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A Message from the President

SEPTEMBER, 1976

The American Land Title Association this year has undertaken an affirmative Government Relations Program with the view that the services of the title industry and the important role that our membership plays in the real estate industry are not understood by legislators and those in governmental agencies. Indeed, not even by the public generally. The Government Relations Committee has commenced an extensive educational program and through the efforts of the committee and our ALTA staff ultimate success is assured.

As I have met with our members at various state association conventions, I have been impressed with the wide acceptance of this stronger activity by the national association. However, the ultimate success of the program depends largely upon direct involvement of the membership in the political process and in industry programs.

The ALTA 70th Annual Convention, to be held in Seattle October 16-20, 1976, will provide an opportunity to discuss our efforts to date and help formulate plans and programs for future years. Attendance at the Convention is important so that ALTA officers and staff can get the views of our members.

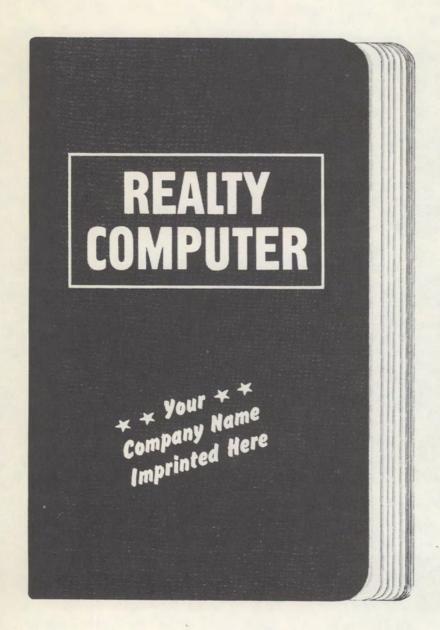
Dick Mohler, general chairman, and Darline Mohler, chairlady, and their committee members have worked hard to prepare an attractive and very worthwhile Convention for us. I urge all of our members to attend.

Sincerely,

Richard H. Howlett

Il Ho Honlies

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ALTA representatives will be busy attending a number of affiliated association conventions in September.

Association President Richard H. Howlett will journey to the Minnesota Land Title Association Convention September 9-11 at Gull Lake; will be joined by ALTA Executive Vice President William J. McAuliffe, Jr., at the Ohio Land Title Association Convention September 12-14 at Salt Fork State Lodge; and will attend the Wisconsin Land Title Association Convention September 23-24 at Madison.

President-Elect Philip D. McCulloch will attend the North Dakota Land Title Association Convention September 9-11 at Dickinson and will travel to St. Louis September 17-19 for the Missouri Land Title Association Convention.

Title Insurance and Underwriters Section Chairman C. J. McConville will travel to Indianapolis September 18-21 for the Indiana Land Title Association Convention.

Abstracters and Title Insurance Agents Section Chairman Roger N. Bell will be in Omaha September 23-24 for the Nebraska Land Title Association Convention



Chairman J. Mack Tarpley of the ALTA Committee to Establish Liaison with the National Association of Insurance Commissioners and Association Executive Vice President McAuliffe will meet with the NAIC staff September 14 in the offices of that organization in Milwaukee.

Recently, Washington (D.C.) Star Real Estate Editor Lew Sichelman wrote a related article after interviewing Samuel R. Gillman, chairman of the District of Columbia & Metropolitan Area Land Title Association Underwriters Section, in which Gillman points out that high state and local taxes—not land title services—are primarily responsible for present settlement cost totals in the District of Columbia and its Maryland suburbs.

Also, Washington *Post* Columnist David Schuchat recently wrote a column that accurately explains owner's title insurance and why it is important to the home buyer.

These writings are considered especially significant with members of Congress and their staff in the audience of the Washington newspapers.

Handling related media contact work was ALTA Director of Public Affairs Gary L. Garrity.

The August issue of *Mortgage Banker*, monthly magazine of Mortgage Bankers Association of America, has title insurance as its main theme. Related articles appear in this issue under the bylines of Donald P. Kennedy, president of First American Title Insurance Company; John P. Turner, who recently retired as senior vice president and general counsel of Chicago Title and Trust Company; and ALTA Executive Vice President McAuliffe.



