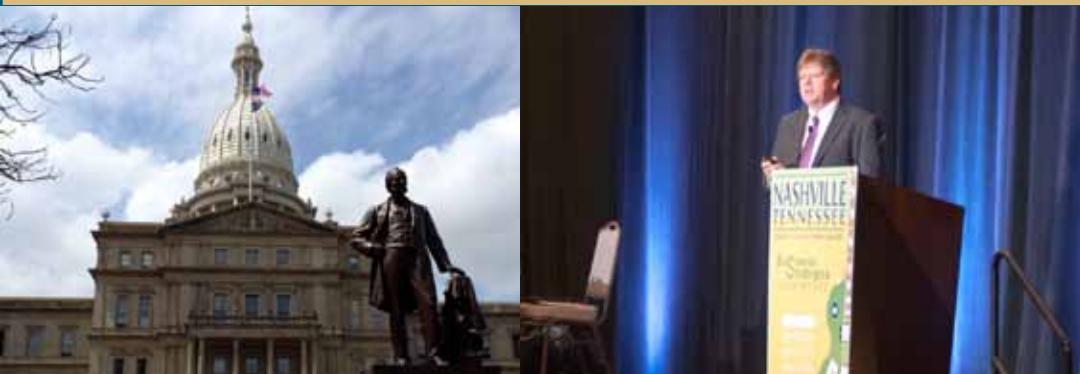


# THE TITLE EXAMINER

A QUARTERLY PUBLICATION OF THE MICHIGAN LAND TITLE ASSOCIATION



## IN THIS ISSUE:

- MLTA Legislative Day
- ALTA Business Strategy Recap
- Court of Appeals Rulings
- Spring Education Seminar



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.

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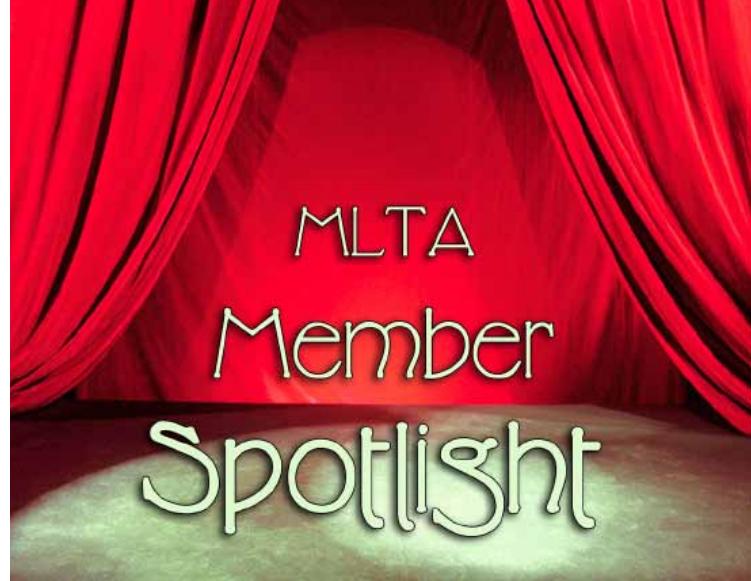
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with any questions, comments, or if you would like to contribute.



# MLTA Member Spotlight

## Matt Delecki

Partner/Owner, Cislo Title Company  
Oakland County, Bloomfield Hills

**MLTA Involvement:** I have enjoyed attending the MLTA Spring and Fall seminars for 20 years



**Personal Interests/Hobbies:** I enjoy vacationing and spending time with my family along with cheering on the sports teams of the University of Michigan

**Something about Matt:** I been married to my lovely wife for 27 years and a proud parent of five children. My oldest graduated from U of M in 2013 and my other Son is currently a Junior in the The Ross School of Business. My oldest Daughter will be attending U of M in the fall and my others Daughters are currently in 9th and 6th grade with the hopes of all five of my children attending the University of Michigan!

## Christopher S. Morris

Owner, Ogemaw Abstract Company  
Ogemaw County, West Branch



**MLTA Involvement:** I have attended educational seminars for the past two decades.

**Personal Interests/Hobbies:** I enjoy spending my free time outdoors whether it be trail riding, hunting or just being in the woods with my family. I am very family oriented and spend most of my time with my wife, Tabby, my daughter, MacKenzie (15), and son, Garrett (soon to be 14). I have coached just about every sport my children have played, and in particular, I have been the head coach and present for the board of our youth wrestling program for the last several years and have been involved in the program for the past 9 years. It is going to be strange at first, but I am excited to going back to just being a Dad/spectator.

**Something about Christopher:** I started in this business when I graduated from Albion College in 1992. It was a family owned business with my grandfather, Ben Richardson, being the owner. I started at the ground level and worked my way up until I brought out my mother and uncle after my grandfather passed away in 20009. In my years here I have been through many ups and downs and have been many changes in our industry. Our office has been open since 1902 and hopefully well into the future.

# Welcome

Shield Title Agency, *Bingham Farms*  
Title Express, LLC, *Farmington Hills*  
Greater Macomb Title Agency, *Sterling Heights*

## Current MLTA and Lighthouse Title President Achieves CLTP Status



On June 13, 2014, Bob Wuerfel, CLTP, Title President of Lighthouse Group and current MLTA President earned the prestigious professional designation of Certified Land Title Professional only the sixth person in the state to achieve this certification. A Certified Land Title Professional (CLTP) designation represents the highest measure of achievement by the Michigan Land Title Association in the land title insurance profession and follows the Professional Designation concept found in other lines of insurance. It is earned through combinations of education, experience, performance and demonstrating a proficient knowledge of land title insurance.



# ABSTRACTIONS

by Allan Dick, Best Homes Title Agency, LLC

“The home price explosion has stopped!” So read a recent HousingWire Newsletter headline. Now, the obvious question is – is that good or bad? And the answer is yes, no, maybe – depends on whether considering buying, selling or refinancing.



But CoreLogic reports that, nationally, 300,000 homes returned to positive equity in the first quarter of 2014, bringing the total number of mortgaged residential U.S. properties, which have equity to over 43 Million! And despite the stifling winter and slow start to this spring, there are a few bright spots. Zillow and Trulia report record traffic online. Mortgage rates continue to be historically favorable, in the low 4% range. And

unexpectedly mortgage applications have shown a recent increase. Meanwhile, mortgage delinquencies continue to drop, and Fannie Mae’s April National Housing Survey reports that housing market optimism is at its highest level in seven years. So, why aren’t more people buying homes? According to another HousingWire article, it may be that mortgages are just harder to get with all the tighter standards.

Did you happen to see or read about the luxurious second home on Lake Whitney, outside Dallas, Texas that gave new meaning to cliff-dwelling, when the earth beneath it shifted along a fault line. The home was literally teetering on the cliff, high above the lake bed. To keep the entire home from tumbling into the lake, they performed a controlled burn to minimize the debris that would finally succumb. Talk about your plunging home values...

But, speaking of home values CoreLogic reported that national home prices increased 10.5% in the past 14 months ending this April with Michigan #5 at 11.3%. CoreLogic also projects home prices to grow a more moderate 6.3%, nationally, between now and April 2015. This softening of home appreciation is seen as a good, stabilizing (anti-bubble) trend. Foreclosure rates are at their lowest since 2007, down 26% from last year. But, for all the relatively positive news, Freddie Mac reports that the housing market is largely “flat”, due in part to the slow recovery of middle class employment and income and the fact that the so-called Millennials have remained on the sidelines. Fannie Mae projects housing levels to get back to normal... in 2016.

Of course, you could always move to North Dakota with its nation-leading housing growth literally “fueled” by an oil boom. Sporting the lowest unemployment rate in the nation, North Dakota’s housing boom has shown double-digit new housing development for the past 3 years. But, you think our winters are cold!

Here’s a new word (acronym), at least for me – ZIRP. Zero Interest Rate Policy, the policy maintained by the Fed as we climbed out of the Great Recession. Well, we may be looking at the final year of such dramatically (some would say artificially) low interest rates, according to the pundits after new Federal Reserve Chair Janet Yellen’s recent remarks. And, on the subject of possible interest rate hikes, a number of homeowners who took advantage of the HAMP (Home Affordable Loan Modification Program), are drawing close to the date when their “modified” interest rates will “reset”, meaning higher interest rates and payments. Some housing experts worry that this will usher in a new round of defaults. It’s always something...

