THE OFFICIAL DWG

AMERICAN LAND TITLE ASSOCIATION ®

"OUR 60th YEAR"





PRESIDENT'S MESSAGE



APRIL, 1967

Dear Friends in the Title Profession:

I wish I could personally thank everyone who worked so hard to make the 1967 Mid-Winter Conference the success it was. I am particularly grateful to the committee members and chairmen for their hard work in the consideration of important association matters.

In reviewing the events of the Conference, I am impressed by the extent of serious business discussions, decisions, and projects. The brief summary, beginning on page 16 of this issue of Title News,

doesn't begin to tell the entire story.

The emphasis during the Conference was on expanding the areas of interest and activity of the Association and the service to members of the ALTA Staff. As authorized by the Board of Governors, I have appointed a special committee to study the recommendation of the California Land Title Association for a comprehensive program of legislative and Government departmental participation. Al Long has accepted the chairmanship of this special committee. Other members are Joe Smith, Dick Howlett, Bill Galvin, Ray Frohn, and Joe

Knapp

I am especially pleased by the way the young titlemen are beginning to exert a needed and important influence in the affairs of the Association. Jack Rattikin is to be congratulated for his leadership. Hale Warn's Membership and Organization Committee is studying a kaleidoscope of basic Association problems. The Planning Committee, under the chairmanship of Drake McKee, has several vital projects to consider, including the proposal to change the names of the ALTA Sections and the establishment of separate classes of Associate Membership. Dick Howlett and his Standard Forms Committee are deeply involved in the development of a single form policy. Board of Governors has authorized the appointment of a special committee to study the metric legislation. The Executive Committee has been directed to consider the establishment of a special reporting system for subscribing members. An Amendment to the ALTA Constitution and By-Laws has been proposed and will be submitted for final action at the 1967 Annual Convention. Upon the recommendation of the Liaison Committee. affiliated associations are being asked to support state legislation, which would put into effect the "short form" mortgage. Frank O'Connor's Public Relations Committee is doing an outstanding job.

The ALTA is deeply involved in many important projects. It all

adds up to a vital and useful Association.

Groye B. Garber



THE OFFICIAL PUBLICATION OF THE AMERICAN LAND TITLE ASSOCIATION

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ON THE COVER: He was a colleague of whom every ALTA member can be proud. With the passing of "Dutch" Stine, we salute an outstanding titleman. See page 8.

NUMBER 4

1967

JAMES W. ROBINSON, Editor MICHAEL B. GOODIN, Assistant Editor and Manager of Advertising

FEDERAL AID TO CONVEYANCERS—VIA RECORDATION OF GOVERNMENT CONDEMNATIONS

James A. Webster, Jr.
Professor of Law
Wake Forest College
School of Law

he federal government of the United States more and more is entering into endeavors to protect and promote the harassed and underprivileged. The attempts to abolish poverty, the various civil rights acts, and legislation espousing "medicare" are newspaper subjects of current domestic vintage which illustrate the federal government's interest in this direction. This article is intended to suggest that the federal government should now come to the aid of another harassed American, the land title lawyer who makes his living searching and certifying real estate titles. Federal legislation is suggested because states are impotent to make the necessary corrections since property rights of the United States government are involved.

The problem which needs to be corrected arises out of the fact that it is not now necessary for the federal government of the United States to comply with the recordation statutes of the various states in order to preserve its land titles acquired by condemnation suits as against innocent purchasers for value and creditors of the condemnee.

The result is an extreme hardship on land title examiners who must not only search the title records in the specific county or locality in which specific land is located but also must glean the records of the federal district courts in the federal district in which the land is located even if the site of the federal district court is several counties and many miles distant from the land's location.

An analysis of two cases will indicate the seriousness of the problem for title searchers. The first case is *United States v. Norman Lumber Company.* In that

¹ 127 F. Supp. 241 (M.D. N.C. 1955), aff'd 223 F. 2d 868 (4th Cir. 1955) cert. denied 350 U.S. 902, 76 S. Ct. 181, 100 L. Ed. 792 (1955).

case the federal government had condemned a tract of land in Montgomery County, North Carolina, by federal condemnation proceedings instituted in 1936 in the District Court of the United States for the Middle District of North Carolina. The owners of the land, Bruton and his heirs, were made parties to the government's condemnation suit. The government procured title to the lands pursuant to the condemnation proceedings but the judgment of condemnation was not recorded, indexed or cross-indexed in the county where the land was located under the name of Bruton and his heirs. The judgment was duly recorded and indexed in the Office of the Clerk of the United States District Court for the Middle District of North Carolina, located in a county other than the county in which the land was located.2 In 1951 the heirs of Bruton executed a timber deed to Norman Lumber Company which purchased the timber innocently and without notice that the government had acquired title to the land (and the timber) in 1936 by reason of the condemnation judgment. When the Norman Lumber Company moved the timber from the lands, the federal government brought an action to recover the value of the timber removed and to determine title to the land. The defendants defended on the ground that the condemnation judgment of the District Court should not be binding on them because the judgment was not indexed and cross-indexed in Montgomery County so as to give notice to the Lumber Company as a subsequent purchaser for value.3 The question before the court was: Must a federal judgment of condemnation of land be indexed and cross-indexed in the county where the land lies in order to give notice to a purchaser for value without notice of the proceeding? The trial judge held that the federal government had title to the tract of land and the timber and allowed it to recover the value of the timber removed by the defendant lumber company notwithstanding the lack of any docketing or cross-indexing of the judgment of condemnation in accordance with state recordation statutes. The Fourth Circuit Court of Appeals affirmed the judgment of the District Court.4 In the opinion, Chief Judge Parker stated:

"The North Carolina statutes as

² While the federal judgment by its terms required the judgment to be registered in the Office of the Register of Deeds of Montgomery County, North Carolina, it was not so recorded. The judgment was, however, docketed and indexed in the Office of the Clerk of Court in Montgomery County, North Carolina, but was not properly indexed and cross-indexed as to the defendants Bruton and heirs.