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ON THE COVER: A bewildered home buyer argues with a claimant who has just ridden a horse onto his lawn while leading a cow, and has advised him he is filing a claim against the value of the residence under the will of a former owner. A motion picture camera man records the action at right as this simulated drama is carried out to produce a 60-second ALTA television public service film clip for emphasizing the importance of land title protection to millions of viewers. For the story on how the ALTA Public Relations Program successfully uses television and radio material to positively identify the land title industry with serving the public interest, please turn to page 8.

Also in this issue, Congressman Garry Brown (R-Mich.), a member of the House Committee on Banking, Currency and Housing, answers *Title News* questions in "Washington Profile", a new feature. Please see page 4.

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Congressman Garry Brown

(Editor's note: In this issue, *Title News* introduces a new feature, "Washington Profile", which provides federal dignitaries with an opportunity to respond to questions of interest to the land title industry. Other federal leaders will be profiled in this department in future editions.)

Congressman Garry Brown (R-Mich.) was first elected to the House in 1966. He is a member of the House Committee on Banking, Currency and Housing and is ranking minority member of its important Housing and Community Development Subcommittee. The Congressman also serves on the Committee on Government Operations, the Joint Economic Committee and the Joint Committee on Defense Production.

Recently, Congressman Brown was a major influence in changing the original Real Estate Settlement Procedures Act into its present more workable form. His expertise in federal housing programs was recognized in his selection as one of two House Republicans for the National Commission on Low Income Housing. The Michigan Congressman is widely respected on Capitol Hill, and his legislative insight is regularly sought.

Congressman Brown, an attorney who graduated from George Washington University Law School, provided the following answers to questions submitted by Title News.

QUESTION

1.) Do you think the final Real Estate Settlement Procedures Act rules will be more workable for lenders and suppliers of settlement services than the original regulations? Also, do you foresee any additional statutory changes of the latest regulations in the near future?

ANSWER

Yes, clearly the final regulations are more workable than those originally published on March 29. Not only will they be more workable, but also more appropriate in light of the Congressional intent behind the RESPA amendments. As you may be aware, I wrote to Secretary Hills concerning the original proposed regulations and expressed my concern that the Department had gone beyond both the intent of Congress and the authority found in the law in proposing some procedures and requirements.

For instance, the original regulations would have required a lender to provide as part of the special information booklet a statement as to whether other providers of settlement services charge lower fees than those the lender required the borrower to use if that borrower's choice was limited to three or less providers. Clearly, this was beyond what Congress had in mind in terms of the information booklet, and clearly it goes beyond the authority in the Act which spoke in terms of requiring that the Secretary prepare a booklet. In effect, the regulations were saying that since there was authority to prescribe what went into the booklet, there was authority to require lender disclosure concerning comparative costs and other related items. This I disagreed with, and upon review it is obvious that HUD concurred.

Just one other point, as an example, was the definition of "good faith estimate." The standard HUD originally proposed went beyond the concept Congress intended and could have been easily interpreted to require constant updating of information in order to

comply with the "best estimate" approach in the regulations. This, also, was changed in the final regulations.

With these changes and others, I feel fairly confident that the new regulations are workable—hopefully not too burdensome, and not in need of any more corrective surgery via the legislative scalpel, but I'll be glad to consider any complaints, comments, or suggestions anyone affected by the regulations may care to make. This direct input is the way to oversee legislative implementation.

QUESTION

2.) The Real Estate Settlement Procedures Act of 1974 has been developed to prohibit demonstrated abuses, provide disclosure of settlement information to home buyers, explore improvements in land parcel recording systems and require the study of the possible need for additional settlement legislation through HUD and other federal agencies, with a report back to Congress. What do you think the prospects are in RESPA legislation benefiting the consumer and his understanding of settlement charges?

ANSWER

Really, the most important aspect of RESPA is educational. It is this aspect that offers protection to virtually every homebuyer. The prohibition of abuses was important also, but not every homebuyer was "ripped-off" and the question of how widespread the abuses really were was never thoroughly addressed. But, as I said, education is the real key. Most people buy only one or, at most, a few houses in a lifetime. Even if they don't change jurisdictions when buying a new home, chances are it has been several years since they last went

through settlement and they have forgotten what is involved.