But, finally – speaking of something – how about something tasty, like fudge, like Mackinac Island fudge. We are but weeks away from the MLTA Summer Convention at Mission Point on “The Island”. Should be a great time at a great (air conditioned) venue with great speakers! Hope to see you there. Happy summer!!



# VIEWS FROM THE SHORE

By Sam Hill

Did you happen to see the video or photos of the beaches in Marquette over Memorial Day Weekend? The temperature was in the 80's and people were sunbathing and playing in the sand – nice. But, when you panned out to the water (Lake Superior) there were mini-icebergs everywhere. Not much swimming those days with the lake temperature at 37 degrees! There were some adventuresome kayakers weaving in and out of the ice floes. Dare I say – cool? I know ice was a very real concern, not only for shipping, but for the “opening” of the tourist season on Mackinac Island. Sure hope the ice is gone by the time we go to Mackinac for the Summer Convention. I’m not big on the ferries running a slalom course.

Actually, I know it’s better – they just had that annual Mackinac Policy Conference in late May. You know, that meeting where the Detroit Regional Chamber gathers Michigan’s top business professionals, government leaders and political hopefuls to discuss the major issues facing Michigan and the Detroit area. This year the highest profile discussions were about the Detroit “Grand Bargain” (bankruptcy resolution) and transportation – the roads.

Ever notice how much the roads are like the weather? Everybody talks about them. But, nobody (really) does anything about them. (Gosh, I sound like a cross between Andy Rooney and Will

Rodgers – I wish!) We used to think all the road hub-bub was a major highway, big city, down state problem. But, it’s everywhere – orange cone season – you know those orange cones they put on the road for you to knock down. I just beat my best score. With all the pot holes, it kind of gives you perspective on the old adage – road to ruin. At least the bump shops and the tire sellers are prospering. Sure wish real estate and title could say more of that.

But, at least we got some of our water back. With all the ice and snow-pack and spring rains, the Shore is looking pretty good these days!

Between a fairly wet 2013 and the dynamics of this past winter into spring, lake and river levels are up! That bodes well for fishing and boating, and Michigan tourism. Did you



know that historically the fluctuation of the Great Lakes’ levels is about 6 feet? We had been getting down to levels that approached the 1960’s lots of beach, not so much water depth. Now we are more back to normal, I guess (what is “normal” these days?). Anyway, time to drag out my waders. But first, one last road reference. I was remembering a line from the book, All I Need to Know I Learned in Kindergarten by Robert Fulghum. A bit of advice: “When you go out into the world, watch out for traffic, hold hands and stick together.” That’s the way I see it, and this is the view from the shore, so you can see what it looks like from here to there from time to time.

Regards,

*Samantha Hill*



## IN THE NEWS

### Transnation Title Agency of Michigan honored by INC. Magazine

INC. Magazine recognizes Transnation Title Agency of Michigan as being one of the premier mid-sized companies in the United States. The magazine did a one year study of over 100,000 American companies that had more than 85 employees but less than 1,000. Their focus was to determine which of those mid-sized companies demonstrated sustained and noticeable growth during and immediately after the so-called Great Recession. Amazingly, they discovered that only 1.5% (1,500) of those 100,000 companies could claim an increase in head count and sustained growth every year from 2007 through 2012. INC. Magazine took this a step further and did a deeper study of the 1,500 companies and selected the top 100 companies who demonstrated an uncanny ability to “build” their business. Transnation Title Agency of Michigan more than doubled its workforce in the last five years and grew revenues to \$13 million in the real estate business, one of the nation’s hardest hit industries during this time period. Transnation Title Agency was one of only four Michigan companies selected by INC. Magazine for their Build 100 list.



[Click on the image above for more info!](#)



# Legislative Update

by Cami Pendell,  
Michigan Legislative  
Consultants

## Neal Case Fix Legislation and MLTA's Legislative Day

The Michigan Land Title Association's Neal Case Fix legislation (HBs 4638-40) has experienced a great deal of activity since the beginning of this year. The bills were reported out of the House Local Government Committee on a 12-0 vote and then passed by the full House of Representatives by a vote of 106-4. When the Senate received the bills, they were referred to the Senate Banking and Financial Institutions Committee shortly before the Legislature went on their Spring Break. Prior to leaving the Capitol, MLTA had meetings with the members of that committee to discuss the importance of the bills.

When the legislators returned from break, which nicely coincided with MLTA's Legislative Day, MLTA members were able to actively promote HBs 4638-40 in the Senate. A week after MLTA's Legislative Day, the bills were taken up in the Senate Banking Committee. MLTA worked with Sen. Booher in tweaking the bill language a bit more and the bills were subsequently reported out of committee on a vote of 5-0. During that last committee meeting, Sen. Green offered an amendment that would require Register of Deeds to determine if a document has more than 1 recordable event solely by examining the single statement that is on the first page of an instrument identifying the recordable event that the instrument evidences. This amendment was specifically designed to address a situation that is taking place in Tuscola County, which is in Sen. Green's district.

House Bills 4638-40 are now on the Senate Floor waiting for a vote by the full Chamber.

**Governor Signs Legislation Allowing for Inspection of Foreclosed Property and Extinguishing Redemption Rights**

On May 20, 2014, Governor Snyder signed House Bill 5277 into law. Now Public Act 125 of 2014, this new law amends Chapter 32 of the Revised Judicature Act to do the following:

- Require a purchaser of foreclosed property to issue notice before conducting an interior inspection of the property during the redemption period.

- Specify that a purchaser could conduct any number of exterior inspections of

the property during the redemption period.

- Allow a purchaser to request information on the condition of the interior of any structures on the property; and allow the purchaser to schedule an interior inspection of structures if the mortgagor refused to provide information.
- Require a mortgagor to inform the purchaser of the mortgagor's intent to vacate the foreclosed property after the foreclosure sale.
- Require the purchaser to notify the mortgagor that the purchaser intended to commence summary proceedings if damage to, or a condition on, the property were not repaired or corrected in seven days.
- Prohibit a purchaser from commencing summary proceedings if the damage or condition were repaired, or the mortgagor and purchaser agreed on a procedure and time line to repair the damage or condition.
- Specify factors that the court would have to consider in granting a judgment of possession in favor of a purchaser.
- Create a rebuttable presumption that a mortgagor would be liable to the purchaser for damage to the property if the mortgagor failed to submit requested information or consent to requested inspections.
- Create a rebuttable presumption that a mortgagor would not be liable to the purchaser for damage to the property if mortgagor consented to requested inspections and submitted requested information.

MLTA was a valuable resource to legislators when they were working on this legislation. When first introduced, the bill did not take into consideration junior lien holders when establishing a process for extinguishing redemption rights. This created due process concerns. MLTA raised this issue to legislators and they incorporated MLTA's recommended language into the bill to resolve the problem.

This law is slated to become effective on June 19, 2014.

## Legislature Springs into Action

When the Legislature returned from Spring Break in April, they set a very ambitious schedule. Key issues they are working on include:

- The state's budget. During May's Revenue Estimating Conference, members of the Legislature and the Executive Branch discovered that the state's revenues had experienced a significant decline from what they projected back in January. For fiscal

year 2013-14, revenue is down by nearly \$317 million (\$253.2m is from the General Fund and \$63.7 from the School Aid Fund).

For fiscal year 2014-15, revenue was revised downward by \$299.1 million (\$220.5m from the General Fund and \$78.5m from the School Aid Fund). Legislators and the state's Budget Director are now revising budget targets and have a goal of putting the updated budget in place by June 1, 2014.

- Detroit Bankruptcy. A package of bills was introduced in the House that would put a commission in place to oversee the spending of \$194 million to assist the city in coming out of bankruptcy. The House would like to pass the legislation out of its Chamber by June 1st and the Senate has a goal of completing its work on the package before adjourning for summer break.

- Transportation funding to fix the roads. Legislators are hearing from their constituents about the terrible condition of the roads they drive on every day. The House has passed bills which would raise \$450m for fixing roads. It is estimated that the state will need at least \$1 to \$2 billion dollars for the projects. The Senate is currently working on bills that would raise about \$1 billion. It would phase-in the collection of those revenues so it would not hit people at the pump all at one time. Other revenue sources include an increase in vehicle registration fees as well. The legislature continues to work on this issue and hopes to reach an agreement before summer recess.