³ North Carolina law requires that judgments be docketed, indexed and cross-indexed in the name of all defendants in order to constitute a lien on the real property of such defendants as against purchasers of the real property for value and creditors. See N.C. GEN. STATS. §§ 1-233, 1-234 (1953); Southern Dairies v. Banks, 92 F.2d 282, cert. denied 302 U.S. 761, 58 S. Ct. 368, 82 L. Ed. 590 (1937); Jones v. Currie, 190 N.C. 260, 129 S.E. 605 (1925); Wilkes v. Miller, 156 N.C. 428, 72 S.E. 482 (1911); Dewey v. Sugg, 109 N.C. 328, 13 S.E. 923, 14 L.R.A. 393 (1891); Holman v. Miller, 103 N.C. 118, 9 S.E. 429,430 (1889). In the case of Dewey v. Sugg, Merriman, C.J., stated the reason for such law: "The requirement that a cross-index shall be kept is not merely directory it is important and necessary. It is intended to enable any person to learn that there is a docketed judgment in favor of a certain party or parties, and against certain other parties, and where to find it on the docket. The inquirer is not required to look through the whole docket to learn if there be a judgment against a particular person-he must be able to learn from such index that there is a judgment against him, and where he can find it on the docket, its nature, purpose, etc."

⁴ Norman Lumber Company v. United States, 223 F.2d 868 (1955).

to the recording and cross-indexing of judgments, have no application to federal judgments of condemnation unless an act of Congress so provides, and we find no such provision." ⁵

"Whether docketing and crossindexing of federal judgments of condemnation with state court records should be required as a condition of validity as against subsequent purchasers from the condemnee is a matter for Congress, and, so far, Congress has not seen fit to take action with regard to matter." 6

The defendant Lumber Company contended that the federal act which prescribed the procedure for federal condemnation proceedings at the time of the 1936 condemnation required conformity to state practices with reference to recordation.7 The Circuit Court of Appeals held that the conformity statute relied on by defendant related only to court procedure "and not to registration of muniments of title" and that any provision. even in a state condemnation law. "relating to any subject other than practice, pleading, forms and proceedings is not applicable in a Federal condemnation proceeding." 8 The court went on to say

The defendant Lumber Company further argued that the Lien of Judgments Act 10 of August 1, 1888, required the federal government to docket its judgments in accordance with the North Carolina statutory provisions for the docketing of judgments in order to preserve the government's title to the land as against a subsequent purchaser for value from the condemnee.11 The Circuit Court of Appeals held that while North Carolina has made statutory provision for the docketing of judgments, prescribing the docketing of a judgment within the county where real property is located as a condition of obtaining a judgment lien on real property,12 and

that even as to practice, pleadings and forms and modes of procedure, the statute requiring conformity of federal condemnation proceedings to state law applied only to proceedings for procuring the judgment and not to those subsesequent to the judgment.9

⁸ Ibid. 872.

º Ibid, 871.

^{7 25} Stat. 357, 40 U.S.C. § 258 (1888): "The practice, pleadings, forms and modes of proceedings in causes arising under the provisions of section 257 of this title shall conform as near as may be, to the practice, pleadings, forms and proceedings existing at the time in like causes." Even these provisions do not appear in Rule 71 A, 28 U.S.C. (1951) which has taken the place of the former statutory provisions setting out the procedures for federal condemnations.

Norman Lumber Company v. United States, 223 F.2d 868,871 (1955).

⁹ Ibid.

^{10 25} Stat. 357 (1888), 28 U.S.C. § 1962 (1948): "Every judgment rendered by a District Court within a State shall be a lien on the property located in such State in the same manner, to the same extent and under the same conditions as a judgment of general jurisdiction in such State, and shall cease to be a lien in the same manner and time. Whenever the law of a State requires a judgment of a State Court to be registered, recorded, docketed or indexed, or any other act to be done, in a particular manner, or in a certain office or county or parish before such lien attaches, such requirements shall apply only . . .

¹¹ See N.C. GEN. STATS. §§ 1-233, 1-234, 1-237 (1953).

¹² N.C. GEN. STAT. § 1-234 (1953).

while North Carolina has provided a statutory method whereby judgments rendered in federal courts may be docketed in the several counties of the state for the purpose of creating liens upon property within the counties where the judgments are docketed, these statutes have no applicability to make the Lien of Judgments Act apply to judgments of condemnation in favor of the United States Government against condemnees in order to preserve the government's acquired title.13

The Court reasoned that the Lien of Judgments Act relates only "to the acquisition of liens upon the lands of those against whom judgments are rendered. not to the transfer of the lands as a result of condemnation." 14 Therefore, since the government took "title" and not merely a "lien" by its condemnation judgment there was no need to docket the judgment under North Carolina's statute. The court bolstered its reasoning relating to the difference between condemnation judgments giving "title" and judgments creating "liens" by pointing out that the Congress passed the Condemnation Act,15 permitting the acquisition of "title" by condemnation judgment, and the Lien of

docketing of federal judgments pursuant to state laws in order to preserve "liens" on property within the states, on the same day. The court reasoned that since the two acts were enacted into law on the same day that Congess was aware of the distinction between judgments creating "title" and judgments giving a "lien";17 that when the Lien of Judgments Act speaks of registering, recording, docketing or indexing a judgment in conformity to state law to perfect and preserve a "lien", this was in-

Judgments Act. 16 requiring the

¹³ N.C. GEN. STAT. § 1-237 (1953).

¹⁴ Norman Lumber Company v. United States, 223 F. 2d 868,872 (1955).

^{15 25} Stat. 357 (1888), 40 U.S.C. § 258 (1888), superseded by Rule 71A, 28 U.S.C. (1951) which has taken the place of the former statutory provisions setting out the procedures for federal condemnations.

^{16 25} Stat. 357 (1888), 28 U.S.C. § 1962 (1948).

tended to have no application to judgments of condemnation which related to "title".