I feel that the homebuyer must be willing to make an effort on his own behalf. He must be willing to invest some time in learning the whys and wherefores of settlement before he invests his money. It seems to me the special RESPA booklet is sufficient in and of itself to at least prompt the interest and inquiry the consumer should exercise. I would suggest that homebuyers obtain a copy of the booklet when they first become serious about purchasing a house and not wait until they have signed a contract and are seeking financing.

In short, I feel the informationfurnishing requirements of RESPA will produce the greatest benefit to the consumer, but the extent of this benefit will still depend upon the consumer's utilization of that which is available.

QUESTION

3.) Some advocates of settlement reform contend that a land registration system and/or computerization of land records would significantly reduce closing costs for home buyers. Do you feel that such changes are justifiable in terms of startup costs at taxpayers' expense?

ANSWER

That is a hard question to answer since it would require knowledge of the start-up or change-over costs and a comparison with existing charges. These factors would vary by jurisdiction and I would prefer to withhold comment until the HUD study is completed and the report is made to Congress. Even without major changes, improvements may be possible regarding the legal definition of good title, thereby simplifying the title search without seriously invading the traditional view of property rights. But, as I said, we should see what the HUD study required by RESPA reveals.

QUESTION

4.) Since you are the ranking minority member of the important House Housing Subcommittee, do you foresee any concentrated effort to expand housing subsidy programs in terms of authorized funding and Congressional authority? Is there any consensus on whether credit allocation would be an appropriate



CONGRESSMAN BROWN

form for making mortgage money available in the inner city? What are your suggestions to help alleviate the inner city housing problem?

ANSWER

The short answer to the first part of this question is "No." Other than returning to the financing of conventional public housing, a program we attempted to discard in the 1974 Act, the end result of this year's legislation, taken collectively, will be a continuation of subsidized housing, primarily through Section 8 and public housing, at about existing levels. Again this year, we went through the charade of proposing significantly greater outlays for subsidized housing in the authorization bill, but when the chips were down, the Appropriations Committee held the line at slightly inflated present levels. I expect more of the same in the future as members' constituencies make their representatives more aware of a need for fiscal responsibility and members become more concerned about the cost of these programs.

As for the second part of your question dealing with credit allocation, I think that we may have already taken the first step in our red-lining bill passed this year. While ostensibly that legislation only relates to mortgage disclosure, there is every likelihood that it will lead to some form of credit allo-

cation as we recently witnessed in California.

This does not mean that there is a consensus or even substantial support for allocation. It just means that as presently constituted, the Congress might take the next misguided step unaware of, or notwithstanding, its far reaching ramifications. Recognizing that there is, and can be, no consensus on priorities for the use of credit, many of us will continue to strongly oppose its artificial allocation even for housing needs.

Of course, your last question on how to deal with the inner city housing problem could evolve into an endless dissertation. Briefly, let me just say that the plight of the inner cities and particularly inner city housing in not solely an economic development. Many factors contributed to the flight from the cities of those who could afford to move. To get them back-or probably more correctly others with similar characteristics-there will have to be major improvements in crime protection, environmental quality, social and health services, and the whole range of influencing factors. Cities, and neighborhoods, must be made decent, safe, and sanitary before these people will return to an individual house, even if that house is decent, safe, and sanitary.

In order to accomplish this, the federal government can at best provide some of the needed financial resources to the communities in the least restrictive form possible consistent with broad national goals. It will then be up to the communities to work on bettering their own living environment. We have had a start towards this end with the passage of General Revenue Sharing and the Community Development Block Grant program. We cannot, at the federal level, coordinate all the varied needed programs necesary to revive the inner cities. We must trust that responsibility to those who live there every day and assist them to the best of our financial ability.

Just providing mortgage credit won't work. Just providing for construction of one facility or another won't work. A system of coordinated assistance must be developed if we are to succeed in

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And Now, A Word From The Customer

(Adapted from a panel presentation during the 1976 ALTA Mid-Winter Conference)

Commentary by William E. Cumberland General Counsel Mortgage Bankers Association of America

Appearing as I do today as the representative of the mortgage banking industry, I represent a variety of customers. One group of those customers I will call business customers; the other group I will call property owners.

