504	3.53%
Grand Rapids Association of REALTORS®	12,241	11,702	4.61%	\$151,879	\$132,725	14.43%	627	722	-13.16%	\$136,115	\$141,469	-3.78%
Greater Kalamazoo Association of REALTORS®	4,475	3,933	13.78%	\$150,768	\$140,518	7.29%	301	328	-8.23%	\$148,497	\$142,329	4.33%
Greater Lansing Association of REALTORS®	6,298	6,059	3.94%	\$117,019	\$104,879	11.58%	470	496	-5.24%	\$123,625	\$104,024	18.84%
Greater Shiawassee Association of REALTORS®	325	581	-44.06%	\$77,035	\$67,726	13.74%	28	40	-30.00%	\$88,116	\$70,900	24.28%
Greater Wayne County	15,738	16,310	-3.51%	\$126,010	\$99,410	26.76%	1,130	1,240	-8.87%	\$128,023	\$101,570	26.04%
Hillsdale County Board of REALTORS®	427	422	1.18%	\$96,541	\$78,148	23.54%	25	40	-37.50%	\$111,080	\$75,013	48.08%
Huron County	135	143	-5.59%	\$105,815	\$106,322	-0.48%	6	8	-25.00%	\$57,317	\$52,190	9.82%
Jackson Area Association of REALTORS®	2,188	2,039	7.31%	\$109,262	\$94,272	15.90%	148	140	5.71%	\$114,971	\$87,735	31.04%
Lapeer County	1,073	1,059	1.32%	\$129,821	\$112,155	15.75%	76	81	-6.17%	\$131,029	\$116,000	12.96%
Lenawee County Association of REALTORS®	1,000	1,082	-7.58%	\$110,674	\$97,984	12.95%	64	71	-9.86%	\$106,805	\$87,968	21.41%
Livingston County	2,976	2,761	7.79%	\$198,632	\$174,186	14.03%	218	224	-2.68%	\$201,632	\$181,494	11.10%
Oakland County	19,252	18,254	5.47%	\$212,760	\$175,082	21.52%	1,452	1,329	9.26%	\$219,606	\$186,110	18.00%
Macomb County	12,017	11,677	2.91%	\$124,628	\$101,198	23.15%	940	847	10.98%	\$129,636	\$113,032	14.69%
Mason-Oceana-Manistee Board of REALTORS®	970	987	-1.72%	\$157,432	\$112,518	39.92%	76	87	-12.64%	\$118,305	\$111,607	6.00%
Midland Board of REALTORS®	1,029	964	6.74%	\$152,763	\$140,038	9.09%	77	56	37.50%	\$144,989	\$172,715	-16.05%
Monroe County Association of REALTORS®	1,422	1,354	5.02%	\$129,514	\$122,242	5.95%	93	107	-13.08%	\$140,817	\$124,477	13.13%
Montcalm County Association of REALTORS	113	114	-0.88%	\$94,893	\$94,303	0.63%	8	12	-33.33%	\$70,438	\$84,983	-17.12%
Northeastern Michigan Board of REALTORS®	733	711	3.09%	\$84,682	\$84,157	0.62%	57	47	21.28%	\$90,987	\$104,432	-12.87%
Paul Bunyan Board of REALTORS®	1,543	1,489	3.63%	\$94,105	\$86,236	9.13%	98	111	-11.71%	\$93,555	\$74,482	25.61%
Saginaw Board of REALTORS®	2,066	2,047	0.93%	\$81,895	\$78,944	3.74%	160	133	20.30%	\$77,065	\$83,315	-7.50%
Sanilac County	183	184	-0.54%	\$81,452	\$72,445	12.43%	18	16	12.50%	\$88,476	\$75,794	16.73%
Southwestern Michigan Association of REALTORS®	3,069	2,836	8.22%	\$181,270	\$169,585	6.89%	200	231	-13.42%	\$162,926	\$185,245	-12.05%
St. Clair County	1,583	1,440	9.93%	\$120,749	\$104,935	15.07%	158	110	43.64%	\$115,798	\$97,106	19.25%
St. Joseph County Association of REALTORS®	545	624	-12.66%	\$104,064	\$98,564	5.58%	39	39	0.00%	\$98,648	\$96,529	2.19%
Traverse Area Association of REALTORS®	2,901	2,711	7.01%	\$216,390	\$204,563	5.78%	243	230	5.65%	\$208,818	\$230,857	-9.55%
Tuscola County	295	288	2.43%	\$70,552	\$62,944	12.09%	19	26	-26.92%	\$61,693	\$57,194	7.87%
Upper Peninsula Association of REALTORS® **	2,069	2,016	2.63%	\$104,621	\$101,519	3.06%	163	140	16.43%	\$98,615	\$110,775	-10.98%
Water Wonderland Board of REALTORS®	2,075	1,919	8.13%	\$113,786	\$97,394	16.83%	154	125	23.20%	\$90,062	\$103,826	-13.26%
West Central Association of REALTORS®	1,298	1,255	3.43%	\$88,403	\$82,427	7.25%	89	93	-4.30%	\$91,909	\$69,535	32.18%
West Michigan Lakeshore Association of REALTORS®	4,237	3,845	10.20%	\$155,188	\$141,470	9.70%	289	280	3.21%	\$144,822	\$152,891	-5.28%
<b>TOTALS</b>	<b>126,977</b>	<b>125,043</b>	<b>1.55%</b>	<b>\$124,716</b>	<b>\$110,608</b>	<b>12.76%</b>	<b>9,038</b>	<b>9,157</b>	<b>-1.30%</b>	<b>\$123,183</b>	<b>\$114,503</b>	<b>7.58%</b>



The Title Examiner  
c/o MLTA  
124 W. Allegan, Suite 1700  
Lansing, MI 48933

PRSRT STD  
U.S. Postage  
PAID  
Holland, MI  
Permit #66

## ***UPCOMING EVENTS***

**March 20:** Boot Camp – *Kellogg Center, E. Lansing*

**April 9:** Spring Education Seminar – *Soaring Eagle Mt. Pleasant* \*note new location

**April 30:** Legislative Day

**May 14:** Spring Education Seminar -*Livonia Marriott*

**July 13-14:** Summer Convention – *Mission Point Resort, Mackinac Island*

**October 15:** Fall Education Seminar – *Soaring Eagle Mt. Pleasant*

**November 12:** Fall Education Seminar – *Livonia Marriott*



## **We've Grown. *Have You?***

At Old Republic Title, we haven't let an uncertain economy keep us down. In fact, we've expanded our market share. With a commitment to doing business with integrity, Old Republic Title provides exceptional underwriting support, unparalleled products and services, and most importantly - peace of mind.

For an underwriter who supports your growth, you can count on Old Republic Title.  
Call us today!

**Strength and Stability for Over a Century**



**800.554.5557**  
4000 Main Street, Suite 150  
Bay Harbor, MI 49770

[oldrepublictitle.com](http://oldrepublictitle.com)  
[facebook.com/OldRepublicNationalTitle](https://facebook.com/OldRepublicNationalTitle)



\*Underwriters in the Old Republic Title Insurance Group, Inc. are: Old Republic National Title Insurance Company, Mississippi Valley Title Insurance Company and American Guaranty Title Insurance Company.