- Minimum wage increase. To get ahead of a ballot effort to raise the minimum wage, the Senate passed legislation that would increase minimum wage to \$9.20 by 2017 and linked future increases to CPI. There is concern from the business community about the CPI provision. The House is expected to work on this issue and try to resolve it prior to summer break as well.

While these are just a few examples of the many issues the legislature wants to complete, it shows that even in an election year legislators are willing to tackle difficult issues.

## Legislative Schedule

Because elected officials are heading into a tough campaign season, the Legislature is expected to begin its summer recess on June 12th instead of at the beginning of July like in prior years. They have a few days of Session scheduled for July and August should they be needed, but they won't return until September for about 3 weeks of Session. They then have

a few days scheduled in Lansing for October and November. Once the November election is over, they have plans for a short Lame Duck Session and are targeting December 18th for adjournment for the year.

## Setting the Stage for the Upcoming Elections

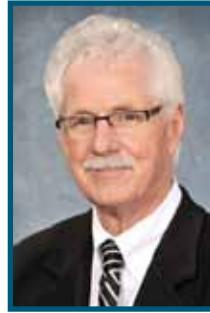
The deadline for filing to be a candidate for a state elected office has now passed which provides us with the opportunity to see where surprises have occurred. Those surprises have largely taken place in campaigns for Federal office. Congressmen Rogers and Camp have both decided not to seek re-election. With the previously announced retirements of US Senator Carl Levin and Congressman Dingell, Michigan's Congressional Delegation will lose its most senior members and chairs of powerful committees in Washington DC. Also, very surprisingly, Congressman Conyers who has been in Congress for 50 years, is fighting to try to be on the August Primary ballot. It was determined that two petition circulators who were gathering signatures for him to appear on the ballot were not properly registered to vote. This resulted in invalidating a number of signatures and put him well below the 1,000 signature threshold requirement. At the time of writing this article, Congressman Conyers is

appealing decisions to keep him off the ballot with the Michigan Secretary of State.

Not all surprises took place at the Federal level. Last year, state Senator Howard Walker (R-Traverse City) announced that he would not seek re-election even though he could serve one more term in the Senate. Earlier this year, state Senator Bruce Caswell (R-Hillsdale) announced that he too would not seek re-election. Given the Senate Republican's super majority, it was extremely unusual that two members of the majority party would decide to forego a re-election opportunity in districts where they would be heavily favored to win.

## Legislative Spotlight

With the passage of the Neal Case Fix legislation (HBs 4638-40) from the Senate Banking and Financial Institutions Committee, this quarter's spotlight is on the chairman of that committee – Sen. Darwin Booher.



Senator Booher was elected to the Michigan Senate in November

2010 representing the 35th District, which includes Benzie, Clare, Kalkaska, Lake, Leelanau, Manistee, Mecosta, Missaukee, Osceola, Roscommon, and Wexford counties.

In addition to chairing the Banking Committee, he serves as vice chair of the Senate Agriculture Committee and as a member of the Senate Appropriations Committee.

Prior to his election to the Senate, Booher served three terms in the Michigan House. Booher served on the House Appropriations Committee for his entire career in the House, serving as caucus chair on subcommittees for community colleges, natural resources, special governmental operations, and the House Banking and Financial Services Committee.

Before becoming a legislator, Booher worked as sales manager at Citizens Bank and as vice-president of Bank One for a combined 40 years, as well as farming his entire life. For 28 years he owned and operated a small business.

On a more personal note, Sen. Booher and his wife Jan have been married for over forty-five years. They raised four children and now enjoy spending time with their six grandchildren.



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## MLTA-PAC FUNDRAISER GLOW GOLF

by Timothy J. McDonnell, Old Republic



The 2014 Summer Convention at Mission Point Resort on Mackinac Island will be a great time for all members and guests. The MLTA-PAC Committee has come up with what is sure to be an entertaining fundraiser for the whole family. We will hold a Glow Golf tournament on Mission Point's Greens of Mackinac putting course on Sunday night after the dinner. We will have all sorts of glow in the dark swag to help you through your round and maybe even a cocktail or two! Teams are forming now so don't delay! You can sign up individually and we will put you on a team or you can form a team. Currently team sizes are 4 golfers but this may change based on the number of participants.

We would like to have a full course so sign up today. The registration form is available on the MLTA website at [www.mlta.org](http://www.mlta.org). The cost is \$25 per golfer and all proceeds will go to the MLTA PAC. Please remember that payment for this event must be in the form of a personal check made payable to the MLTA-PAC as the PAC cannot accept corporate donations. Hope to see you all on the greens!



## 2014 MLTA-PAC SUMMER CONVENTION SILENT AUCTION

by Timothy J. McDonnell, Old Republic

The MLTA-PAC will be holding a silent auction at the Summer Convention at Mission Point Resort on Mackinac Island. We are currently in need of items for the auction. In the past, popular items have been gift baskets, sporting event tickets, small personal electronics, spa certificates and other types of gift certificates. If you have an item that you would like to donate for the auction, please contact Tim McDonnell at [tmcdonnell@oldrepublictitle.com](mailto:tmcdonnell@oldrepublictitle.com) and give him a description of the item and an approximate retail value of the item. Rather than hauling a bunch of items to the Island to just have somebody else haul them back, we would like to get a good description of the item and a picture for the bid sheet. When the auction results are known, we will make arrangements to get the items from the donor to the successful bidder. If you have an item and will not be attending, please let Tim know and arrangements will be made to pick up the item.



For those MLTA members who are interested in bidding on items who will be unable to attend the Summer Convention, there will be an email and online option to bid on the items. Details for email and online bidding are being developed and will be released soon. THANK YOU for supporting the MLTA-PAC!

If you have any questions or would like to assist with the auction, please contact Tim McDonnell at [tmcdonnell@oldrepublictitle.com](mailto:tmcdonnell@oldrepublictitle.com).



2014 MLTA SUMMER CONVENTION  
July 13-15, 2014  
*Mission Point Resort, Mackinac Island*



## ALTA 2014 Business Strategy Conference

John Bommarito and Marcy Welburn



John Bommarito and Marcy Welburn attending the 2014 ALTA Business Strategies Conference in Nashville Tennessee. There were more than 425 attendees at the conference. At the conference the ALTA President, Rob Chapman, reminded everyone that 2014 is the year of compliance as we all need to focus on the implementation of the ALTA Best Practices.

Phil Schulman moderated a panel on how the new integrated mortgage disclosures will affect the title industry. The panel discussed the biggest workflow and process challenges title professionals will face as they transition from today's HUD-1 and TIL to the new five-page Closing Disclosure Form. The CFPB's goal in changing the forms was to improve consumer understanding. The forms become effective Aug. 1, 2015 and it is estimated that the cost of transitioning to all the new forms will be around \$1.3 billion to our industry. The Bureau received nearly 27,000 comments before issuing the final rule for the integrated disclosures in November. If you were one of the many folks in our industry that provided feedback to the CFPB we thank you.

One major change from the current form is a move back to itemization instead of lump-sum charges.

"There's much more detail on fees as the CFPB's philosophy is that consumers should be able to see the fees they are being charged," said panelist Jim Armbruster. "Because of this, settlement agents can expect more questions at the closing table."

Similar to existing law, the final rule restricts the circumstances in which consumers can be required to pay more for settlement services than the amount stated on their Loan Estimate form. The CFPB has moved away from the term "tolerance" and now uses "variance." panelist Ruth Dillingham said the CFPB essentially has turned the Loan Estimate into an "exact loan estimate because it has expanded the category in which fees can't change. Unless an exception applies, charges for the following services cannot increase:

- The creditor's or mortgage broker's charges for its own services
- Charges for services provided by an affiliate of the creditor or mortgage broker
- Charges for services for which the creditor or mortgage broker does not permit the consumer to shop.
- Charges for other services can increase, but generally not by more than 10 percent, unless an exception applies.

The exceptions include, for example, situations when:

- the consumer asks for a change
- the consumer chooses a service provider that was not identified by the creditor
- information provided at application was inaccurate or becomes inaccurate
- the Loan Estimate expires

Phil Schulman expressed concern about this. He said. "I'm concerned about this because we've taken services recommended by the lender that were in the 10 percent bucket that now are in the zero-variation bucket. Now, the lender is responsible for the title charge that is provided to them. If estimate for title insurance that is provided to the lender is off, the lender will need to provide a refund and they probably won't keep you on its preferred vendor list."