The most apparent business customer I represent is the mortgage banker. When mortgage bankers originate loans, they become your customers. Typically, after mortgage bankers make loans, they pledge those mortgages with a commercial bank to support the mortgage banker's credit line. So the commercial bank has to be satisfied with your efforts. Ultimately the mortgage banker sells loans to a permanent investor. So through us you must satisfy that customer. And there is another customer in that group of business customers, and that's the insuring and guaranty people: the Veterans Administration, FHA, and the private mortgage insurance companies. We deal with them too. And so in a sense I'm representing a bunch of customers when I talk about the business customer.

I speak of that group of customers, as opposed to the property owner, as a

business customer. And by that I mean that they bring you the business and if you don't satisfy them they'll give you the business. So in a way what I'm going to say about the business customer ought to be pretty obvious. And that is: things are pretty good.

I talked to a mortgage banker in New Jersey. I said, "How are you getting along with the title people?" He said, "It's sparkling!" The Texas people tell me, "It's great!"

Other places I think probably would liken you to the Danish railroad. The Danish railroad in Danish is the Danska Stats Bahn-"DSB". The Danish have a tremendous sense of humor, and they call their railroad "Damn Slow Business". And I think that's the biggest single gripe (and it isn't a big gripe you must appreciate that), that our industry has, and that is a lot of times the title people just take too long-just sort of do it at their own pace. Now I appreciate that you all are going to say, "Well, there are a lot of reasons." I'm sure there are a lot of reasons but you didn't ask me to come down here to give you the reasons why the complaints are not justified.

The other business customer complaints you can pretty well anticipate, too. Too many exceptions to the policy, picky exceptions, little things, that aren't terribly important perhaps to a permanent lender such as a savings and

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Commentary by G. Otis Mead, III Past Director National Association Of Realtors

would like to thank you for the opportunity to appear before you land title people of the United States, representing the profession of all the Realtors. There are some 500,000 of us, and that is pretty earthshaking as you can imagine.

I would like to extend greetings from Phil Smaby, president of the National Association of Realtors. He is very sorry he couldn't be here at the Greenbrier, if he's been here before, and any one that has always enjoyed the opportunity to come back.

I have some good news for you this morning; that is, after a rather brief, but thorough survey across the nation regarding the title insurance industry, I find that it enjoys a generally fine posture in the eyes of the Realtor. There are not many industries or services today that stand up to that. The progress made here today is the dialogue, indicating that we are now on a very sound road, that of improving the combined services of the lender, the title insurer, and the Realtor, or broker of properties. Title insurance is recognized, fortunately, as a very significant component of real property ownership

that you all have been working on for one hundred years, I understand, this year. It would please us very much if every piece of property in these United States were covered by a title policy. This is Utopia and we support it.

It is not unique that the quality of the product and service is directly related to the proficiency of your offices and agencies. I am speaking also of the attorneys who represent you in the sale of your policies. Most of you, especially those in the less populated areas, have less contact and dialogue between the title policy companies, and your agents, being attorneys. It is so easy for them, the attorneys, to say the cost of the policy and difficulties found in the policy are the fault of the title company. I find this a very easy way out and a very unsophisticated way out. I would like to suggest that your public relations program not only deal with the public but deal very closely with your representatives. Try to establish a better understanding and a better dialogue with them, with your services and your product. That, in itself, will give you a much better relationship with your public, a much better product and service

In areas where settlement services are provided by your company, they are very well accepted, according to the Realtors I spoke with across the country, 10 to 12 of them from California to Florida, Massachusetts to Ohio, etc. In all the areas where your offices are providing a very progressive settlement service, Realtors are quite pleased. There are exceptions to that rule also, this being directly related to the proficiency of your offices. Not only with the proficiency of your companies, also the proficiency of the attorneys, and last but not least, the real estate broker himself. A lot of problems can be solved right at the time of the listing of the piece of property for sale. This way it would be nice if all properties in this United States had title policies already. Mechanics of settlement dictate the manner in which the settlement is conducted in general. It has a very positive profile. I congratulate you.