Chief Judge Parker stated:

"If it had been the intention that the provisions of the Lien of Judgments Act apply to proceedings under the Condemnation Act it would have been easy enough to so provide; and the fact that no such provision was made indicates that nothing of the sort was intended." 18

The second case that reaches the same conclusion that a federal condemnation judgment is binding on a subsequent bona fide purchaser who has paid value for the land without notice of its condemnation. even though such condemnation judgment has not been recorded in conformity with state recordation statutes, is the case of United States v. 127.03 Acres of Land.19 That case, which arose in Puerto Rico, involved a situation in which United States Government brought condemnation proceedings for a perpetual easement in real property in 1948 and obtained a judgment. The government filed its judgment with the Clerk of the United States District Court but failed to record the judgment with the Registry of Property as required by Puerto Rican law.20 Thereafter in 1954, after having the title to the land searched by an attorney, the land was purchased by an innocent purchaser for value from the original condemnee. The purchaser for value

constructed a structure on the land before the land was appropriated to the use of the government and the government contended that it was entitled to the land without paying any compensation for the structure because of its pre-existing condemnation judgment. The court, in holding for the government, repeated the reasoning of the Norman case and stated:

"... a condemnation proceeding, which is a proceeding in rem, gives title to the United States good against the world... No law of the Commonwealth could divest it of this title, nor could such a law require the United States to register the judgment in order to be valid against third parties. Only Congress can impose such a condition and so far it has not done so." ²¹

While these cases were decided in 1955 and 1957 respectively. there has been no congressional action relieving the burden imposed on title examiners by the decisions. It should be noted, however, that each of the judges, in the opinions written in the appeals of the Norman case and in the Puerto Rican case, has seen fit to repeat the statement of trial court Judge Hayes in the Norman case that the rule announced imposes a severe hardship on attorneys undertaking to examine titles as a result of the necessity of inquiring at the Office of the Clerk of the United States District Court before they can be sure that there is no condemnation judgment entered there which has not been recorded and indexed in the county

¹⁸ Norman Lumber Company v. United States, 223 F. 2d 868,872 (1955).

^{19 148} F. Supp. 904 (D. Puerto Rico, 1957).
20 31 LAWS OF PUERTO RICO ANN § 1872.

²¹ United States v. 127.03 Acres of Land, 148 F. Supp. 904,905 (1957).

where the land lies. Each judge has also felt compelled to agree with Judge Hayes, however, in his decision that the disposition of lands owned by the United States cannot be effected except under a clear mandate of the law duly enacted by Congress.

It is the position of this article that the Federal Congress should promptly enact a statute which will obviate the necessity of a title searcher's having to go beyond the place of recordation specified by state laws to determine whether the federal government has condemned specified lands. The following statute is suggested for enactment:

"Whenever the law of a State requires notice of a judgment of a State court in a condemnation proceeding to be registered, recorded, docketed or indexed, or any other act to be done in a particular manner, or in a certain office or county or parish in order to give constructive notice of the judgment in a condemnation proceeding as it relates to real property, and the State law authorizes the registration, docketing or indexing of a judgment of condemnation rendered by a United States District Court in the same manner, or in the same place, those requirements of the State law must be complied with in order to give constructive notice of such condemnation judgment rendered by a United States District Court as it relates to real property in such State."

This proposed statute has as its purpose the reduction of the element of chance in land title searches. It is in keeping with the purposes of the land title recordation statutes in every state.22 Why should the federal government of the United States not be compelled to record its titles and liens acquired in Federal District Courts to preserve them against innocent purchasers for value and judgment creditors who have no notice of government's claim? should innocent purchasers for value of land lose their purchased titles because the federal government's attorneys or agents have not taken the minimal trouble to file any judgment of condemnation in the county or other place where liens and judgments relating to lands are required to be filed under state law? 23

This is an area in which Federal-State relations can be substantially improved, however unspectacularly. Another harassed American, the land title searcher, can have his lot in life improved without detriment or cost to anyone.

²² It should be noted that the reasoning and holdings of the principal cases analyzed are no respecters of types of state land title recordation statutes. A purchaser for value will not prevail over the government's title acquired by condemnation whether the land involved is recorded in orthodox grantor-grantee indexes, under strip or tract indexing, or registered pursuant to the Torrens System. The lack of a requirement that federal condemnation titles be recorded in state records necessitates searching federal court records, in addition to state records, no matter what system of land title registration a particular state uses, thus debilitating any system, making it inefficient.

²³ The requirements of the proposed statute are substantially identical to the requirements of the statute enacted by Congress in 1958 expressly requiring that notices of actions pending in Federal courts be recorded in state recording systems in order to give constructive notice of such actions (lis pendens) as they relate to real property in such states. Compare 72 Stat. 683, 28 U.S.C.A. § 1964 (1958). The objectives are identical.

A TRIBUTE TO AN OUTSTANDING TITLEMAN

H. Stanley Stine, affectionately known to his many friends and associates as "Dutch," died recently in Washington, D.C. following surgery for cancer. He was 65 years of age.

Mr. Stine, a frequent contributor to "Title News," was well known to members of the American Land Title Association. He was extremely active in committee work within the association for many years and will indeed be missed by all who knew him.

H. Stanley Stine was a shining example of a rare and wonderful breed of men. Completely incorruptable "Dutch" Stine was dedicated to the title-evidencing profession. His adherence to a higher and purer concept of conduct as outlined by the ALTA Code of Ethics was just one of the reasons why he was so highly respected by the men and women who worked with him. His knowledge of real estate law. his grasp of sound underwriting principles. and his warm and friendly manner earned for "Dutch" literally hundreds of devoted friends throughout the United States.

He was a former President of the District-Realty Title Insurance Corporation of Washington, D.C. Before being named President of District-Realty, Mr. Stine had been President of three separate companies, the District Title Insurance Co., the Lawyers Title Insurance Co., and the Washington Title Insurance Company.



The three merged with the Realty Insurance Co. in 1963, to form the District-Realty Corp., and Mr. Stine was named President of the new company.