The other big issue that was discussed was the timing of when the disclosures must be provided to the consumer. According to the regulations, the creditor must give the Closing Disclosure to the consumer at least three business days before the loan closes. As an example, if settlement is scheduled for Thursday then the consumer must receive the disclosure by Monday. One panelist said "Instead of two hours prior to closing; it will be two hours before the disclosure is due that we will receive them." The Closing Disclosure may be emailed but e-Sign rules for the jurisdiction must be followed. Each company will need to develop its own process to determine proper evidence of receipt. "One concern is if you send the disclosure on Monday but don't get a returned message from the borrower until Tuesday," panelist Cynthia Blair said. "You could be pushing the closing back a day." Additionally, the panel questioned whether the borrower could waive the 3-day disclosure rule, and if so,



under what circumstances. Some panelists speculated that the 3-day rule could be waived if there was evidence of a "bona fide personal financial emergency." Unfortunately, the only emergency the panel agreed upon would be a situation where foreclosure was imminent.

If changes occur between the time the Closing Disclosure form is given and the closing, the consumer must be provided a new form. When that happens, the consumer must be given three additional business days to review that form before closing. The CFPB listened to ALTA concerns and limited the instances that would require a new Closing Disclosure to be issued. Changes that require creditors to provide a new Closing Disclosure and an additional three-business-day waiting period after receipt include:

- changes to the APR above 1/8 of a percent for most loans (and 1/4 of a percent for loans with irregular payments or periods)
- changes the loan product
- addition of a prepayment penalty to the loan

Questions arose regarding what would constitute proper evidence of notice to the borrower of a redisclosure if one of the aforementioned terms changes? Is an email read receipt sufficient or is an affirmative response of receipt required from the borrower? At a minimum, settlement agents may adopt a practice of documenting the date/time the redisclosure notice was sent.



In addition to providing updated information on the rules governing the new Closing Disclosure, attendees learned about the importance of data and computer security and the importance of protecting customer's non-public information. We watched a live-demonstration of how easy it is for someone to hack into your computer. The demonstration served to remind the industry that implementation of Pillar 3 of ALTA's "Title Insurance and Settlement Company Best Practices" is a constant endeavor and not a destination. Our industry is changing and we all need to continue to implement these Best Practices as well as continue to prepare for the new closing disclosure.

Finally, it seems that lenders may begin auditing their vendor network for compliance. However, there still does not appear to be any standard audit requirements that could be used to satisfy all lenders. Lenders have asked the CFPB for clarity on what documentation or procedures the lenders will need to have in order to survive a CFPB audit. Lenders in fact admit that the compliance and audit requirements may be defined through litigation. Additionally, questions arose about how relators who come into contact with NPI will be addressed and who is responsible for monitoring that. Finally, there were also questions about how data will be exchanged between lenders and agents. As there were no immediate answers to these questions, it appears that these will be developing topics in the weeks and months to come.

# What Do You Mean “There’s No House”?

by Tobias J. Lipski, Schneiderman & Sherman, P.C.

It happens far too often that the legal description incorporated into a residential mortgage describes less or different land than the mortgagee had appraised to support the loan. In the worst case, the legal description describes a parcel with no house. While it is true that a Michigan court will typically authorize mortgage reformation in these instances, doing so comes at legal expense and requires that the mortgagor has not already conveyed the unencumbered land to an innocent party for value. Moreover, the mortgagee might not have the ability to look to the loan title policy issuer to cover its losses, as it is not uncommon for a title insurer to deny title insurance coverage on the basis that its policy strictly insures title to the legal description referenced in the mortgage. The below will touch upon how this error occurs and how prospective mortgagees might attempt to avoid it.

The title industry and the lending industry, arguably, have different expectations as to where the mortgage legal description should and does come from. While a mortgagee might expect the title company to provide the correct legal description, the title company most often relies solely upon the information furnished by the customer(s) at the time the title product is ordered. Such information typically includes a property owner name or an address. If the borrower is the purchaser in a buy/sell transaction, the customer will at some point furnish the purchase agreement to the title company. However, the residential purchase agreement will not typically include a legal description. In fact, it

is not uncommon for the purchase agreement to say “see title”. In light of these practices, the mortgagee suffers the risk that the legal description, which is searched, examined, referenced in the title commitment, copied by the mortgagee and incorporated into the mortgage agreement, does not describe the same land that the mortgagee appraised to support the loan. It is not standard procedure for the title company’s examiner to receive and review the appraisal. Thus, to protect itself, the mortgagee could make sure someone compares the following content in the title commitment with the appraisal: legal description, tax identification number(s) and the state equalized value (SEV) of the property (the SEV should be roughly half of the appraised value). In addition, the mortgagee could purchase the ALTA 22 endorsement, which protects the mortgagee in the event the improvement described in the endorsement is not on the insured property. The title company will likely require a mortgage survey before issuing the ALTA 22. Ultimately, the mortgagee must conduct a cost/benefit analysis to assess whether the benefit of potentially eliminating the losses addressed herein outweighs the costs.

*Attorney Tobias J. Lipski serves as general counsel and title curative supervisor for Schneiderman & Sherman, P.C. Lipski ensures each division’s compliance with Michigan and federal law and cures title issues on behalf of creditors, title agents, title insurance underwriters, and individuals.*



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# LEGAL UPDATE



by Gregg Nathanson,  
Cousens, Lansky Fealk,  
Ellis, Roeder & Lazar,  
P.C.



For further information, contact Gregg A. Nathanson, Esq., an attorney at the law firm of Cousens, Lansky, 248-489-8600 or [gregg.nathanson@cousens.com](mailto:gregg.nathanson@cousens.com)

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## Court of Appeals Upholds Uncapping in Pre-2014 Parent-Child Transfer

The Michigan Court of Appeals held family members could not use a 2012 corrective deed to change the grantees on a 2004 deed and avoid a 2004 uncapping. *Lewallen v. Township of Porter* (Michigan Court of Appeals Feb. 20, 2014).

In 2004, Mom and Dad quit claimed residential property to their two adult children as tenants in common. In 2011, the municipality declared the 2004 deed an uncapping event. MCL 211.27a. The parents then executed a "corrective" deed and supporting affidavit stating the 2004 deed was really intended to grant title to the parents and children as joint tenants with rights of survivorship, and thereby avoid the uncapping. The family claimed the 2012 corrective deed retroactively nullified the 2004 deed.

The Court disagreed. The Court relied, in part, on Michigan Land Title Standard 3.3, which states "[A] grantor who has conveyed real property by an effective, unambiguous instrument cannot, by executing a subsequent instrument, make a substantial change in the name of the grantee..." Although Standard 3.3 notes there are circumstances under which a later "corrective" deed may be effective, the Court found this exception inapplicable.

The family also argued public policy supports their position, since the Michigan Legislature recently amended the uncapping statute to add a new exemption for transfers, like this one, to persons related by blood or affinity to the first degree. MCL 207.27a(7)(s). The Court found the new uncapping exemption was not intended to take retroactive effect.

**Takeaway:** Always review the language of the uncapping statute and current Michigan Department of Treasury Transfer of Ownership Guidelines when advising clients on drafting deeds and completing property transfer affidavits.

## Michigan Court of Appeals Upholds Affidavit of Lost Mortgage

In a surprising decision, the Michigan Court of Appeals recently held that an Affidavit of Lost Mortgage substantially satisfies the requirement of a "properly recorded" mortgage under Michigan statutes for foreclosure by advertisement. *Citigroup Global Markets Realty vs. Schmitz* (March 24, 2014).

The facts are not complicated. Lender A made a mortgage loan in 2007. The original mortgage is not recorded. The mortgage was assigned to Lender B. Lender B recorded an "Affidavit of Lost Mortgage" and attached a copy of the original mortgage. Lender B then assigned the mortgage to Lender C. Lender C foreclosed the mortgage by advertisement. Lender C purchased the property at the Sheriff's Sale. Almost a year after doing so, Lender C commenced an eviction action against the mortgagor. The mortgagor claimed that the mortgage foreclosure was invalid because the original mortgage was never properly recorded.

