

# THE TITLE EXAMINER

A QUARTERLY PUBLICATION OF THE MICHIGAN LAND TITLE ASSOCIATION



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- Fall Seminar Recap
- ALTA Annual Convention
- Michigan Court, Tort Claims



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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## Kim Case Audia

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**MLTA Involvement:** I am on the Education Committee and Vice Chair of the Public Service Committee.

**Personal Interests/Hobbies:** I enjoy traveling to our cabin and home in Arizona, flower gardening and being with my family (which includes my husband Joe, our 4 children (Nicole and husband Pete; son Nathan; daughter Tasha and husband Dustin; son John and 4 amazing grandchildren – Julian (7), Rosabella (5), Faith (1), and James (3 months)

**Something about Kim:** I have worked in or around the real estate “world” my entire career. I started out working with my Dad in his tool and die business when I was about 13, doing his books and learning how to run a business. I was fortunate enough to work full time with him for about 5 years until he sold in 1996; with the last years assisting him with running the business. I worked at financial institutions, during and after working with my Dad; I received my real estate license in 1995; was our township treasurer for 6 years and I flipped houses for about 3 years. I have been in the title business just shy of 17 years, with most of my title career working as a commercial escrow officer, both locally and nationally. I believe having the background in all of these areas has helped me to understand what everyone expects from our industry and has assisted me to make sure I get the job done in an efficient and timely manner, because I truly understand everyone’s needs. I became involved in MLTA last year with the Education Committee and most recently as the Vice Chair of the Public Service Committee and I look forward to assisting with these MLTA committees.

## Kevin Lounds

Centralized Processing Unit Manager  
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**MLTA Involvement:** Education Committee, participated in the State Licensing creation team.

**Personal Interests/Hobbies:** Trustee of the Jenison Public Education Foundation, active member of Jenison Orchestra Parents Organization, Board Member of the Great Lakes Council of the Federation of FlyFishers.

**Something about Kevin:** I currently hold producers licenses in Michigan, Pennsylvania, New Hampshire, Louisiana, Virginia and Florida, with inactive licenses in Maryland and D.C. My fall back when people ask me why I am in this business is it's Allan Dick's fault. He recruited me for a part time TEMPORARY Summer job in 1993, and it hasn't ended yet.



## Cindy Immonen Earns MLTA's CLTP Designation!

Cindy Immonen, Vice President and Account Manager, Fidelity National Title Group, earned her Certified Land Title Professional designation in July 2015. Cindy is an active leader in the MLTA, currently serving on its Board of Directors and as Chairperson of its Education Committee. Cindy's tenure in the land title industry spans 25-years and includes residential and commercial

examination and closing, as well as branch operation's management. Throughout Cindy's impressive career, she has utilized the Michigan Land Title Association as a resource to assist her with enhancing her industry knowledge and day-to-day performance in the workplace. We congratulate Cindy on her achievement of this distinguished designation and thank her for her contributions to our association.



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# ABSTRACTIONS

by Allan Dick, WFG National Title Insurance Company

WE'RE NO. 1!? So, I read an MLive headline a few months back, reflecting that Michigan had received a No. 1 rating from the travel, food and drink website, Thrillist.com. Among the many contributing factors to Michigan's rating were the state's long, dynamic coastline, its natural beauty (especially the UP) and Michigan's excellent craft beers. But wait – there's more!

With gas prices staying remarkably low with the fall of the price for crude oil (and the surplus supply), Michigan also rated #1 for the lowest gas prices in the nation during the last week of November! Of course, that didn't last long. But, we are still close and definitely well below the national average! And keeping with the #1 theme, how about those Spartan men! Their basketball squad, when this issue of The Title Examiner was due to published, were rated #1 in the nation! Okay, that slipped a bit, due to a key injury and their first loss. But, the season is far from over. And, going into the BCS college football playoffs, the Green and White had a chance to achieve that same honor on the gridiron! Ah well, as Sam Spade said of the Maltese Falcon, "The stuff that dreams are made of."



But, speaking of green, Fannie Mae recently gave the green light to two changes which should result in increased mortgage activity. First, for buyer-borrowers of so-called High Balance loans (conforming jumbo loans), the previous down payment minimum was 10% vs. the regular conforming minimum of 5% down. Now High Balance loans can likewise be up to 95% of the property's value. And, as to those regular conforming residential loans, the borrower no longer needs that 5% to be their own funds, as previously required. It can now be provided by a gift from a relative, or a grant from some other source, so long as they qualify within the other Fannie Mae underwriting guidelines. These changes will better accommodate new buyers with sufficient incomes, but who have not yet amassed sufficient down payments, playing into one of the CFPB's many acronyms – ATR (ability-to-repay).

This, coupled with the recently reduced FHA mortgage insurance premiums, the slowly improving economy and the gradually growing job market, may help to compensate for the impact of the Fed finally increasing interest rates (which doesn't seem to have had a dramatic, negative effect – Freddie Mac forecasts 2016 mortgage rates to remain below 4.5%). Most projections point to 2016 as being similar to slightly better than 2015 – uneventful (that's probably good), but with continuing issues regarding housing inventory. Not too much mention of TRID (also good). Home improvement projects are expected to increase. So, we may see more FHA 203K mortgages and Rural Development (RD) loans. Refinance activity is predicted to decrease (with the higher rates), but new construction to increase.

But, speaking of TRID... a recent report from Moody's Investors Services was a bit surprising. Moody's analysts reported that several third-party firms found TRID violations in more than 90% of the loans that were audited – 90%! Many of those violations were considered "technical" in nature – results from the first pipeline of loans subject to TRID. Still ... doesn't that tell you something? Interestingly, despite Moody's report, CFPB Director Cordray recently stated: "Reports from participants across the market seem to be indicating that implementation of the new rule is going fairly smoothly." He considers the angst build-up with TRID to be much the same as the misguided predictions and panic directed at Y2K.

It's not often that we see a title-related matter find its way into the headlines. But, a new United States District Court Case, Hammoud et al v. Wayne County et al, concerning the issue of due process for tax foreclosures, did just that. Long a question of insurability, this additional uncertainty has prompted a number of underwriting bulletins and cautions, until this case is finally adjudicated. And speaking of headlines, my favorite recent HousingWire headline reads: "Denver's marijuana boom pushing city into housing crisis", reciting a report from the New Republic. (Maybe the grass isn't always greener?)

Yet another report, a year-end study by Realtor.com, reports on the hottest housing markets in America. Once again, San Francisco was #1, and 11 of the top 12 were taken by various California metroplexes. But, surprisingly, Detroit-Warren-Dearborn (a.k.a. Metro Detroit) came in at no. 16! Of course, at this time of year, there are more "reports" than there are Republican Presidential Candidates.