Mr. Stine, a lawyer who resided in Silver Spring, Maryland, was also active in his community as well as within the title industry. Among many other endeavors, he was Chairman of the Board of the Liberty Savings and Loan Association, President of the Montgomery County School Board of Maryland, and a former President of the Reciprocity Club. He was a 32nd degree Mason, member of the Scottish Rite, and of the Myron M. Parker Masonic Lodge. He also belonged to Almas Temple and the Syracusians Lodge of the Knights of Pythias, and was a member of the Woodside Methodist Church.

Mr. Stine is survived by his wife, Freda M., and his sister, Mrs. Andrew Wallace of Silver Spring, Maryland.

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WHAT'S NEW IN PLANT EQUIPMENT?



By

GERALD W. CUNNINGHAM, Chairman ALTA Committee on Title Plant and Photography; President, Blackhawk County Abstract Company, Waterloo, Iowa

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ARE YOU FAMILIAR WITH EVERY DETAIL OF THE FEDERAL TAX LIEN LAW AS IT PERTAINS TO THE TITLE EVIDENCING PROFESSION?

SEE PAGE 32 FOR AN IMPORTANT SUGGESTION!

in memoriam

TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA COLLEGE RETIRE-MENT EQUITIES FUND

730 THIRD AVENUE, New York, N. Y. 10017

February 20, 1967

To TIAA's Investment Associates:

It is with deep personal feeling that I inform you of the death of Mr. Joel Per. Mr. Per died of a heart attack early Saturday morning in the New York Hospital, where he had been under intensive care during the past week.

In another forty days Joel would have been with TIAA twenty years. He held A.B. and LL.B. degrees from the University of Pittsburgh. He served us successively as Mortgage Attorney, Mortgage Counsel, Associate Counsel, Counsel, and Senior Counsel. In his work with us he held a nationwide reputation as a mortgage law specialist, and he had much to do with the legal strength of our mortgage and real estate investment portfolio.

While we shall miss his legal expertise, we shall miss even more his warm humaneness. Joel leaves no close relatives; his immediate family was TIAA and this was evident in many, many ways that we appreciate.

Burial was in Lock Haven, Pennsylvania, where Joel was born.

WILLIAM C. GREENOUGH Chairman and President

BROWARD COUNTY TITLE OFFICER DIES

J ack S. Cheaney, Vice President and Director of the Broward County Title Company of Ft. Lauderdale, Florida, died recently at age 42.

Head of the company's Pompano Beach office, he also served as Director of the First Federal Savings and Loan Company of Broward County, and belonged to the Lauderdale Yacht Club. He was a graduate of Ft. Lauderdale High School, the University of Florida and Florida Law School.

In addition to his widow, June H. Cheaney, surviving are four sons, Mark, Dan, Tom and Chris; a daughter, Laura, his parents, Mr. and Mrs. N. B. Cheaney, a brother, Philip Cheaney, and a sister, Mrs. Francis K. Buckley, all of Ft. Lauderdale.

NOTED ABSTRACTER, JUDGE RALPH B. SMITH DIES AT 83

J udge Ralph B. Smith, of Keokuk, Iowa—widely known abstracter and attorney, died recently at age 83.

After graduating from Drake School of Law in 1904, he entered Smith's Title Service, founded by his father in 1857. He continued in the business with his father, aunt, son and grandson for many years.

Judge Smith was a charter member of the Iowa Land Title Association and received several honors from them for meritorious service.

He was a prominent Mason, an active member of the Men's Brotherhood, a member of the

Keokuk Rotary Club, and set attendance records as a Sunday school teacher at the First Congregational United Church for 60 years. He was a member of the American and Iowa Bar Associations, and of the Elks Club.

Judge Smith served as Keokuk city attorney under Mayor Joshua Elder and was appointed Judge of the Superior Court several years ago. Failing health forced him to retire last fall.

As a result of exhaustive research in his professional field of abstracting, Judge Smith was a mine of information on the early history of Keokuk and Lee county. He was always happy to share his authentic information with both individuals and groups interested in events of the past. Among other things he was an authority on the complex legal matters concerning the old Half Breed Tract in the south half of Lee county.

Surviving are three children, Miss Ana M., R. Buell, and Laurence E., all of Keokuk, four grandchildren and two great grandchildren.

FORMER TITLE GUARANTEE PRESIDENT DIES

Paul J. Wilkinson, general counsel and a former President of the Title Guarantee Company of Baltimore, Maryland, died recently at the age of 73 after a short illness.

Often referred to by his fellow associates as a "judge's lawyer," Mr. Wilkinson had served the title firm since 1923.

Born in Pocomoke City, Maryland, he came to Baltimore as a young man and was graduated in 1910 from City College, where he excelled in sports. He received his B.S. degree from Washington College in Chestertown where he met his future wife, Gladys Aldridge, who was a student at the College.

After graduate work at the Johns Hopkins University, Mr. Wilkinson entered the University of Maryland Law School, graduating in 1917.

After the war, Mr. Wilkinson went to work for U.S.F. & G. as an adjustor in the surety claim department until 1922.

In 1923 he joined the Title Guaranty Company as an examiner. He became an Assistant Vice President that year, Vice President in 1943, and Executive Vice President in 1953.

Mr. Wilkinson succeeded the late George H. Schmidt as President of the company in 1959. In March, 1962, he became Vice Chairman of the Board of Directors and general counsel.

He is survived by his wife, nephew, and a brother, Walter Wilkinson, of Rock Creek, Maryland.



GOODIN JOINS ALTA EXECUTIVE STAFF

He has a look of quiet thoughtfulness about him; a look of
competence. His performance of
the duties assigned to him substantiates this impression. His name is
Michael B. Goodin, and he is the
newly appointed Business Manager
of the American Land Title Association. You will get to know him
better.

Mike joined the ALTA staff November 26, 1966, after having served two years as Operations Manager for the Washington, D. C. office of Hayden, Stone, Inc., a large firm of stockbrokers. While still in school he was employed by the brokerage firm, Johnston, Lemon and Company. He has completed his military service, with active Army duty time at Fort Sam Houston, Texas, and Fort Jackson, South Carolina. He has also served four years with the District of Columbia National Guard.