The Michigan statute governing foreclosure of mortgages by advertisement sets forth a number of circumstances which must exist prior to foreclosure. One essential condition precedent to foreclosure: The mortgage containing the power of sale has been properly recorded. MCL 600.3204(1)(c). The Court needed to decide whether or not the recorded Affidavit of Lost Mortgage with a copy of the mortgage attached, satisfied this requirement.

First, the Court observed that the Affidavit of Lost Mortgage fails to satisfy several statutory recording requirements and should not have been accepted for recording as an independent legal instrument. The Affidavit is not, itself, a mortgage. To be recorded, the mortgage must contain the "original signature or mark" of each person purporting to execute the instrument. MCL 565.201. Here, the Affidavit of Lost Mortgage only included a copy of the original mortgage, which in turn, only included a copy of each grantor's signature. In addition, a recorded instrument must be acknowledged before a judge, court clerk or notary public to be accepted for recording. MCL 565.8. The original mortgage, again, was acknowledged before a notary, but the copy of the original mortgage was not. Consequently, the Affidavit of Lost Mortgage did not operate to record the mortgage itself. Therefore, the Court found the Affidavit of Lost Mortgage did not satisfy MCL 600.3204(1)(c).

Notwithstanding this, the Court found that the Affidavit of Lost Mortgage could have been properly recorded pursuant to MCL 565.451a. This statute allows for the recordation of affidavits stating various facts that "may affect title to real property." Such an affidavit does not itself affect title to real property, but only states facts that may affect title to real property.

The Court noted that the authority to foreclose mortgages by advertisement is purely statutory, and all the requirements of the statute must be substantially complied with. Substantial compliance with mortgage statutes is sufficient to allow foreclosure so long as the equities ultimately favor doing so and the party being foreclosed upon is not prejudiced by any failure to comply strictly with the statutes. Defects or irregularities in a foreclosure proceeding result in a foreclosure that is voidable, not void.

What does this mean? The Affidavit of Lost Mortgage was sufficient to put third parties on notice, and to provide evidence of the existence of the mortgage. Consequently, although the Affidavit technically failed to comply with the foreclosure by advertisement statute, it complied in substance. Therefore, although the foreclosure is defective, it is voidable rather than void. To set aside the foreclosure sale, the mortgagors needed to show they were prejudiced by the foreclosing lender's failure to comply strictly with the foreclosure statute.

Here, the mortgagors could not demonstrate prejudice as a result of non-compliance. The mortgagors did not challenge the foreclosure proceedings until after expiration of the redemption period and commencement of eviction proceedings. Nor did the mortgagors dispute the validity of the copy of the original mortgage attached to the Affidavit.

The Court concluded that the foreclosure by advertisement statute was not satisfied because "the mortgage containing the power of sale" was not "properly recorded". The Affidavit of Lost Mortgage is not itself the mortgage and the mortgage may not be recorded as such. However, because the Affidavit substantially satisfied the ultimate purpose of the recording statute, the foreclosure was defective, and voidable, but not void. Since the mortgagors failed to show how they were prejudiced by non-compliance with the applicable statute, the foreclosure was upheld.

# 200 MLTA Members Who Care

## Yes, We STILL Care in 2014!

by Timothy J. McDonnell, Old Republic Title

A lot of people have asked if we are still going to hold the MLTA Members Who Care Campaign in 2014. The PAC Committee is proud to announce that, "Yes, we still care!" With the tough winter that we went through business suffered a bit so we elected to delay asking for additional contributions until the weather and the market improved.

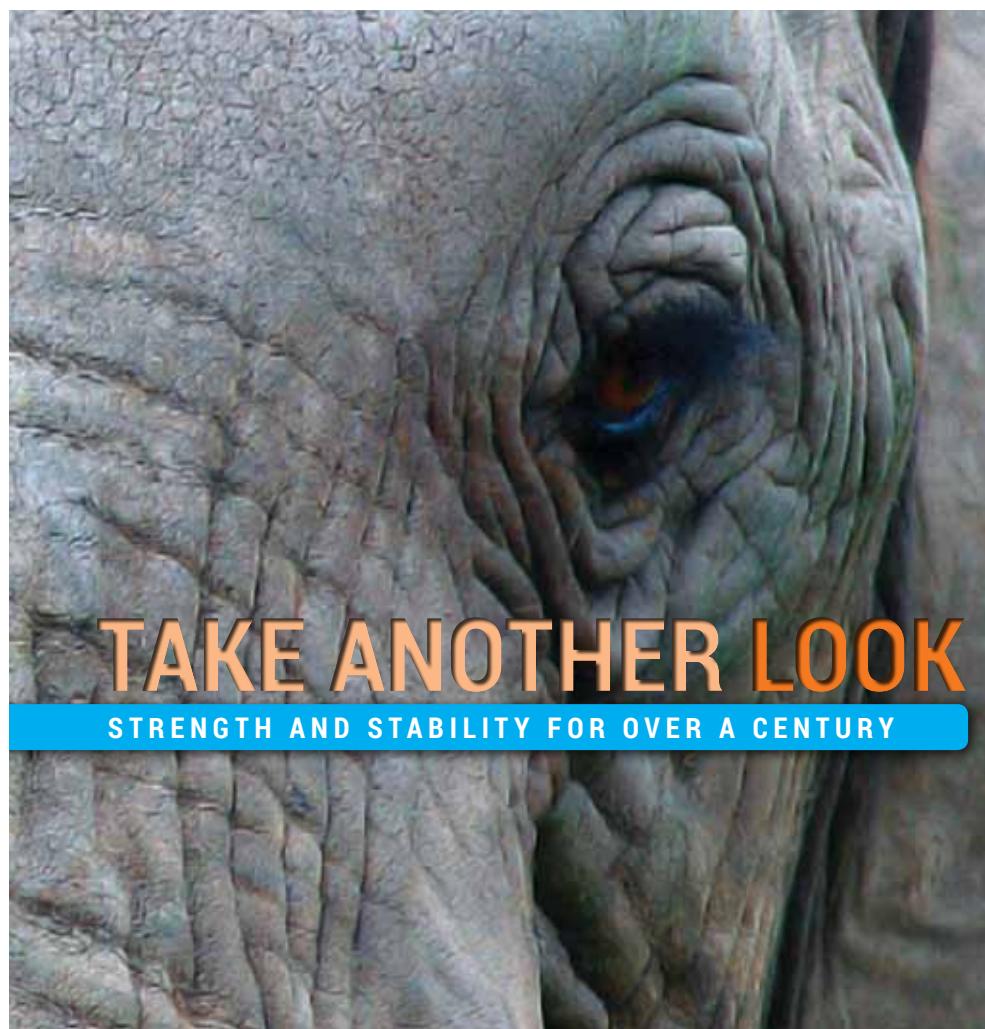
With that being said, the MLTA-PAC is looking for 200 MLTA Members Who Care. This campaign was originally introduced in 2012 and restarted at the beginning of the year. The campaign is a simple one—the MLTA-PAC is looking for 200 or more members to make a contribution of \$100 or more to the PAC during the 2014 calendar year.

### HOW DO I GET MY NAME ON THE LIST OF MEMBERS WHO CARE?

Adding your name to the list of Members Who Care is much easier this year because you can now make your contribution online using PayPal. There is a link on the homepage of the Michigan Land Title Association at [www.milta.org](http://www.milta.org)

This campaign is very important to our industry. Over the past several years, the integrity of our industry and the value of the work that we do every day have been called into question. The industry faces many challenges on a number of different fronts. We are currently under tremendous scrutiny from a number of governmental and regulatory agencies; including the Consumer Protection Financial Bureau (CFPB) and the National Association of Insurance Commissioners (NAIC). Your contribution to the MLTA-PAC will allow us to support candidates who know and understand the value of our industry and who will help us to maintain our important role of protecting the American Dream of Homeownership!

Please add your name to the list of MLTA Members Who Care by directing your contribution of \$100 or more to the MLTA-PAC. Contributions can be made online through at [www.milta.org](http://www.milta.org) or by personal check to the MLTA offices in Lansing. Thank you in advance for caring about our industry!



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# Education Committee

by Pam McGowan  
ETitle



## Spring Education Seminar

And so, as the snowy days and winter-brown lawns turn to sunshine and green grass speckled with bright, yellow dandelions, we return for another MLTA Spring Education Seminar at the Livonia Marriott.