So, one more report to end the old year and begin the new. The University of Michigan's Research Seminar in Quantitative Economics last November found that Michigan had just completed its 6th consecutive year of recovery from the recession low point in 2009, and forecasted two more years of growth, with the job count returning to the levels of 2003 by the end of 2017. It also projected continued growth in personal income of over 4% for each of the next two years in a "fairly stable economic environment". Nationally, it predicted the addition of 2.4 million jobs in 2016 and another 2.3 million in 2017, with unemployment falling below 5%, suggesting continued GDP growth, slowed only by the more sluggish growth of its trading partners. All in all an encouraging report to launch into the New Year.

And, as we bid farewell to a memorable 2015, with TRID, Trump and the return of Star Wars, we can't help but wonder what other developments lay ahead for 2016. One new development to report, for The Title Examiner, begins with this issue. Samantha Hill has recruited a new writer ("a real writer") to replace her Views from the Shore (which was the successor to Views from the Top, written by her retired brother, Lester Sam Hill). Okay, maybe he's not that new, just new to our publication. Please welcome Rob Ford, of Elk Rapids and Riverside Title fame, and his Views from the Riverside. Happy New Year!



# Views from the Riverside



by Rob Ford,  
Riverside Title

In 1983 an old man offered this newly married hotel night auditor a job with his oil & gas abstracting business. I was relatively new in the work world and definitely naïve to the world of land title, but I quickly found something intriguing about connecting a chain of title and gathering history on a given tract of land from the days of Abraham Lincoln to the days of Ronald Reagan.

Eventually, the travel and unpredictability of the oil business led me to the more stable and growing industry of real estate title insurance. Doors opened and then closed for a couple of years, eventually leading me to finally decide that the title insurance industry was not a place for me to find prosperity.

And then something changed.

In April of 1992, I opened my own office in the village of Elk Rapids. My timing and direction were perfect, as my wife, and a handful of employees helped me carve out a decent market share in a part of Michigan that most of you get to enjoy on vacation, if you're lucky. In 2013, we were approached to sell our agency, which has made the last two years a process of transition from "title guy" to "title guy emeritus". The title industry will always be a large part of my soul and I certainly plan on remaining a part of it. (Underwriters and co-workers may now shake fists skyward before pounding them on their desk blotters.)

The fine folks that publish *The Title Examiner* have chosen me to succeed the mysterious, yet informative, Lester Sam Hill and Samantha Hill and their "Views from the Top" and "Views from the Shore" contributions. My supposition is that they've observed my career a little bit and realized that if anybody is "the average title person", it is me. I've spent years examining title and closing transactions. I've owned and operated a title company for a couple of decades, and best of all, I've been a columnist for four different northern Michigan newspapers over the last fifteen years. If nothing else, a guy like that should be able to relay his thoughts and should have thoughts that relate to this publication's readers.



If nothing else, I am a person that has embraced "change" his entire life. If 2016 is anything like 2015, we can all expect to face more change. And if those changes are a reflection of the newly minted TRID, my advice to you is to be patient, because in the end, most changes are for the better...eventually.

I look forward to adding my thoughts to coming issues of *The Title Examiner*. Better yet, I look forward to facing whatever changes come my way down the road.



# Legislative Update

by Cami Pendell,  
Michigan Legislative  
Consultants

## Road Funding Signed Into Law

The Legislature passed and the Governor has signed into law a package of bills that will raise an additional \$1.2 billion in infrastructure funding once fully implemented in 2021. Under the new law, the gasoline and diesel taxes will increase to 26.3 cents/gallon on January 1, 2017. The taxes per-gallon will have an inflationary increase beginning January 1, 2022. This increase is projected to generate an additional \$400 million in revenue for roads and bridges. The new Public Acts also increase registration fees, which is anticipated to bring in an additional \$200 million in revenue. The registration fee for passenger vehicles and commercial vehicles will increase by 20% on January 1, 2017. On the same date, hybrid vehicle registration fees would increase by \$30 for vehicles under 8,000 pounds and \$100 for vehicles over 8,000 pounds. Electric vehicle registration fees will also see an increase at the rate of \$100 for vehicles under 8,000 pounds and \$200 for vehicles over 8,000 pounds. As this law gets implemented, the dollars dedicated to the General Fund will incrementally increase going to infrastructure funding, ultimately getting to \$600 million in the 2021 Fiscal Year.

Given the increased costs that will be paid by Michigan residents, some tax relief is also being provided. The income tax would rollback if and when the General Fund growth exceeds the rate of inflation, multiplied by 1.425, beginning January 1, 2023. The Homestead Property Tax Credit will also increase. Some of the changes to the credit include increasing the total credit amount from \$1,200 to \$1,500 beginning in the 2018 tax year. Beginning in 2021, the maximum credit amount will be adjusted annually by the percentage increase in the US Consumer Price Index for the previous year, rounded to the nearest \$100 increment.

## Voting and Campaign Financing Law Changes Taking Place

Before the Presidential election next year, the Legislature is working on policy which will eliminate straight party ticket voting and codify Citizens United into state law.

SB 13 would eliminate straight ticket voting, therefore eliminating the ability

to cast one vote for a single party in all partisan races. While those in opposition to the bill stated it could cause voter confusion and may lead to longer voting lines, those in favor of the bill pointed to the fact that forty states have already eliminated straight ticket voting. The bill includes an appropriation to perform election-related studies and update voting equipment. Due to the appropriation, the bill is referendum proof. At the time of this writing, the Legislature is still putting its final touches on the language. A point of contention between the two Chambers developed when the House tie barred SB 13 to HB 4724 which would allow for no-reason absentee voting. The Senate is not comfortable linking the two issues. If the Legislature wants to get the bill to the Governor before the end of the year, they have one legislative week left to do so. Otherwise, this issue continues into next year.

In terms of campaign finance changes, the Senate passed SB 638 which would codify Citizens United into state law. This would significantly expand a corporations' abilities to spend money on political causes in Michigan. The bill is currently in the House Elections Committee and it's being watched with considerable interest to see if it too will make its way to the Governor's desk before the end of the year or carry forward into 2016.

## Legislative Calendars Announced for 2016

The Legislature is scheduled to begin its winter break the week of December 21, 2015. They will return the week of January 11, 2016 and go through until the end of March. At that time, they will have their spring break the last week of March and first week of April. Upon their return in April, they are scheduled to reconvene Session until June 16, 2016. That end date before the summer recess is tentative because it will hinge on the status of the state budget process. If the budgets are not resolved by that date, then Legislature will continue to meet until they finish that work. Also, it's important to remember that all legislation that was introduced in 2015 will carry forward into 2016.

Now that MLTA has the Legislature's Session calendars, work can begin to organize a Capitol

Day for the association. Stay tuned for further announcements on that event.

## New House Members to Join the "People's Chamber" in 2016

Currently, there are three vacancies in the House of Representatives. Two of those vacancies are due to resignations and one is due to an expulsion. Earlier in November, a special primary election was held to see who the contenders would be in these open seats for March's special general election. The winners of those races are as follows:

75th House District (a portion of the City of Grand Rapids) - This seat was left vacant when former Representative Brandon Dillon resigned after being elected Chair of the Michigan Democratic Party. The 75th District is one of the most Democratic in west Michigan with a 73 percent Democratic base. Democratic Primary Winner: David LaGrand; Republican Primary Winner: Blake Edmonds.