Just for the record, Gcodin was born May 15, 1941, in Lexington, Kentucky. The son of a career officer in the United States Air Force, Mike has traveled extensively and has resided and traveled in many states and foreign countries, including Cuba, Puerto Rico, and Panama. He has made his home in the Washington, D.C., area since 1958.

Goodin's educational background includes a B.S. degree in Business Administration. He also participated in the Registered Representative Program for Stock Brokers, conducted by the New York Institute of Finance. He is continuing his education with special emphasis on accounting and finance. Outside activities are bowling and committee work for the Baptist Church.

At home in Falls Church, Virginia, there is a Mrs. Goodin—Joanne—and an eleven month old daughter, Theresa Lynn. Joanne's business experience is most helpful to Mike as she has held accounting positions with several companies.



As Business Manager, Michael Goodin's initial responsibilities are to assist in the publication of Title News, supervise the work of the ALTA clerks, and serve as general office manager. He has undertaken and completed such assignments as invoicing ALTA members for dues, arranging for the sale for extra copies of the Association Directory, providing a promotional blotter service for members, up-dating and

maintaining the office mailing list, and assisting with plans for the Mid-Winter Conference. It is anticipated that he will assume additional responsibilities in the area of ALTA's accounting procedures in the near future.

ALTA's new executive is doing a fine job. He deserves your support and encouragement. We know he would appreciate a note from you.

AVAILABLE NOW

1966 Cumulative Supplement

Public Regulation of Title Insurance Companies and Abstracters

"THE VILLANOVA PROJECT"

Citations to Statutes and Cases

Are Complete to September 1, 1966

Published by the Villanova University Press

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\$2.50 EACH

"GET INVOLVED" IS MID-WINTER

66 X 7 hether you like it or not, what is done here in Washington touches everyone AN who lives in our beloved country.

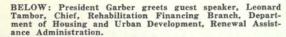
Whether you do something about it depends upon how much you care about our country. I only hope enough of you care that you will speak loudly and effectively for the principles in which you believe."

In a stirring speech, George Garber quoted these words of United States Senator Everett Dirksen as the ALTA President issued a ringing challenge to Association members to "get involved." "We cannot live," said Garber, "on a political and economic island. But this involvement must begin with you-each of you as an individual member of ALTA." Mr. Garber emphasized his firm belief that the ALTA has reached maturity—that the industry is an important part of the economy—that the As1967 CONFERENCE

OUTSTANDING SU



ABOVE: Convention d by the ALTA staff. ALTA members were, and Janet Powers.





ALTA HO **OFFICIAL** CONGRES

HEME rogram

ESS





es were registered promptly and efficiently ig the afternoon shift to pleasantly greet o right, Carol Ann Herbert, Joan Welsh,

ABOVE: U.S. Senator Henry M. Jackson reminisces with ALTA President, George B. Garber, about their college days before the opening General Session.

sociation should speak out strongly on a national basis on issues that are important to the profession not only as title people (as has been done on a state level), but also on issues that are important to the industry as a member of the general business community, by referring to the words of Charles Brower, a prominent public relations consultant.

"Our whole way of life is dedicated to the removal of risks, one by one. Governmental and industrial security systems put *nets* under us, lest we fall, and stand ready with a variety of Band-aids if we do.

"We are making a household pet of the wolf at the door. But in so doing, we remove all possibility of further victories along the way. Once we are guaranteed a comfortable old age, the chances of achieving it are gone. Once the umbrella is big enough, who cares about a rainy day?

TO
VASHINGTON AT
ONAL RECEPTION

thus, I feel that moving into the 'Great Society' will not move us closer to happiness. For when all the risks are gone, then all the fun of fighting—of winning—of achieving—will be gone too!

"I am sure that I would get very few votes for coming out in favor of poverty, insecurity, unemployment, starvation and miserable old age. I am only pointing out that you pay a price for everything in this world, and the price of total security is total apathy. If St. Peter gives you a choice at the Pearly Gates, don't choose the place where all cares and troubles are removed-go where all your friends are and where you may at least have a chance to see how far you can push a hot rock up a brimstone hill.

"Sometimes we Americans believe that all men are created equal. And sometimes we believe that the better man ought to win. Since these beliefs are contradictory, we tend to alternate them. For the past thirty years we have been on a great kick to make all men equal, even though God failed at the same job. In a horse race this equality is achieved by putting weights on the consistent winners. We put added weights on our winners, too. (I found an interesting new word for these weights a day or two ago -"disincentives"). But we go further. We guarantee that the slow horses won't really lose. . . .

"Eighty years ago the Bishop of Ohio sat in his study preparing his Sunday sermon. In it he was able to point out with considerable conviction that the world had now discovered about everything that was left to be discovered. At that moment his two sons were downstairs

at play. Their names were Wilbur and Orville Wright.

"How can we start this flamehow can we get our people back into the fight, and get the fight back into our people? Not, I think, by niagaras of money-great declarations and great marchings to and fro in Washington. The answer is that you-one personmust find something you are for and work for it. Or find something you are against and work against it. In other words, get involved, for once you are involved, you will begin to understand. And once you understand, you will begin to care. And once you care, you will begin to communicate your understanding and your care. And once you do this, you will find so many others joining you that no one can stop vou."

With regard to the operation of the National Office, Garber stated:

"I would be remiss if I did not comment on the staff at our national office. Bill McAuliffe and Jim Robinson are doing, and I am sure, will continue to do exceptional jobs for the association. Bill and Jim complement each other extremely as to their capabilities, and I foresee that they, as a team, will continue to make our association more effective in meeting the objectives and purposes of the title industry. They have been extremely helpful in their advice and counsel on association affairs, and carry out their assignments efficiently and effectively, even volunteering to undertake more tasks in the interests of lightening the work of the officers. I am especially proud of the whole staff at the national office."

Advance planning and careful attention to details on the part of President George B. Garber were responsible for one of the most productive and successful conferences in Association history.