President Bob Wuerfel opened the day with some positive numbers: attendance for each seminar (Mt. Pleasant and Livonia) was great and MLTA membership is now over 150. He also shared that the MLTA Boot Camp was a success with many great speakers, such as former president Allan Dick. Bob encouraged everyone to attend the MLTA Summer Convention to be held on Mackinac Island this year and to sign up for TAN (Title Action Network) before handing the microphone over to the next speaker.



Cami Pendell, Michigan Legislative Consultant for the MLTA, began her plethora of information with news about the federal government and the surprises therein, including the facts that Rep. Dave Camp will not be seeking reelection, and Rep. Mike Rogers will not be running again because he will be entering the talk radio scene. Also, Congressman John Dingell and Senator Carl Levin are retiring after many years. On the local side, Cami briefly mentioned that the race for governor of Michigan was heating up with Snyder vs. Schauer. MLTA Legislative Day was a success with about 30 people attending, and Cami acknowledged Phil Savich (Old Republic National Title Company) for his highly-touted testimony given that day. Lastly, we got an update on bills addressing important title issues: redemption periods, adverse possession (ask Phil Savich about his testimony on this one), and bidding on foreclosed property.

Next on the agenda was everyone's favorite hot topic: the CFPB Final Rule and new Closing Disclosure (CD) statement. Originally, I thought I was going to need massive amounts of caffeine to keep me awake during yet another lecture about the 1,888-page Final Rule—probably enough to make an elephant do back flips—but thankfully I was wrong. Leslie Wyatt, Director of Industry Relations at SoftPro, is an expert on the Final Rule, and she discusses it in a knowledgeable, yet direct and easily understood way. She gave us only the information we need as title industry professionals, and I will share some of it with you.

### Goals of the Final Rule:

- Improved consumer understanding
- Better comparison shopping
- Avoid costly surprises at the closing table (3 Day Rule)

“The consumers shouldn’t be bullied by the lenders anymore,” Leslie summarized. The Final Rule, which will take effect August 1, 2015, does not apply to HELOCs, reverse mortgages, mortgages on mobile homes, and loans by lenders who make five or fewer mortgages in a year. The

most important part of the rule for those of us in the title industry will be the Closing Disclosure, a combination of and replacement for the HUD-1 and Truth in Lending statements. The 3 Day Rule is a new requirement wherein the creditor must provide the CD to the consumer three business days before a closing can take place. Issues about who will deliver it and confirmation of delivery will need to be worked out between lenders and title companies. There are only a few changes that force the waiting period to restart, most of which are reasonable. Leslie went over the form line-by-line, pointing out the parts that cannot be changed under any circumstances, such as line numbering, font, shading, and alphabetizing of fees. Though the change will take some work, I think the form is much easier to read than its predecessors and will be great for the consumer.

After a delicious lunch, we were updated on what some of the MLTA Committees are doing. Dave Moldovan (Public Service Committee) introduced us to Mercedes, a young woman who told us her story of how she and her family benefitted from a Habitat for Humanity home. Steve Tessler (Sponsorship Committee) encouraged everyone to visit the sponsors at the MLTA Summer Convention because, after all, they help make the convention possible in the first place. Debbie Wiley (Professional Designation Committee) announced that there will be three seats opening up on the PD Board of Review, and they are looking for members. Bob Wuerfel (Communication/PR Committee) reminded everyone that The Examiner is always looking for articles, and that the committee is reviewing the quality and effectiveness of the MLTA Web site. And finally, Tim McDonnell (PAC) announced that his committee is doing a glow golf fundraiser during the MLTA Summer Convention.

The final topic of the day: Oh, No – the “C” Word—Claims! An Overview with Stories and Lessons. This portion of the agenda consisted of a panel of five attorneys from various backgrounds sharing claim stories which mostly ended with “needless to say...” and included a moral and/or lesson to be learned. John Bommarito (Attorneys Title Agency) acted as emcee and mediator. First up was Chris Frescoln (Fausons Bohn, LLP) who told a long story about forgery and mortgage validity and ended with a twist: the judge was blind. Next to spin his yarn was Kurt Riedel (Plunkett Cooney, P.C.), who shared several shorter claim stories covering legal descriptions, recording issues, municipal charges, and CPLs. Matt Walker (Hertz Schram, P.C.) and Phil Neumann (Cousens, Lansky, Fealk, Ellis, Roeder & Lazar, P.C.) continued on with intriguing claim stories about bogus church documents and divorces with giant, stuffed polar bears. Needless to say, you had to be there.

And so, with full minds and caffeine-riddled nerves, we left Livonia more excited about Closing Disclosure statements and less likely to find ourselves in a claim situation. Thank you, MLTA! See you at the summer convention.

# BOOT CAMP REVISITED

## - Another Success!

by Allan Dick, Best Homes Title Agency, LLC



A little over a year ago, your MLTA Board responded to a number of requests and suggestions, and commissioned a first-ever MLTA sponsored Basic Title Training "Boot Camp", held on the Michigan State campus. A brand new venture, we didn't know what to expect in the way of attendance and support. Well, the response was overwhelming, a sold out house, we even (regrettably) had to turn away a few late requests – no room at the inn.

And, with the favorable feedback we got, and indications that others would have attended, we decided to reprise the presentation, despite the fact that it had been designed as a one-shot-deal. Fortunately, most of our original speakers were available and willing return to the scene of the crime. So, this spring we presented the Boot Camp, again in East Lansing (a nice central location and a great facility – the Kellogg Conference Center) to another packed house! Another grand success!

Of course, the MLTA's normal educational seminars – spring and fall – have continued on, likewise having strong attendance, as we feature timely topics and a variety of speakers and subject matter in an attempt to refresh, supplement and expand the attendees awareness of title and escrow related issues and concerns. But, those seminars were never intended to be title basic training, a much larger undertaking. And the "Boot Camps" were designed to provide a brief, but broad overview of the title business – what we do and why.

We were most fortunate to have assembled such a talented team to cram all this into about six hours, that original team included John

Bommarito, Allan Dick, Linda Hinshon-Cantor, David Martyn, Dawn Patterson and Doug Smith. This time around, Dave Martyn flew back into town for the presentation (and boy, were his arms tired), and Lynn Sagar graciously (and flawlessly) agreed to step in for Dawn Patterson.

Another enthusiastic response included requests for Boot Camp, Part 2 and more. But, as previously noted, this was originally designed as just a one-shot-deal (the volunteer speakers do have other employment demands).

Still, there have been

discussions as to how the MLTA might expand its education programming, which is a very complicated matter involving considerations of programming, expense, and perhaps most of all, the availability of speakers. Those discussions and investigations are on-going. Meanwhile, the "Boot Camps" are now history, although the video taken of the first year presentation will be surfacing for members on the MLTA website sometime in the near future. But, take heart! A new project will replace that – probably sometime next spring, an all-day Legal Descriptions Presentation and Workshop, again responding to several requests. Stay tuned.



## MLTA Habitat for Humanity Tiger Raffle Winner Angela Fossi's Day at the Tigers Game

Angela M. Fossi, Transnation Title Agency of Michigan

During the MLTA Spring Education Seminar on April 9th I purchased a few raffle tickets for the Tigers game on June 15th. I wasn't expecting to win but I never pass up the opportunity to see a Tigers game. I am so happy I made the purchase, I ended up winning 4 tickets to see the Tigers take on the Twins on Father's Day. I was able to take my dad, uncle and friend to a game. We are all huge Tigers fans, in fact my friend and I regularly attend spring training games in Lakeland and my parents had one of their first dates at a Tigers game in 1968. So baseball is part of my blood. It was fun watching my dad and his younger brother discuss the fine art of keeping score. The best part was the walk off win. Thanks to the MLTA for this great opportunity. Go Tigers!





# MLTA Legislative Day - April 30, 2014

by Constance J. Curio, Lighthouse Title Group

On April 30th, the MLTA sent 33 of its members all around the Capitol in Lansing on a bright, sunny day to contact as many Senators and Representatives as possible. At a short meeting at the beginning of the day MLTA members were armed with brochures explaining what a valuable resource MLTA is to the legislature and our current issues. And those few members did a fantastic job of contacting 101 offices out of 148.