80th House District (includes three-quarters of Allegan County). This seat was left vacant after then-Representative Cindy Gamrat was expelled from the House in September. The 80th District is a heavily GOP district at over 62 percent. Democratic Primary Winner: David Gernant; Republican Primary Winner: Mary Whiteford.

82nd House District (Lapeer County). Former Representative Todd Courser resigned from this seat in September prior to the House holding a vote to expel him. This is a Republican district with a 57 percent Republican base. Democratic Primary Winner: Margaret Guerrero DeLuca; Republican Candidates: Gary Howell

The special general election will be March 8th, which will coincide with the presidential primary.

## MLTA Legislative Activity – Legislation Introduced and Committee Hearings Taking Place

The MLTA legislative priority to help the industry with the implementation of TRID regulations by creating a flat recording fee for

deed and mortgages has been introduced. The Senate package, SBs 599-604, provides for a flat \$35.00 recording charge for not only deeds and mortgages, but for the recording of all documents. After much work with numerous stakeholders, it was determined that a flat charge across the board for all documents was the preferred route to pursue. This bill package has already received two hearings in the Senate Banking and Financial Institutions Committee and a third one is expected for the bills to be reported out. Currently, negotiations are taking place regarding the fee amount and allowing certain state departments to pass through the charges rather than to have the fees come out of the state's General Fund. Senator MacGregor is MLTA's lead sponsor on this package and has been doing a significant amount of work to help advance these bills.

Another MLTA legislative priority has also been introduced in the Senate. SB 610 (O'Brien) would amend the Condominium Act to address the challenges associated with 'need not be built'. The nutshell intent of the proposal is to change the process from an automatic reversion to general common elements to one that can be elected. This legislation was also co-sponsored by Sen. Arlan Meekhof, who is the Senate Majority Leader. The bill was referred to the Senate Local Government Committee and MLTA is currently working with the Chairman, Sen. Zorn, to schedule a committee hearing.



### Member Spotlight:

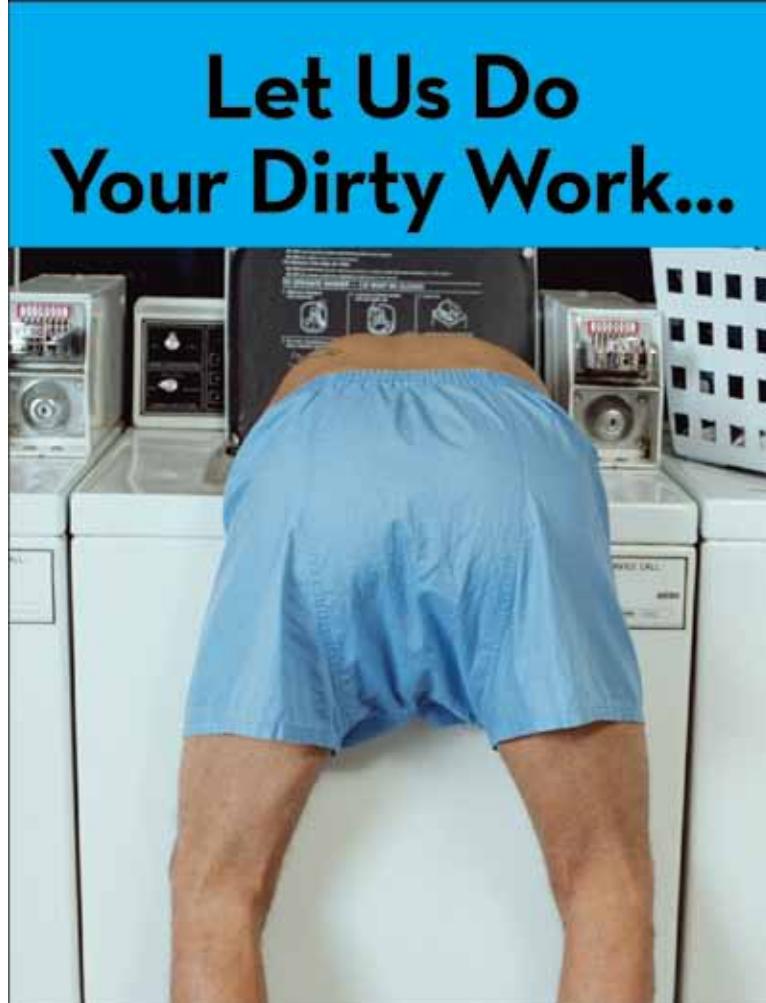
In honor of his work on behalf of MLTA in sponsoring the association's flat recording fee legislation, this quarter's spotlight is on Senator Peter MacGregor.

He was elected to the Michigan Senate in November 2014 and assumed office in January 2015. He is the vice chairman of the Senate Appropriations Committee and the Chairman of the Department of Human Services Appropriations subcommittee. Senator MacGregor also serves on the Higher Education, Department of Environmental Quality, and Capital Outlay appropriation subcommittees. In addition to these committees, he is also a member of the Senate Banking and Financial Institutions Committee.

Prior to joining the Senate, MacGregor served four years in the Michigan House of Representatives, representing the 73rd district. He also served as a Cannon Township Planning Commissioner, Township Trustee and Township Supervisor.

In addition to his official public service, Senator MacGregor is an active member of his community. He has been a volunteer youth coach for various sports. He is a member of the Rockford Lions – serving as the club's President from 2007-2008. He is also one of the founding chairmen of "Volley for Mitchell" – a charity volleyball tournament to raise funds for Duchenne's Muscular Dystrophy – raising over \$100,000 for the cause, to date.

MacGregor is a former small business owner and lifelong Michigan resident. He graduated from Michigan State University, Eli Broad College of Business. He married his college sweetheart, Christine, 23 years ago. Together they have three children, Patrick, John and Matthew. The older two currently attend college and the youngest is in high school.

An advertisement for Quiet Title.com. The top half features a blue banner with the text "Let Us Do Your Dirty Work...". Below the banner is a photograph of a person from behind, wearing blue shorts, standing in a laundry room with several washing machines. The bottom half of the ad features the text "FAST. INEXPENSIVE. CLEAN." in large, bold, blue letters.

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# Education Committee

by Pam McGowan  
eTitle Agency, Inc.



## 2015 MLTA FALL EDUCATION SEMINAR

I believe the goal of this year's fall seminar was to scare the crap out of us ... just a little. And with all the BIG scary things happening in the world today, a LITTLE scare to keep us on our toes is not a bad idea. The timing of the Livonia seminar not only allowed us to acknowledge our veterans for Veteran's Day, it also prompted some well-deserved recognition for the MSU football team's success, including the win over in-state rival University of Michigan. Therefore, our emcee Tom Lico (Capital Title Insurance Company) was sure to acknowledge those speakers who were Spartan alumni, such as our first person to the podium, MLTA President Marcy Welburn (Transnation Title Agency), who greeted the people in attendance and shared some "light" information about TRID survival and No Shave November.