GENERAL SESSIONS

lot of important Association business was transacted during the course of the 1967 Mid-Winter Conference. Such matters as a proposal to change the names of the ALTA Sections, a Resolution urging the creation of a special Association section for young titlemen, a recommendation for the expansion of legislative activities at the national level, discussion of the development of a single form policy, and action implementing the sponsoring of legislation providing for a short form of mortgage policy, were some of the items to which the members gave their serious attention.

U.S. Senator Henry M. Jackson drew an overflow crowd when he spoke to the members at the opening session. Senator Jackson pointed out that, had it not been for the resolute action of the United States in fulfilling its commitment to South Viet Nam, the whole of Southeast Asia, including possibly the Philippines, would undoubtedly have fallen under direct Communist domination. With regard to domestic fiscal policies, the Senator emphasized, that notwithstanding the staggering size of the national debt, its relation to the record breaking Gross National Product is such that the United



Executive Vice President, William J. McAuliffe, Jr., took an active part in the open forum discussions.

States economy is sounder and more healthful than it was thirty years ago. The quality and number of searching questions directed to the speaker by ALTA members was indicative of the interest Senator Jackson aroused with his speech.

Leonard Tambor, Chief, Rehabilitation Financing Branch, Department of Housing and Urban Development, Renewal Assistance Administration, made a splendid contribution toward the success of Friday's General Session with a scholarly presentation of the program of the Urban Renewal Department. Mr. Tambor had done his homework! He pinpointed the interests of titlemen in activities in the urban renewal field.

A healthy financial condition was reported by ALTA Treasurer, Laurence J. Ptak.





Members responded enthusiastically to the dramatic speech by U.S. Senator Henry M. Jackson.



Leonard Tambor, Chief, Rehabilitation Financing Branch, Department of Housing and Urban Development, Renewal Assistance Administration, made a scholarly presentation on the work of his department.



Chairman of the Finance Committee, John D. Binkley, painted a realistic picture of ALTA's income and expense.



A timely report on federal tax lien legislation was made by Chairman Daniel Wentworth.



Ray Potter, Chairman of the Judiciary Committee, summarized a pertinent Tennessee case.



U.S. Senator Morse, representing the State of Oregon (second from right) is pictured with George Garber, Herb Alstadt, and Bill McAuliffe.

CONGRESSIONAL RECEPTION

This is what ALTA members came to Washington for—an opportunity to meet their legislative representatives, Government officials, and other distinguished guests.

The Congressional Reception on Wednesday, March 1, was a delightful affair. Unfortunately, the Reception had to compete not only with two other highly important events scheduled for the same evening, but also extremely late sessions of both Houses of Congress, which prevented a great many Senators and Congressmen from attending the Reception.

Past President, Arthur L. Reppert, visits with Missouri Congressman W. R. Hull.



Receiving line at the Congressional Reception included Mrs. and Mr. Thomas Holstein, Mrs. and Mr. George Garber, Mrs. and Mr. Don B. Nichols.





ALTA President George B. Garber (right) visits with some "home town" folks.



Francis Nowak (right foreground) Director of Information Services for FNMA, was a distinguished guest at the Wednesday night reception.



ABOVE: Glenn T. Seaborg, Chairman of the Atomic Energy Commission, and Mrs. Seaborg visit with old friends at ALTA's party.



ABOVE: Esther Peterson, Assistant Secretary of Labor, was an honored guest. Left to right, Mr. and Mrs. Nichols; Mrs. and Mr. Burlingame; Senator Morse; Herbert Alstadt; Esther Peterson.

BELOW: Harry M. Gilbert, distinguished FNMA executive, and Mrs. Gilbert exchange ideas with Mrs. and Mr. John D. Binkley.



BELOW: Left to right, Les Ahlswede, Good Will Industries; Jack Rattikin, Jr., U.S. Senator Morse, Stanley House, ALTA's advertising expert.









Arthur L. Repport, reporting as Chairman of the Errors and Omissions Insurance Coverage Committee, addressed the Abstracters Section, Thursday afternoon, while Section Chairman, Thomas J. Holstein smiles his approval.

ABSTRACTERS SECTION

This was Tom Holstein's first opportunity to preside as Chairman of the Abstracters Section. He made the most of it! As Section Chairman and member of the Executive Committee, Tom reported to Section members regarding the action which had taken place during the meetings of the Board of Governors and the Executive Committee. He outlined plans for the 1967 Annual Convention and moderated open forum discussions which covered a wide range of subjects.

Of special concern to Abstracter members was the recommendation of the Florida Land Title Association that the Section name be changed to "Insurance Agency and Abstracters Section." Chairman Holstein reported that this recommendation had been the subject of a study conducted by the Planning Committee and that no action would be taken until the Planning Committee had further opportunity to consider all facets of the proposal.



George Cauffman, Balis and Company, Inc., at the request of Chairman Burlingame, presented an outline of underwriting procedure established by Lloyds of London and explained the action of the insurance company in terminating various title reinsuring contracts.

TITLE INSURANCE SECTION

Tt was one of the liveliest Title Insurance Section meetings in ALTA's history. Gordon Burlingame, Section Chairman, had a few tense moments when the voting procedure, under which a Resolution was defeated by majority vote, was challenged. The Resolution, which was defeated, urged a study and possible action by ALTA of the situation involving escrow and settlement practices by approved attorneys in the state of Maryland. ALTA Executive Vice President, William J. McAuliffe, Jr., played an important role in these discussions, based upon his knowledge of the situation and his attendance recently at a hearing conducted by the Maryland Insurance Commissioner.

Richard H. Howlett of the Standard Forms Committee was, as usual, the center of attention, as he outlined the work of that committee. Mr. Howlett reported the action of the Board of Governors, authorizing the study of a single form policy which might include a standard form of leasehold policy.

It was a good Section meeting.



THREE ARE PROMOTED AT KCTI

W. M. McAdams, President of Kansas City Title Insurance Company, Kansas City, Missouri, has announced the appointment of John J. Barnes, Jr., as Assistant Vice President and the appointments of Howard B. Adamson and Morris V. Kingsolver as Assistant Secretaries.