This year MLTA had the Neal Case Fix which permits use of copies of original documents to be recorded with a verified affidavit in order to get the document on record. At the time of the Capitol Day the Neal Case had just passed the House by a wide margin, 106-4. So, it was a great time to thank house members and to encourage senate members to vote for the bill.

Other initiatives in the brochure included a possible amendment to the Construction Lien Act. MLTA supports legislation that would promote a fair balance between a lender's need for priority and the contractor's need to be paid. Recent court decisions have changed that balance. Also being able to inspect public records at the office locations should remain fee free. Paying a copy charge is reasonable.

Executive Director Marcy Lay and Legislative Consultant Cami Pendell put together appointments for each team to contact specific Senators and Representatives in their offices either at a specified time or as a drop by. Sometimes the legislator was on the floor in the Capitol in which case our Member met with their staff at their office. Contacting the staff can be very helpful as they do pass along the information and can sometimes set another time to meet with us.

Several of our members know their legislators and it is a great time to touch base with each other. For those that are new to the process it's a very easy way to meet a lot of people in a short amount of time. And what do title people like to do? Talking about our business and educating those that make our laws can be one of the most valuable tasks we have. You can't take enough business cards with you!

Lunch was held in the South hallway of the Capitol building. Again, Marcy's team did a wonderful job of setting up seating arrangements by region of the state. That increased the chances of our Members being in contact with their legislators as they sat down and enjoyed the box lunch. Many legislators complimented MLTA on the information handed out and the knowledge of our group.

For the past several years MLTA has held this event in Lansing as a way of increasing our contact with the lawmakers and giving them a resource for many situations and bills that come up. Often our members are contacted right from the Senate or House floor with questions regarding new issues in property, taxes, mortgages, etc.

Next year the session will be scheduled after the Lansing calendar for the year is posted in January. When you see that invitation come out, please put it on your calendar and make time for one day in Lansing to really make a difference. Your business will benefit from the contacts you make and relationships that you build.



# ALTA 2014 Federal Conference & Lobby Day

by Lisa Cincinelli, Old Republic National Title Insurance Company

Lisa Cincinelli and Brian Kasiborski attended the ALTA 2014 Federal Conference & Lobby Day in Washington D.C. May 5-8. There were over 220 conference attendees and approximately 250 meetings were held with legislative offices.

During the “Protecting the American Dream Reception and Dinner” held on Monday May 5, presentations were made from both the Democratic Senatorial Campaign Committee and the National Republican Senatorial Committee. Each party presented their expectations for the upcoming Senate elections, how the results would affect their party and who would control a majority. The keynote presenter was Rick Fisher, Co-Chair of the Consumer Financial Protection Chair Task Force of the Bipartisan Policy Center’s Financial Regulatory Reform Initiative. He spoke on the results from the Bipartisan Policy Center’s paper on the possibility for improvements and progress measurements of the CFPB. After lamenting his involvement in what he initially thought was going to be a short project, Fisher’s message stressed the importance of getting the CFPB to function as smoothly as possible and to address the concerns of the consumers it was designed to protect.

On Tuesday, May 6, there was a moderated discussion led by Justin Ailes, the ALTA Vice President of Government and Regulatory Affairs on “What Does Dodd-Frank Reform Mean to You.” The panelists were members of the Mortgage Bankers Association, the Council of Insurance Agents & Brokers, the Independent Community Bankers of America, and the Credit Union National Association. Each panelist was able to share something Dodd-Frank had done correctly, which included eliminating toxic loan programs. They also address some difficulties, including a need to loosen certain restrictions in an effort to get the pendulum to swing back towards the middle. Joel Kopperud, from the Council of Insurance Agents & Brokers, said his organization has been working on a piece of legislation for over 20 years, and as yet has been unsuccessful in bringing it to a vote.

Later that morning, there was a discussion led by ALTA President-elect Diane Evans on “Improving the Closing Process”. Both panelists were from the CFPB, Brian Webster and Noeren Limon. The CFPB will be implementing a field study on improving the closing process in order to provide the consumer less anxiety and to also enhance its procedures. Included in the field study will be an e-sign program. They want the consumer to be able to review all documents electronically before the closing. However, it was stressed they do not foresee this process taking the place of the consumer attending the closing. The program will be rolled out shortly, with the trial results being analyzed by the first of the year and possible implementation by May 2015. If agents are interested in participating in the program, they can sign up on the CFPB website. Tuesday afternoon we began our preparation to meet with the legislators and went over our points of emphasis. The first and most important point was on H.R. 4383, which would create a Small Business Advisory Board at the CFPB, putting them on par with other industries such as

Credit Unions and Community Banks. The board would be made of 12 members, as selected by the director of the CFPB, and draw from industry, consumer groups, and academia. H.R. 4383 is non-controversial and not opposed by either party, so our goal was to ask for support, co-sponsorship, and a companion Senate bill. The second point was to Extend Mortgage Forgiveness Debt Relief for Taxpayers as part of the Mortgager Forgiveness Debt Relief Act, originally passed in 2007, but which expired December 31, 2013. This bipartisan legislation is part of the overall EXTEND Act that is currently in the Senate Finance Committee, as well as H.R. 2788, H.R. 2994, and S. 1187. If this extension is not granted, the short sale market would be made even more difficult, hurting the overall economy and increasing the potential for foreclosures.

The final point of emphasis was on Housing Finance Reform. When Fannie Mae and Freddie Mac are reformed or replaced with some other incarnation of GSE, our goal remains to include clear title in every bill and maintain current underwriting standards. Our housing finance system should preserve the 30 year fixed rate pre-pay mortgages, allow small businesses to compete and ensure that consumers have equal access to credit and competitive interest rates, whether they live in urban, suburban, or rural parts of the county.

Wednesday, May 8 we attended the following appointments:

- Senator Debbie Stabenow D, staff
- Representative Gary Peters D
- Representative Bill Huizenga R, staff
- Representative Mike Rogers R, staff
- Representative Dan Benishek R, staff
- Representative Dan Kildee D





# Strategic People Reminders for the Busy Executive

by Scott Patchin, The trU Group

## Here is what I am thinking . . .

I believe that Great Conversations start with a question, and I have used that mantra to encourage leaders to talk with their people, and for all to realize their role in what I call trUPerformance™.

What you will hear a lot from me over the next several years is that trUPerformance™ requires honest conversations that lead to thoughtful actions, and ultimately improved performance. I still stand by my basic belief that relationships are a key piece of leadership.

## Here is what I am doing . . .

I have just recorded and loaded two videos on the Johari Window and Leadership on to my YouTube channel. I designed them for two reasons:

1. The Johari Window is a great model for helping leaders look at their conversations through a different lens.
2. My mission is to Be a guide for individuals/organizations in transition so they achieve the excellence they desire. A big part of living that mission is equipping people to have more honest conversations.

To help facilitate learning from these videos, I have published a guide to help guide your individual learning or to create a 15-20 minute learning segment in one of your leadership team meetings.

You can view the videos by going on to YouTube and searching for Scott

Patchin leadership and the johari window.

**Part 1** – Explains the Johari Window and provides two tips to leaders on how they can have more effective conversations with their teams.

**Part 2** – Takes a deeper dive into the topic of leadership and great conversations. Provides practical advice for leaders to listen more effectively and what they can do help their teams know what they are thinking.

Here is a link to the guide - <http://www.thetrugroup.com/wp-content/uploads/2014/03/trUPerformance-JoHari-Window-Exercise.pdf>

I will be publishing a book later this summer around many of the key topics I talk about in my trU Tips. I will make some special purchase prices for those who are part of my mailing list. I invite you to join this community at [www.thetrugroup.com](http://www.thetrugroup.com).

## I have a few favors to ask . . .

First – Try it and give me some feedback. What was valuable? What could be done to make it more valuable? What topics are missing that would help you have more honest conversations?

Second – Pass it along to others.

Third – I have incorporated these videos into one of my keynote workshops on One-on-Ones. If you are looking for a speaker at a leadership retreat, professional conference, or any other event where people are interested in professional development let me know. I have space for a couple more this year, and I am starting to book next year.



Thanks for allowing me to be part of your community. As always, if you have questions or feedback, contact me.