The next presenter on the agenda was Cami Pendell (Michigan Legislative Consultants), but since she was without a voice, Phil Savich (Old Republic Title) stepped up with the basics of her presentation. At the time of the seminar, the MLTA initiatives in legislation were: a flat recording fee of \$35.00, Section 67 of the Condominium Act, and the abolishment of dower rights. No questions were fielded by either Cami or Phil.

"Beware Bank Fraud in a New Environment" was the first of several topics warning us of crimes affecting the title industry. Allan Dick (WFG National Title Insurance Company) moderated a panel of four speakers and shared his best advice: "Trust, but verify." The panel consisted of the following professionals:

- **Dianne Shovely, VP Fraud Services at Comerica Bank.** Dianne told us that criminals of bank fraud want two things: information and to make a financial transaction. She also vehemently warned us that when we get strange emails, "Don't click on the link!" I bet Dianne has some great work stories.
- **Lavinia S. Biasell, VP, Agency Underwriting Counsel, Fidelity National Title Group.** Lavinia shared some real-life stories of losses due to fraudulent cashier's checks and email fraud involving false wiring instructions. Her jocose advice: "Pick up your phone; you know, that thing in your purse that you usually only text on."
- **Kim O'Connor, AVP, State Counsel, First American Title Insurance Company.** Kim's input centered on cyber red flags. She warned us to beware of last minute changes to wiring instructions, to confirm wire accounts, and to be leery of new deals out of nowhere. She told of a single fraud case involving a Chinese buyer, a Canadian bank account, and a wire to Florida—definite red flags. Kim also stressed, "Watch out for bad emails, and don't click on the link!"
- **Sam Halkias, VP, Old Republic Title.** To conclude the presentation, Sam gave us some of the tools we need to fight the "war on escrow." With enjoyable humor, he advised everyone to review their escrow procedures and to implement internal controls.

After a short break, the presentations continued with Adam E. Gwaltney, an agent at Ritman & Associates, Inc., giving a lesson on "Cyber Liability Insurance." Mr. Gwaltney, in his



festive Veteran's Day red, white and blue tie, shared many statistics as to why we need a Cyber Liability Insurance Policy to protect our information and data. He said that Business Owners Insurance, E & O Insurance, and ESB Insurance provide only partial coverage for victims of cyber crimes, and since the U.S. leads the world in fraud, and the Title Insurance Industry (a part of the Financial Services category) is the #2 target in the world, the extra policy is necessary for full coverage.

Next up, Kim O'Connor was back at the podium to go over ALTA Endorsements 10 through 15. She facetiously referred to these as "the exciting ones" but, regardless, her information was very helpful. She discussed all six endorsements, the different versions of each, and any special characteristics they possess. Keeping it short and sweet, Kim got us to lunch right on time.

After a delicious Marriott lunch, during which some committees held meetings, Jamie Scheett (A.S.K. Services, Inc.) gave a presentation on "E-Recording & Workflow." Jamie, with the help of some excellent PowerPoint slides, broke down title agents' recording responsibilities, the "Recording Life Cycle," and rejection issues. She also gave us a helpful comparison of the paper and e-recording processes, pointing out that all e-recording providers are different, and all Registers of Deeds have their own standards. Jamie concluded by giving us a copy of the Michigan Recording Requirements, which can also be found in the materials from all the 2015 MLTA Fall Education Seminar presentations on the MLTA website.

The final presentation of the day was a panel discussion titled "TRID is rolling, so how's it going? The Lender's Perspective" and moderated by Tom Lico. The panel consisted of three professionals from the lending world who were kind enough to spend their "bank holiday" with us: Marc Reneau (1st VP, Mortgage Operations Manager, First State Bank), Dave Ross (Sales Manager, John Adams Mortgage), and Michelle Shepley (Warehouse Lending Manager, Talmer Bank and Trust). All the panelists agreed that the lenders are struggling with TRID as much, if not more, than the title industry. The biggest problem everyone seemed to be experiencing was software glitches, but there were several others. Marc said, "We don't know what we don't know." Dave expressed having issues with not only software and the need for loan officers to be "technicians," but also multiple requests for the same information. He recommended a calendar for each file. Michelle's list of issues echoed the others' but also cited delays in receiving figures and problems with signatures on documents. "Communication is key," she emphasized. Tom shared that the title industry has been challenged by having to learn more software systems and portals. The panel fielded quite a few questions from the large audience, and a good sense of understanding and empathy seemed to have developed between title and lending professionals in the room.

And so, thus ended yet another successful MLTA Education Seminar. Thanks to the MLTA Education Committee, all the presenters, and the many members who attended. See you in the spring!

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COMMUNICATE CO-EXIST

# 2015 ALTA Annual Convention

*By Marcy Welburn and Debbie Wiley*

A handful of MLTA members attended the 2015 ALTA Annual Convention in October. As you may recall Michelle Korsmo, ALTA CEO, attended our summer MLTA convention. At the ALTA convention Michelle challenged the more than 1,000 attendees to shift their focus to the consumer in a way the industry never has done before.



“Our business has always been about our real estate partners,” Korsmo said. “The market right now, in every industry, is all about the consumer. The more you understand what the consumer wants and needs, the more power you have and the better prepared you will be to earn future business.”

“The entity with the most information and insight about the consumer holds all the power,” Korsmo said. “This is true for our own industry during TRID implementation over the past three years. Because of the preparedness of each of you, any questions our partners have about the new forms are coming to you because you are the expert. You put in the time, energy and resources to ensure this industry was more prepared than anyone else – and it shows.”

Delivering quality service to consumers and meeting their needs will only enhance relationships with lenders and real estate agents, who will seek out the title professionals that make their transactions more positive.

Continuing to make slight changes now will go a long way in helping title professionals write their own future and succeed in the new marketplace. Michelle encouraged everyone to switch our elevator speech. So when you are asked the question, “What do you do?” You simply say “I provide homeowners with peace of mind by protecting their property rights.” This simple statement will allow for more open dialog with people about how you accomplish this.

During the convention John Hollenbeck, EVP, First American Title Insurance Corporation, was sworn in at the 2015-2016 ALTA President. John asked us all to embrace a common set of goals to help ensure that our industry can continue to advance in this era of regulatory and marketplace changes. These common goals include: (1) continuing to implement TRID; (2) advancing the adoption of ALTA Best Practices; (3) speaking directly to homebuyers about the value of title insurance; (4) promoting regulatory compliance with an emphasis on market conduct; and (5) expanding our focus on cyber-security risks. By focusing on these elements, John thinks we can all be better prepared to meet the changes and challenges our industry is facing.

John’s goals for our industry send a clear message to all agents and Underwriters as to what ALTA feels the industry focus should be over the next year. We would encourage all MLTA members to reflect on how they feel their companies align with the ALTA focus.