John J. Barnes, Jr.:

Barnes joined Kansas City Title in October of 1963. He is a member of the Missouri Bar, and Kansas City Bar Association, the Kansas City Real Estate Board and Sigma Nu Fraternity.

Barnes is a native Missourian and holds an A.B. degree from

Washington and Lee University, Lexington, Va., and an LL.B. degree from Washington University, St. Louis.

Howard B. Adamson:

Adamson joined Kansas City Title in May, 1963, after working 27 years for Prudential Insurance in Kansas City. He attended school in Kansas City and received an LL.B. degree from the University of Kansas City.

Morris V. Kingsolver:

Kingsolver, a member of the sales division of the Real Estate Board of Kansas City, joined Kansas City Title in May, 1961. He was born and attended school in Linneus, Missouri, and formerly served two years with the Linn County Abstract Company in Linneus.

TWO PROMOTED AT MID-SOUTH

Promotions of two key members of the staff of Mid-South Title Company, Inc., of Memphis, Tennessee have been announced by George M. Houston, President.

J. L. Boren, Jr., was elevated from Vice President and Secretary to Executive Vice President and Secretary of the firm. Harold H.

BARNES

ADAMSON

KINGSOLVER







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Eschen, former title officer of the National Department, was promoted to Senior Title Officer.

Mr. Boren joined Mid-South in 1953. He earned the bachelor of arts and bachelor of law degrees from Vanderbilt University where he was a member of Phi Delta Phi Legal Fraternity, Order of the Coif and Phi Beta Kappa. He is President of the Tennessee Land Title Association and a member of the Judicial Committee of the American Land Title Association. Mr. Boren also is a member of the city-county, state and American Bar associations. He is a director and secretary of the Memphis Rotary Club.

Mid-South's new Senior Title Officer is one of the area's best known authorities on title matters. Mr. Eschen attended public schools in Berlin and was graduated with a law degree from the University of Berlin. He later earned a degree from Southern Law University here, being named valedictorian of his graduating class. Mr. Eschen is a member of the Arkansas Land Title Association and the American Land Title Association. He is in the Real Estate Section of both the Tennessee and American Bar associations.

Both men are veterans of the U. S. military service. Mr. Boren served in the Air Force in 1951-53 and Mr. Eschen was in the U. S. Army from 1943-1945, participating in two major campaigns in Europe.

HARVEY ELECTED ASST. V.P.

Charles J. Harvey has been elected an Assistant Vice President of the New Jersey Realty Title Insurance Company of Newark. This was announced by James J. McCarthy, President of the firm, one of the six companies comprising the New Jersey Realty Group.

Harvey, who adds Assistant Vice President to his former title of Sales Manager, joined New Jersey Realty Title Insurance Company in September, 1965. From 1951 to 1965, he was a member of Lawyers Clinton Title Insurance Company, also of Newark. He served with the U.S. Navy in the Pacific three years during World War II and holds a B.S. from Seton Hall University, South Orange. Mr. and Mrs. Harvey have a son, Charles, Jr., 8, and have lived in Plainfield for the past 14 years.

ESCHEN



BOREN



HARVEY



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PNTI APPOINTMENT

The appointment of Jack W. McAninch as Southern Agency Representative for Pioneer National Title Insurance Company, Los Angeles, California, has been announced by George B. Garber, President.

PNTI's Southern Agency Office will be headquartered in Dallas to serve East Texas, Oklahoma, Arkansas and Louisiana, Mr. Garber stated.

Mr. McAninch is currently serving as Vice President of TLTA and has been extremely active in the Association over the years. He attended the University of Texas School of Business Administration and School of Law, and served in the U.S. Air Force during World War II. He has had an extremely active business career in insurance, land development and building, and title insurance. He has also been active in civic, business, service and professional organizations.

Pioneer National Title Insurance Company is a wholly owned subsidiary of Title Insurance and Trust Company, Los Angeles, and was formed through the merger of three old-line title insurance companies: Title and Trust Company, Oregon; Washington Title Insurance Company, Washington; and Union Title Company, Indiana.

It is now operating in 17 states and the Territory of Guam, and has applications pending to qualify in numerous other states. Mr Garber is serving as 1967 President of the American Land Title Association. Most of the members of the Association are well acquainted with Ernest J. Loebbecke who

serves as Chairman of the Board of Pioneer National Title Insurance Company.

N.J. REALTY TITLE PROMOTIONS

The election of Charles J. Harvev and Joseph P. Grabler to Assistant Vice Presidents of the New Jersey Realty Title Insurance Company, Newark, New Jersey, has been announced by James J. Mc-Carthy, President of the company, one of the six members of the New Jersey Realty Group, Harvey, former manager, is now Assistant Vice President-sales manager at the company's headquarters in Newark. Grabler is Assistant Vice President at the Freehold branch office where he was formerly assistant title officer.

McCarthy also announced the election of five other officers at the company's Newark headquarters. Herbert E. Armstrong, Joseph P. Fleming and Walter Michaelson of the authorized attorney department were promoted to assistant title officers. James N. Tracy, Jr., formerly title closer, was elected assistant secretary as was William A. Shanly, former title examiner.

LEAVITT ELECTED TO EXCLUSIVE GROUP

Dana G. Leavitt, President of the Transamerica Title Insurance Company of Oakland, California, has been elected to the Young Presidents' Organization (YPO), an educational association with an international membership of 2,100 young, successful chief executives who have become President of sizable companies before the age of 40. YPO was founded in 1950 to further friendships among young chief executives, and thus provide opportunities to exchange ideas on mutual business problems, and create an educational environment to help the members become better Presidents and better men.

MOONY RETIRES

Alan V. Moony, Senior Vice President of the National Division, Chelsea Title and Guaranty Company, Atlantic City, New Jersey, was given a Retirement Dinner by his fellow workers after 45 years service with the Company.

Moony started with Chelsea Title in January of 1923. Before that he was associated with the old Atlantic City National Bank.