Scott@thetrugroup.com ©2014, Scott Patchin

## MICHIGAN REALTORS®

### Residential Sales Statistics April, 2014

Local Association	2014 YTD # Sales	2013 YTD # Sales	14-13 YTD % Change	2014 YTD Avg Price	2013 YTD Avg Price	14-13 YTD % Change	2014 Apr Sales	2013 Apr Sales	14-13 % Change	2014 Apr Avg Price	2013 Apr Avg Price	14-13 % Change	
Ann Arbor Area Board of REALTORS®	771	817	-5.63%	\$240,609	\$271,132	-11.10%	246	252	-12.77%	\$261,353	\$284,380	-8.03%	
Artists' Council of Realtors Association of REALTORS®	119	174	-31.61%	\$181,047	\$176,784	2.87%	30	62	-42.31%	\$208,287	\$153,464	34.27%	
Bay City Area Association of REALTORS®	308	489	-37.01%	\$89,573	\$104,860	-13.86%	106	133	-20.20%	\$99,303	\$74,266	21.82%	
Bay County REALTORS® Association	368	371	-0.81%	\$80,815	\$94,445	-14.69%	97	103	-5.83%	\$82,673	\$87,005	-5.23%	
Branch County Association of REALTORS®	108	138	-21.43%	\$94,445	\$83,022	13.48%	36	38	-5.26%	\$94,061	\$71,076	30.08%	
Central Michigan Association of REALTORS®	223	314	-29.06%	\$96,114	\$107,770	-11.13%	57	67	-14.93%	\$90,036	\$80,764	-3.82%	
Class-Elkhorn Board of REALTORS®	182	196	-7.18%	\$70,990	\$61,406	16.87%	51	64	-20.31%	\$71,066	\$70,988	1.12%	
Detroit Board of REALTORS®	1,718	2,057	-16.06%	\$25,068	\$18,121	38.34%	419	572	-26.78%	\$25,859	\$17,718	42.34%	
Down River Association of REALTORS®	279	301	-7.64%	\$108,222	\$101,127	7.06%	68	78	-13.17%	\$111,695	\$96,884	16.73%	
Eastern U.P. Board of REALTORS®	96	110	-13.17%	\$74,651	\$80,126	-16.24%	35	28	25.00%	\$58,984	\$67,083	-13.27%	
General Association of REALTORS®	185	193	-4.16%	\$233,760	\$261,101	-10.47%	55	65	0.00%	\$297,070	\$86,026	11.67%	
Genesee County	1,409	1,784	-19.12%	\$92,762	\$77,433	18.18%	427	635	-20.38%	\$99,015	\$88,674	12.68%	
Grand Rapids Association of REALTORS®	3,726	4,186	-10.64%	\$157,432	\$146,804	7.00%	1,197	1,172	2.13%	\$164,970	\$104,980	5.67%	
Greater Kalamazoo Association of REALTORS®	1,038	1,257	-17.42%	\$134,498	\$137,641	-2.27%	328	410	-20.00%	\$139,551	\$148,787	-6.21%	
Greater Lansing Association of REALTORS®	1,667	1,808	-8.22%	\$119,896	\$103,870	13.24%	454	510	-12.38%	\$121,561	\$105,782	11.73%	
Greater Milwaukee Association of REALTORS®	73	132	-44.70%	\$98,632	\$78,467	34.25%	21	33	-36.38%	\$112,521	\$77,086	45.97%	
Greater Wayne County	4,040	4,761	-15.14%	\$126,363	\$105,403	18.85%	1,171	1,223	-11.48%	\$131,072	\$110,287	18.20%	
Hillsdale County Board of REALTORS®	118	132	-10.61%	\$88,578	\$82,022	7.63%	27	45	-40.00%	\$82,356	\$10,924	-26.88%	
Huron County	23	31	-25.81%	\$105,634	\$101,988	16.12%	6	8	0.00%	\$87,083	\$70,983	20.93%	
Jackson Area Association of REALTORS®	500	601	-16.37%	\$90,051	\$70,182	16.07%	144	105	28.78%	\$96,622	\$94,082	2.61%	
Jasper County	300	301	-0.33%	\$161,938	\$124,207	31.28%	79	79	-1.26%	\$132,405	\$131,804	0.89%	
Keweenaw County Association of REALTORS®	249	306	-18.36%	\$104,361	\$104,133	0.23%	60	84	-28.57%	\$111,415	\$104,985	6.16%	
Michigan County	774	858	-10.45%	\$208,576	\$181,022	13.23%	246	208	-16.88%	\$220,221	\$82,449	20.20%	
Oakland County	4,623	5,221	-11.12%	\$213,082	\$189,847	12.77%	1,286	1,022	14.28%	\$222,660	\$201,726	10.38%	
Macomb County	3,005	3,689	-18.00%	\$130,850	\$109,601	18.33%	862	807	-11.54%	\$138,076	\$17,479	77.83%	
Metrop-Orono-Midwest Board of REALTORS®	205	244	-15.86%	\$124,290	\$101,946	24.36%	76	72	5.56%	\$124,029	\$105,842	17.16%	
Midland Board of REALTORS®	256	282	-10.22%	\$146,783	\$143,204	2.39%	65	66	0.00%	\$156,718	\$100,420	4.16%	
Monroe County Association of REALTORS®	338	433	-28.14%	\$127,749	\$116,438	7.87%	80	115	-22.65%	\$124,865	\$110,943	4.08%	
Montcalm County Association of REALTORS®	37	39	5.12%	\$91,177	\$106,084	-13.88%	12	10	20.00%	\$120,196	\$74,360	60.88%	
Northwestern Michigan Board of REALTORS®	149	165	-9.70%	\$77,096	\$81,281	-15.14%	52	48	8.33%	\$77,294	\$87,464	-14.57%	
Pontiac Board of REALTORS®	348	388	-11.03%	\$82,954	\$101,435	-21.83%	97	98	1.02%	\$95,010	\$84,687	-12.71%	
Saginaw Board of REALTORS®	532	626	-16.38%	\$72,697	\$73,626	-1.13%	173	203	-14.78%	\$75,761	\$76,973	-1.52%	
Saginaw County	57	62	-8.33%	\$66,712	\$70,208	-6.12%	20	21	-4.76%	\$56,389	\$86,082	-16.22%	
Southwestern Michigan Association of REALTORS®	736	780	-6.26%	\$173,105	\$164,402	5.20%	225	223	1.04%	\$179,021	\$174,024	2.97%	
St. Clair County	427	477	-11.40%	\$111,178	\$100,235	2.72%	135	115	17.38%	\$120,055	\$121,988	-7.34%	
St. Joseph County Association of REALTORS®	114	140	-20.64%	\$115,656	\$107,369	9.14%	20	48	77.08%	\$118,557	\$90,810	23.31%	
Traverse Area Association of REALTORS®	683	705	-3.12%	\$214,925	\$194,171	10.80%	211	226	-6.64%	\$199,636	\$205,307	-2.20%	
Washtenaw County	62	68	9.09%	\$87,428	\$81,171	7.12%	19	38	96.67%	\$78,785	\$76,033	2.46%	
Upper Peninsula Association of REALTORS®	463	549	-18.06%	\$100,325	\$101,745	-1.07%	158	148	6.76%	\$96,027	\$101,085	-4.12%	
Wexford-Woodland Board of REALTORS®	464	532	-15.76%	\$102,952	\$87,305	17.12%	122	108	27.57%	\$102,950	\$88,168	16.78%	
West Central Association of REALTORS®	311	302	3.06%	\$84,737	\$76,023	12.24%	83	108	-17.03%	\$94,679	\$84,714	11.78%	
West Michigan Lakeshore Association of REALTORS®	1,070	1,007	-6.26%	\$146,546	\$142,686	2.80%	334	316	6.70%	\$159,812	\$146,021	9.44%	
<b>TOTALS</b>		<b>32,252</b>	<b>37,255</b>	<b>-13.43%</b>	<b>\$120,620</b>	<b>\$110,676</b>	<b>8.96%</b>	<b>9,406</b>	<b>10,693</b>	<b>-12.04%</b>	<b>\$124,840</b>	<b>\$114,380</b>	<b>9.15%</b>

\*Econore, Jambar, Keweenaw, Western Upper Peninsula, and North Central Upper Peninsula

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### MLTA Events:

**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*

### ALTA Events:

October 15-18: ALTA Annual Convention  
*Westin Seattle, Seattle, WA*

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