# LEGAL UPDATE



## Michigan Court of Appeals Rules That Title Agents Are Shielded From Tort Claims When Disbursing Construction Loan Proceeds

The Michigan Court of Appeals issued an opinion on November 12, 2015, which held that title agents are acting within the scope of their duties as title insurers when disbursing construction loan proceeds, and thus cannot be held liable in tort to the homeowners. The case is *Elsebæi v Seaver Title Company* (Dkt. No. 323260). A copy of the opinion is available at the Michigan Court of Appeals' website.

In this case, Landmark Construction agreed to build a home for the plaintiff, who obtained construction loans from Charter One Bank. Charter One Bank obtained a lender's policy from Seaver Title and used Seaver Title to disburse the loan proceeds, including obtaining sworn statements and waivers of lien and issuing endorsements to the policy. The last payment to Landmark was made jointly payable to Landmark and the plaintiff homeowner, but Landmark cashed the check without plaintiff's endorsement and the owner of Landmark then fled the country. Plaintiff sued Seaver Title for negligence alleging breach of fiduciary duty.

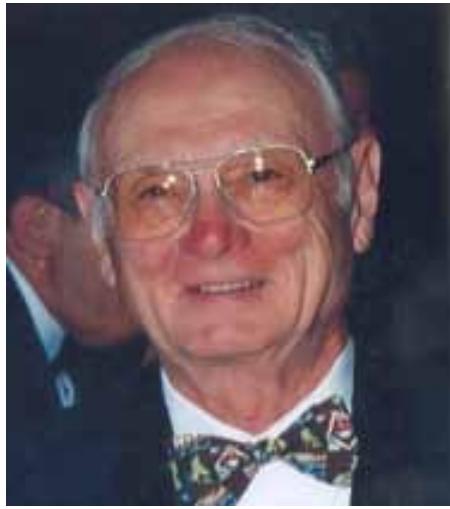


In a different case, *Wormsbacher v Seaver Title*, 284 Mich App 1, 4; 772 NW2d 827 (2009), the Michigan Court of Appeals held that "a title insurer should be liable in accordance with the terms of the title policy only and should not be liable in tort." The issue for the Court in the present case is whether Seaver Title was acting as a title insurer while in the process of disbursing the loan proceeds. The Court of Appeals held that Seaver Title was acting within the scope of its duties as a title insurer, and thus could not be held liable to the plaintiff for negligence. The Court looked at the definitions of a title policy and a title insurer in the title insurance statute (MCL 500.7301) and found that they suggest a broad scope for the role of a title insurer. The Court also held that "[T]here is nothing in the record to show that [Seaver Title was] not obligated under the title insurance policy to disburse the loan proceeds, or that such an act was outside of its contractual agreement. Rather, as argued by [Seaver Title], it seems likely that the processing of the funds was a contracted for obligation pursuant to the agreement." The Court noted that there is a Sixth Circuit Court of Appeals case in which the title company acted as a disbursing agent in a construction project, and used that case as additional support for its determination that the Wormsbacher case applied, and Seaver Title is not liable in tort to the plaintiff homeowner.



by Phillip J. Neuman  
Cousens Lansky  
Attorneys & Counselors

Although the case is unpublished, and thus does not have precedential value, Seaver Title's lawyer has filed a motion with the Court to publish this opinion. Hopefully the Court of Appeals will grant the request and publish its opinion, thus making it binding on all lower courts and protecting title agents from tort claims arising out of its actions while disbursing loan proceeds.



## IN MEMORIAM: *William F. "Bill" Richardson*

by Tim McDonnell, Old Republic National Title Insurance Company

William F. "Bill" Richardson, the founder of Liberty Title passed away on Friday, December 11, 2015 in Fort Myers, FL. He is survived by his loving wife Mary Ann of Ft. Myers and Ann Arbor, Michigan; sons Thomas (Michele), Robert (Esther), John and daughter Judith and eleven grandchildren- William and Tracy; Roy and Pearla; Erica, Patrick and Ian; Zachary, Tim, Madeline and Sydney. He was preceded in death by daughter Christine.

Bill was born in Detroit in 1929 and he attended Cass Technical High School. He was a standout on the track and field team at Cass Tech where he was a pole vaulter for the Technicians. During his senior year at Cass Tech, Bill was recruited to be a member of the track team at the University of Michigan. Don Canham offered him a scholarship at the Detroit PSL Track and Field Championships. Unfortunately, Bill had not taken Trigonometry and this was part of the UM Admission Test. He crammed for two weeks but that was not enough for him to pass the entrance exam. Fortunately for Bill, Mr. Canham was so impressed with him that he took the time to contact the coach at Michigan State University and encouraged him to take a look at Bill. MSU offered him a scholarship and Bill attended Michigan State where earned a B.A. in History. Bill then earned a Juris Doctor Degree from the University of Michigan Law School.

Bill was a "title insurance lifer", starting his career at the storied Burton Abstract and Title Company after attending law school. During his 20 year career at Burton Abstract, he was promoted to Branch Manager for the office in Ann Arbor in 1957 to clean up a gigantic mortgage fraud scheme involving an Ann Arbor Homebuilder-who sold the same houses to multiple consumers prior to completion with forged Certificates of Occupancy. Bill also managed the Oakland County office before moving into upper management. He continued in upper management roles with St. Paul Title (now First American Title) after St. Paul acquired Burton in 1970, serving as Vice President for Acquisitions. In this role, he purchased numerous smaller companies around the country. He then moved into the position of Vice President for Personnel.

Bill Richardson left St. Paul in 1974 to start Liberty Title Company, using the knowledge gained through his acquisition work to create a model title agency from an operational and financial point of view. Liberty would be different though. He wanted to create a place where people could have a work/life balance and would be able to grow and utilize their talent to the best of their abilities. Mistakes were viewed as learning opportunities (with detailed discussions of how they arose and how they could be avoided in the future). The only things examined in connection with new hires were innate intelligence, a great attitude and integrity. He operated Liberty on the highest standard of business conduct, strictly following the law and refusing to do business with anyone who did not treat their employees and clients fairly. Bill and Mary Ann Richardson sold Liberty Title to Tom and Michele Richardson in 1990, after they had undergone four years of training at the agency. He remained on the Board of Directors for another twelve years and always offered good advice and counsel when asked.

Bill and Mary Ann enjoyed a great retirement, traveling all over the world and living with a great group of friends who migrated en masse from Ann Arbor Golf & Outing in the summer to the Hideaway Country Club in Fort Myers in the winter. He enjoyed countless trips to Disney World with the grandchildren. He was an honest, kind and generous man-always willing to help family and friends.

Those wishing to honor the memory of Bill Richardson may make a donation to Hope Hospice <https://www.hopehospice.org/donate/> who cared for Bill and made his final days comfortable or to Cass Technical High School <http://casstech.schools.detroitk12.org/welcome/> where a scholarship is being endowed in his name. A memorial service will be held in Ann Arbor in the spring.