The Moony Family moved to Atlantic City from Pittsburgh, Penna. in 1912 and was one of the first families to live in Ventnor City, N.J.

Moony attended Atlantic City High School, Winchester Academy, Longport, N.J., and the Carnegie Institute. He married Elsie Edwards of Atlantic City, and moved from Margate to Linwood five years ago. The Moonys have two children and seven grandchildren.

Mr. Moony was an outstanding

MOONY



golfer in the 1920's and today is considered one of the outstanding Real Estate Title Authorities in the State of New Jersey.

PENN STATE OFFERS NEW TITLE COURSES

The Pennsylvania State University, in cooperation with the Pennsylvania Land Title Association, has announced three new courses which will be offered to students starting September, 1967.

All three courses will be of sixteen weeks duration. The University has indicated that the program can be offered only if enough people indicate an interest to attend the classes.

The three courses involved are outlined below:

REAL ESTATE THEORY AND PRACTICE FOR LAND TITLE PERSONNEL—(Fee \$40.00)—A basic course for those interested in learning more about the real estate field, covering the fundamentals of real estate law, conveyancing, terminology, practice, and procedures.

REAL ESTATE LAW FOR LAND TITLE PERSONNEL—
(Fee \$40.00) Pennsylvania law as it relates to title, to real property, and the various interests in real estate.

LAND TITLE INSURANCE— This course will be developed to meet the needs of the land title industry. The course development will be a joint venture between the College of Business Administration of the University and the Pennsylvania Land Title Association.

If anyone is interested in obtaining further information about the program please contact Mr. Philip C. Bower, District Administrator:

The Penna. State University; 1619 Cloverly Lane, Abington, Pennsylvania.

NEW OFFICERS NAMED AT UTAH FIRM

Title Insurance Agency of Utah, Inc., Salt Lake City, recently announced the first major change in their company Officers in 25 years.

Alton F. Lund was elected President, and Jesse N. Ellertson, former President, was named Chairman of the Board.

Other Officers elected were Keith Ellertson, Vice President, and George B. Robinson, Secretary and Director.

Mr. Lund, who had been a Vice President of the company since its organization 25 years ago, is well known in Utah for his work with handicapped children.

Mr. Ellertson has been active in ALTA affairs for many years, serving on many committees and contributing a great deal of time to the title association.

NEW OFFICER AT OHIO TITLE

John W. VanDervoort recently joined Ohio Title Corporation, Columbus, as Assistant Title Officer. VanDervoort, received B.A. and

VANDERVOORT



LL.B. degrees from The Ohio State University and served as a Field Artillery Officer in the U.S. Army.

He engaged in the private practice of law until becoming a member of Ohio Title's Legal Staff.

VanDervoort is currently a member of the Columbus, Ohio State and American Bar Associations.

One of the workshop sessions at the 1967 Annual Convention will be moderated by Daniel Wentworth, Chairman of the Special Committee on IRS Regulations, under the Federal Tax Lien Law. Every facet of this important legislation will be thoroughly explored by the experts for your benefit.

PLAN NOW TO ATTEND!

1967 ANNUAL CONVENTION

AMERICAN LAND

TITLE ASSOCIATION

Denver-Hilton Hotel

Denver, Colorado

September 24-27

MARK YOUR CALENDAR



April 20-21-22, 1967

Arkansas Land Title Association Velda Rose Towers, Hot Springs

April 28-29, 1967

Oklahoma Land Title Association Oklahoma City

April 28-29, 1967

Texas Land Title Association El Tropicano Hotel, San Antonio

April 30, May 1-2, 1967

Iowa Land Title Association Holiday Inn, Okoboji

May 4-5-6, 1967

Carolinas Land Title Association Myrtle Beach, South Carolina

May 18-19-20-21, 1967

Washington Land Title Association Bayshore Inn, Vancouver, B.C.

May 19-20, 1967

Tennessee Land Title Association Rivermont, Memphis

May 21-22-23, 1967

Pennsylvania Land Title Association Hotel Hershey, Hershey

May 31, June 1-2-3, 1967

California Land Title Association The San Francisco Hilton

June 7-8-9, 1967

Illinois Land Title Association Drake Hotel, Chicago

June 9-10, 1967

Colorado Land Title Association Writer's Manor, Denver

June 15-16-17, 1967

Idaho Land Title Association Holiday Inn, Twin Falls

June 16-17, 1967

South Dakota Land Title Association Plateau Hotel, Watertown

June 24-25-26-27-28, 1967

Michigan Land Title Association Hidden Valley

June 28-29-30, July 1, 1967 Oregon Land Title Association Salishan Lodge, Gleneden Beach

July 7-8, 1967

New Jersey Land Title Association Seaview Country Club, Absecon

July 9-10-11-12, 1967

New York State Land Title Association Whiteface Inn, Lake Placid

August 17-18-19, 1967

Montana Land Title Association Rainbow Hotel, Great Falls

August 24-25-26, 1967

New Mexico Land Title Association White Winrock Hotel, Albuquerque

August 24-25-26, 1967

Minnesota Land Title Association Rainbow Inn, Grand Rapids

August 24-25-26-27, 1967

Ohio Title Association Atwood Lake, New Philadelphia

August 24-25-26, 1967

Utah Land Title Association

Ogden

September 10-11-12, 1967 Missouri Land Title Association Plaza Inn, Kansas City

September 14-15-16, 1967

North Dakota Land Title Association Westward Ho Motel, Grand Forks

September 15-16, 1967

Louisiana Land Title Association Royal Orleans, New Orleans

September 23, 1967

Kansas Land Title Association Denver Hilton, Denver, Colorado

September 24-25-26-27, 1967

Nebraska Land Title Association Denver Hilton Hotel, Denver, Colorado

September 24-25-26-27, 1967

ALTA Annual Convention Denver Hilton Hotel, Denver Colorado

October 12-13-14, 1967

Wisconsin Title Association The Pioneer Hotel, Oshkosh

November 3-4, 1967

Arizona Land Title Association Pioneer Hotel, Tucson

American Land Title Association