The MLTA Board was joined by Sandra Pearson, CEO, Habitat for Humanity Michigan. Sandy discussed the partnerships that Habitat has in the state and a new program "Financial Coaching". The Financial Coaching Program is a shared service offered by Habitat for Humanity of Michigan (HFHM) which educates low-income individuals to help them make smart decisions regarding improving their housing situation and meeting the responsibilities of homeownership. The MLTA presented Sandy a contribution on behalf of the MLTA to be used toward the Financial Coaching program.

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# Historical White Horse Inn ~ Metamora, Michigan

The White Horse Inn was established in 1850 by Lorenzo Hoard (1816-1888) in the sleepy town of Metamora, which was then described as "a beautiful little town in the spring and summer, being blessed with an abundance of large, shady maple trees." Lorenzo purchased the existing village store, once a stagecoach stop. The stagecoach period ended around 1910.

Soon the village store was expanded and refitted it as the Hoard House. The Hoard House functioned as an inn and restaurant charging 50 cents to overnight guests.

The late Gilbert Olds bought the inn about 1917 for \$2,200 and kept it until 1922 or 1923. He was remembered by the villagers for going around without wearing shoes.

Frank Peters, owned the inn during most of the Prohibition Era. He made the White Horse a financial success by promoting breakfast specials. It was Mr. Peters who changed the name from the Hoard House to the White Horse.

The "big event" of daily life during that period was when the passenger train's whistle would blow. Once the villagers heard that 6:10pm whistle the town would seem to "come alive". Everyone would go to the train depot to see who would board and also come off the train, watch them unload milk cans and they would follow the mail up to the Post Office and sit around visiting and waiting for their mail to be distributed.

After the mail, they would go down to the White Horse Inn, sit in the

captain's chairs and talk until bedtime.

The History of the White Horse includes the names of some of the earliest pioneers. Daniel Ammerman built the Inn in 1850. After several changes of ownership, it passed to the Hoard family. By 1858 Hoard was paying \$50 a year in taxes on the Inn.

About 1872, the Michigan Central Railroad built its line through Metamora and Hoard received a franchise to feed and house overnight passengers. By 1874, Metamora had 271 residents.

The Hoard House was listed in the 1876 Atlas of Lapeer County as having "good accommodations for travelers. Feed and stabling for horses."

Lorenzo Hoard died in 1888. Family managed the Hoard House until it was sold in 1906 to William Detter and Samuel Miller. This partnership presented the sale of liquor to their customers.

Since 1906 the White Horse Inn has passed through over a dozen owners hands. All committed in keeping the first building erected in Metamora in tact. A portion of the town's early wooden sidewalk still remains as part of the Tavern room floor. Today it is owned by restaurateur Tim Wilkins who added Historic to the Inn's title. Trading his years of experience in the metropolitan Detroit restaurant industry for the challenge of maintaining a 155 year old local tradition. It is still family run. At his side is his wife Lisa and daughters Jennifer and Ashley. Over the years, the building has been enlarged and modernized while maintaining it's country and historic charm. The Wilkins Family believes that with 155 years of changes, some things remain the same: our commitment to the community, good food, a lot of it, and often returning friends.

Ghost Lorenzo Makes Frequent Appearances Since Tim & Lisa Wilkins purchased the Historic White Horse Inn two years ago, the restaurant has been full of activity, not only with business but also with the paranormal.



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Tim Wilkins explains, "When we bought the restaurant local residents and staff kept asking me 'Have you met Lorenzo?' I have to say for the first 6 months, I was skeptical. I tried to explain occurrences away, because I have never been much of a supernatural believer. At least not until now."

Although, the restaurant has had the reputation for being haunted for a long time it was in Wilkins first year of ownership that Tim not only believes the White Horse is haunted, but also accepts it. "Lorenzo is a friendly ghost. He lives peacefully upstairs and visits when we have entertainment and when customers are the liveliest. We think he likes to dance."

The White Horse Inn is a two -story building. The upstairs level has a number of private party rooms and offices and downstairs is the restaurant and tavern. A pair of antique riding boots that are rumored to be Lorenzo's, are always positioned at the top of the stairs. It is believed that Lorenzo puts on his riding boots every once in a while to walk the halls and roam the village. Not only are the boots found moved from their home position, but staff also has reported hearing footsteps in empty rooms. It is also common for upstairs doors that are shut at closing to be found open in the morning.

Lorenzo also turns up once in a while as an image in an antique mirror at the end of a long dark hallway. At the end of this hallway is a storage room. So as you are walking to the room, you see yourself walking towards the mirror. It has been reported by staff to not only see a friendly image in the mirror standing behind them, but also the feeling that they are not alone.

Lorenzo is known to have fun and play games. At times, the lights will flicker for no apparent reason. Tim explains, "This is a 156-year old building. When we are hit with bad weather, our power is not affected. But on a sunny day or calm starry evening our lights will flicker. It doesn't make any sense to me, but we have fun with Lorenzo. Typically when unusual things happen around here staff and customers will welcome his presence

with a friendly "Hey Lorenzo!"

Lorenzo Hoard (1816-1888) bought the White Horse Inn in 1850. It was a time of horse drawn transportation, farmers bring produce to town to be ground or shipped and women bringing their butter and eggs to be traded or sold to the merchants. Lorenzo purchased an existing village store, once a stagecoach stop, and expanded and refitted it as the Hoard House, now known as the White Horse Inn. The Hoard House functioned as an inn and restaurant charging 50 cents to overnight guests. Over the 156 years a number of White Horse owners have come and gone, Lorenzo has decided to stay. Wilkins added, "I think he enjoys being around the energy of the staff and customers. I like to believe he stays around to ensure that I maintain the historical charm of White Horse Inn and the Village of Metamora. Lorenzo likes to keep an eye on me."

Over the years the building has been enlarged and modernized while maintaining it's historical country charm. Wilkins adds, "With 156 years of changes, we would like to think that some things remain the same: our commitment to the community, great food (a lot of it), and returning friends".

The Historic White Horse Inn is located at the corner of Oak and High Street (Dryden Road) in downtown Metamora, one mile east of Lapeer off (M-24) and seven miles west of Rochester Road. Live entertainment every Saturday night beginning at 7:30pm. Hours are Monday thru Thursday from 11:30am to 9:00pm. Friday and Saturday 11:30am to 10:00pm. Sunday dinner is served from 11:30am to 8pm. Dinner reservations are recommended. Private party rooms are available. Off premise custom catering to homes and businesses is also offered. For more information call the Historic White Horse Inn at (810) 678-2150.

*This story brought to our attention by Carol Yunkes. Full story courtesy of Historic White Horse Inn*



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# COUNTY CORNER

## A Historical Overview

### of Huron, Jackson & Delta Counties

#### HURON COUNTY

Located in the tip of the Thumb of Michigan Huron County and has over 90 miles of beaches, from White Rock on Lake Huron to Sebewaing on the Saginaw Bay. Resorts, motels, marinas, restaurants, museums and attractions stretch across the coastline. Huron County has more shoreline parks than any other county.

Rich farmland inland produces beans, sugar beets and grain, including most of the world's supply of navy beans. Bad Axe, the county seat, is centrally located and has the largest and most complete shopping choices in the Thumb.



#### JACKSON COUNTY

Named for President Andrew Jackson, it is located in the central/southern portion of Michigan's Lower Peninsula. In the late 1820's, settlers from New York moved there. Prior to that, it was inhabited by Pottawatomi, Shawnee, Kickapoo, Sac and Fox Indians. Horace Blackman is the father of the county and the city of Jackson, where in 1829, he built the first log cabin. A township to the north is named for him. Growth began with a decision to build a walled prison, completed in 1838, at that time the world's largest. The Michigan Central Railroad arrived in 1841, escalating growth, leading to the discovery and production of coal mining. Sandstone was also discovered in the area, and a diverse economy soon developed around the city of Jackson, while the outlying areas developing agricultural production in the areas of corn, oats, onions and potatoes.

Jackson County's countryside consists of rolling farmlands dotted by many lakes, with a significant portion of the northeast corner of the county part of state forest land. Recreational opportunities abound, including the Sharonville State Wildlife Area and Cambridge Park near Brooklyn. Jackson also offers a variety of cultural activities including the Cascades Waterfall Park, opened evening hours Memorial through Labor Days. Many of the rural towns have retained a turn-of-the-century look, with well-preserved buildings and decorative landscaping - a pleasant Sunday drive.

#### DELTA COUNTY

Delta County was organized in 1843. At that time, it included parts of the four other surrounding counties and resembled a triangle, or the Greek letter "Delta" after which it was named. Delta County "surrounds" the northern portion of Green Delta, which includes Big Delta De Noc and Little Delta De Noc, which were named after the Nokay Indians, who lived here originally. Life has been documented here going back to at least 500 AD by Indian Cliff Paintings, (the only Indian paintings in Michigan), on Burnt Bluff near Fayette, which was an iron ore processing town in the 1860's.

A little over half of Delta County is contained in the Hiawatha National Forest. There are over 140 inland lakes along with 144 miles of Lake Michigan coastline, making it a prime spot for water recreation and fishing. Iron ore is still mined here and exported from Escanaba, the county seat. Paper production, metal fabrication and tourism also play an important role in the area, with an economy on the grow. Major points of interest include Fayette State Park and the Escanaba Light House.



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**Residential Sales Statistics**  
**October 2015**

Local Association	2015 YTD # Sales	2014 YTD # Sales	15-14 YTD % Change	2015 YTD Avg Price	2014 YTD Avg Price	15-14 YTD % Change	2015 Oct Sales	2014 Oct Sales	15-14 % Change	2015 Oct Avg Price	2014 Oct Avg Price	15-14 % Change
Ann Arbor Area Board of REALTORS®	3,135	2,815	11.37%	\$273,451	\$263,939	3.60%	316	314	0.64%	\$249,085	\$254,754	-2.23%
Antrim Charlevoix Kalkaska Association of REALTORS®	507	501	1.20%	\$240,537	\$189,532	26.91%	42	56	-25.00%	\$401,493	\$216,016	85.86%
Battle Creek Area Association of REALTORS®	1,255	1,184	6.00%	\$113,083	\$104,659	8.05%	128	145	-11.72%	\$116,504	\$109,220	6.67%
Bay County REALTOR® Association	1,050	1,061	-1.04%	\$88,683	\$83,610	6.07%	104	111	-6.31%	\$82,473	\$90,869	-9.24%
Branch County Association of REALTORS®	362	361	0.28%	\$113,061	\$102,779	10.00%	48	41	17.07%	\$122,443	\$82,039	49.25%
Central Michigan Association of REALTORS®	827	804	2.86%	\$106,063	\$102,471	3.50%	102	91	12.09%	\$97,430	\$107,028	-8.97%
Clare-Gladwin Board of REALTORS®	887	735	20.68%	\$75,512	\$77,305	-2.32%	122	114	7.02%	\$77,525	\$74,578	3.95%
Detroit Board of REALTORS®	3,060	3,720	-17.74%	\$49,939	\$33,350	49.74%	292	295	-1.02%	\$59,623	\$51,413	15.97%
Down River Association of REALTORS®	812	956	-15.06%	\$127,801	\$129,889	-1.61%	100	109	-8.26%	\$108,304	\$134,082	-19.23%
Eastern U.P. Board of REALTORS®	467	390	19.74%	\$102,731	\$95,187	7.93%	63	54	16.67%	\$97,379	\$100,648	-3.25%
Emmet Association of REALTORS®	683	664	2.86%	\$303,660	\$272,193	11.56%	81	88	-7.95%	\$335,807	\$213,127	57.56%
Genesee County	4,539	4,450	2.00%	\$120,651	\$110,435	9.25%	483	531	-9.04%	\$122,975	\$120,545	2.02%
Grand Rapids Association of REALTORS®	11,513	10,330	11.45%	\$177,919	\$164,718	8.01%	1,010	921	9.66%	\$173,665	\$157,232	10.45%
Greater Kalamazoo Association of REALTORS®	4,029	3,658	10.14%	\$165,753	\$157,114	5.50%	417	435	-4.14%	\$160,805	\$160,198	0.38%
Greater Lansing Association of REALTORS®	5,548	5,363	3.45%	\$140,110	\$131,287	6.72%	612	598	2.34%	\$140,726	\$137,370	2.44%
Greater Shiawassee Association of REALTORS®	245	282	-13.12%	\$89,601	\$91,663	-2.25%	27	39	-30.77%	\$112,833	\$102,079	10.53%
Greater Wayne County	12,163	11,628	4.60%	\$143,175	\$132,896	7.73%	1,368	1,305	4.83%	\$135,946	\$136,501	-0.41%
Grosse Pointe	746	646	15.48%	\$315,991	\$299,769	5.41%	66	64	3.13%	\$259,937	\$298,758	-12.99%
Hillsdale County Board of REALTORS®	380	374	1.60%	\$97,203	\$95,361	1.93%	40	43	-6.98%	\$101,628	\$119,625	-15.04%
Huron County	63	102	-38.24%	\$132,851	\$123,914	7.21%	7	14	-50.00%	\$99,400	\$108,414	-8.31%
Jackson Area Association of REALTORS®	1,872	1,652	13.32%	\$130,262	\$119,301	9.19%	227	188	20.74%	\$139,889	\$124,585	12.28%
Lapeer County	952	889	7.09%	\$156,744	\$151,519	3.45%	104	102	1.96%	\$175,049	\$154,712	13.14%
Lenawee County Association of REALTORS®	1,192	954	24.95%	\$146,238	\$137,149	6.63%	108	128	-15.63%	\$125,079	\$128,941	-3.00%
Livingston County	2,828	2,608	8.44%	\$234,099	\$220,542	6.15%	312	284	9.86%	\$229,976	\$231,006	-0.45%
Oakland County	16,681	15,304	9.00%	\$247,143	\$234,299	5.48%	1,811	1,708	6.03%	\$246,469	\$234,285	5.20%
Macomb County	9,980	9,286	7.47%	\$153,674	\$141,859	8.33%	1,143	1,052	8.65%	\$158,844	\$144,879	9.64%
Mason-Oceana-Manistee Board of REALTORS®	788	822	-4.14%	\$141,593	\$132,180	7.12%	91	109	-16.51%	\$130,702	\$154,424	-15.36%
Midland Board of REALTORS®	926	843	9.85%	\$153,497	\$155,172	-1.08%	83	111	-25.23%	\$145,894	\$148,185	-1.55%
Monroe County Association of REALTORS®	1,269	1,225	3.59%	\$151,209	\$141,682	6.72%	137	147	-6.80%	\$155,715	\$152,014	2.44%
Montcalm County Association of REALTORS®	586	582	0.69%	\$108,864	\$100,528	8.29%	65	72	-9.72%	\$105,659	\$104,910	0.71%
Northeastern Michigan Board of REALTORS®	698	659	5.92%	\$93,560	\$240,783	-61.14%	88	105	-16.19%	\$93,540	\$1,005,376	-90.70%
Paul Bunyan Board of REALTORS®	1,422	1,246	14.13%	\$99,300	\$96,499	2.90%	173	169	2.37%	\$93,969	\$95,948	-2.06%
Saginaw Board of REALTORS®	1,932	1,936	-0.21%	\$95,246	\$86,233	10.45%	211	189	11.64%	\$91,252	\$95,927	-4.87%
Sanilac County	178	159	11.95%	\$91,669	\$96,958	-5.45%	16	14	14.29%	\$70,281	\$88,957	-21.00%
Southwestern Michigan Association of REALTORS®	2,753	2,529	8.86%	\$192,025	\$189,851	1.14%	327	321	1.87%	\$212,204	\$185,443	14.43%
St. Clair County	1,551	1,413	9.77%	\$139,808	\$130,172	7.40%	225	151	49.01%	\$149,882	\$141,479	5.94%
St. Joseph County Association of REALTORS®	638	472	35.17%	\$128,530	\$122,224	5.16%	68	55	23.64%	\$130,134	\$131,021	-0.68%
Traverse Area Association of REALTORS®	2,575	2,390	7.74%	\$238,007	\$229,721	3.61%	310	291	6.53%	\$231,584	\$255,239	-9.27%
Tuscola County	274	237	15.61%	\$92,744	\$90,342	2.66%	33	36	-8.33%	\$101,600	\$106,911	-4.97%
Upper Peninsula Association of REALTORS® *	2,089	1,861	12.25%	\$112,359	\$104,096	7.94%	262	234	11.97%	\$104,531	\$91,937	13.70%
Water Wonderland Board of REALTORS®	1,922	1,757	9.39%	\$123,760	\$120,091	3.06%	257	238	7.98%	\$103,917	\$127,963	-18.79%
West Central Association of REALTORS®	1,237	1,234	0.24%	\$111,592	\$102,045	9.36%	165	154	7.14%	\$109,992	\$111,369	-1.24%
West Michigan Lakeshore Association of REALTORS®	4,888	3,817	28.06%	\$174,878	\$164,323	6.42%	530	548	-3.28%	\$147,819	\$173,943	-15.02%
<b>TOTALS</b>	<b>111,502</b>	<b>103,899</b>	<b>7.32%</b>	<b>\$146,386</b>	<b>\$141,154</b>	<b>3.71%</b>	<b>12,174</b>	<b>11,774</b>	<b>3.40%</b>	<b>\$146,743</b>	<b>\$161,952</b>	<b>-9.39%</b>

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

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THE TRU GROUP.COM

Organizational and Leadership Growth Expert

by Scott Patchin, The trU Group

## The Question

"I am hearing from my people that they want to know their future with the company. How do I handle this?"

## A Perspective

There are several barriers that get in the way of having this conversation with your people:

1. It took enough effort to do evaluations; career plans and development plans are seen as extra work.
2. Individuals wait for their leader to do it for them.
3. It's hard, not fun, so leaders make excuses for months or years about not doing them.
4. Leaders fear that a career plan equates to a promise of a future role or employment.

(NOTE: In general, I consider "development plans" and "career plans" to be essentially the same thing, with one difference: development plans focus on one to 12 months while career plans focus on one to five years. To simplify this discussion, let's use the term "development plan" to refer to plans that span from one month to five years of personal development.)

In Daniel H. Pink's book *Drive: The Surprising Truth About What Motivates Us*, he outlines the three core motivators for people: autonomy, mastery and purpose. I have spent two decades focused on my own professional development and working with individuals and leaders on theirs. When I reflect on that experience in conjunction with Pink's three motivators, a clear, three-tiered ROI from having a written development plan emerges:

1. It provides a clear target to work toward for the next 12 months and will fuel accomplishment of key business goals.
2. It creates clear ownership for the individual and will become a key part of retaining your best people.
3. It will quickly define your A, B and C players (see my trUTips on A, B and C players), allowing a more strategic, objective view of who are the top performers and who are not.

## Your Action Plan

Remember what a development plan is not:

1. a promise of a role in the future
2. a bunch of expensive training classes
3. another thing you have to manage as a leader

Remember what a development plan is:

1. a path for the individual to pursue mastery and purpose
2. a key method for focusing the development of your people on your key business goals and desired outcomes
3. a defined plan that can be presented to key people in a position to help the individual pursue goals that matter to them (i.e., retention and team development)

Step 1: Establish a rhythm — at least monthly — of (a) reviewing the individual's past performance, (b) setting their goals for the next 30 to 90 days and (c) clarifying their current role and responsibilities. Include opportunities for the individual to give you feedback on what support they need and how you are making their job harder as a leader.

Step 2: Start following up on all performance conversations with one to three development goals for the individual. These goals should be three- to nine-month commitments by the individual, and must be well-defined

## Strategic People Reminders for the Busy Executive

and meaningful goals. (See my SMART-Er worksheet for assistance with SMART goals.)

Step 3: Consider an outside support resource that is 100% focused on helping support these conversations. Generally, your human resources team is not that resource.

Step 4: If you're frustrated by a lack of follow-through by an individual and you feel like you're doing everything as a leader to support their success, consider replacing that person. My advice would be that if the individual in question is in a role where all you need is a solid B player and they have a positive attitude, then let them know you are okay with an average performance in their role and focus your development efforts on other people. This might sound harsh. Remember, though, that great development is about honest conversations that lead to thoughtful actions and improved performance. Actions have to be owned by the individual. By not following through, they are saying that improved performance is not important to them, but solid is. If that's okay, then that should be the honest conversation.



*Do you need help building your capacity to have these conversations? Are you not convinced of the ROI? Do you see your leadership team struggle to have these conversations?*

*Contact me. Scott@thetrugroup.com ©2016, Scott Patchin*

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*H Hotel, Midland*

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*Marriott, Livonia*

July 17-19: MLTA Convention  
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