There are problem areas and exceptions to this rule. One area we find is a very definite problem is the Realtor

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Commentary by Robert W. Bartlett Assistant Counsel United States League Of Savings Associations

s our society becomes more and Amore complex, the best jobs are done by those who specialize. Your industry is a prime example. Savings associations, as specialists in providing funds for the housing market, are another. Necessity dicates that savings associations must be low-overhead operations for there is no large profit margin in making home loans. Accordingly, if associations are to continue in their role as the major suppliers of housing market funds, they must keep their operations streamlined and objectively oriented; they cannot afford to become other than incidentally involved in collateral matters outside of their area of expertise. Savings associations look to title insurance companies, along with real estate attorneys, as specialists who provide the most economical and realiable way to make sure their loans are adequately secured, and to thereby enable associations to continue to specialize in making loans for the housing market.

Savings associations and title insurance companies have many common goals; they are both working toward improvement of outmoded and antiquated real estate property laws. They are both encouraging states to adopt more uniform state laws; they are both working toward making a nationwide real estate market that will provide more money for the housing market by evening out imbalances of capital. The joint participation of associations and title insurance companies in the drafting of the Uniform Land Transactions Act, your work on the ALTA standard loan insurance policy, and the increasing savings association participation in the secondary mortgage market are evidences of our commitments toward these goals.

Both savings associations and title insurance companies feel that increasing governmental regulation designed to help the consumer often does more harm than good; this is a message that Congress is finally starting to grasp. Savings associations have had frustrating experiences for a long time in this area under the usury laws—a perfect example of laws designed to help the consumer, but which actually hurt him.

What happened, of course, was that in those states which set artificially low limits, associations, instead of making loans at a loss, just got out of the market, and it was the consumer who suffered. We do not want to see you forced out of the market by the government setting similar limits on the rates charged for title insurance.

Now that we are on the subject of costs, there is one thing a savings association does not want to do, and this is to be a policeman with regard to costs. We think the cost of title insurance, along with other related costs, should be the obligation of the buyer. We are not now able, and will never be able, to afford to become involved in matters of pricing. We are not going to argue with you as to whether your rates are fair or just. We have had enough experience under RESPA as to matters that are outside our control to realize that it is impossible for us to pass judgment. Bill (Cumberland) mentioned that many consumer groups were in favor of repealing RESPA; the reason it was repealed was not because of the arguments of the trade associations, even though we were all up there on the "Hill" urging that it be repealed. Its repeal came because of consumer complaints of red tape and time delays.

Among the proposals currently floating around Congress is one that would require that the lender pay all or part of the closing costs. As I talk to you this morning, I have this feeling of, "I'm all right, Jack. Why should title insurance companies worry about having the lender pay closing costs, just as long as Congress does not set artificial limits on what title insurance companies can charge?" From your point of view, I think this attitude could be extremely dangerous. The theory behind this proposal of "Let the lender pay all" is that savings associations have more leverage. The argument is that, if we were forced to absorb the cost, we would

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ALTA Reaches Vast TV-Radio Audience With Positive Impact

Mini-dramas, informative announcements encourage greater consumer awareness

This fall, a highly creative public service film clip emphasizing land title protection will be telecast by stations from coast to coast.

In the 60-second film, a man and his wife are relaxing on the porch of a striking older home they have just purchased. Without warning, a group of young people dressed in strange robes rushes into the yard and begins to engage in mock swordplay. As the scene unfolds, an announcer with precise British accent explains that land title difficulties can and do arise—such as a deed restriction that allows the local drama club to use a residence for rehearsals. The announcer goes on to advise a title search and owner's title insurance as home buyer safeguards.

There will be no charge for the air time used for this film, which is donated by stations in the public interest.

During the spring of this year, a companion 60-second film on land title protection also was used by television stations. In this production, the tranquility of life at a ranch-style home is interrupted when a man rides up on horseback—leading a cow—and advises the property owner he is filing a claim against the value of the property under the will of a former owner. Again, the announcer points out that land title hazards are a reality and suggests a title search and owner's title insurance as home buyer safeguards.

How extensive is the audience exposure generated by these film offerings?

Reports from stations airing the film distributed last spring indicate plans for nearly 2,300 telecasts in almost 40 hours of free air time—by 88 stations in 39 states. The potential audience for this exposure? More than 118 million viewers.

It is anticipated that the second 1976 clip will receive similar use by the time telecasting is completed this fall.

Creating, producing and distributing these 60-second public service clips in cooperation with Planned Communication Services, Inc., New York City, is an ongoing activity of the ALTA Public Relations Program. Through the efforts of the Association Public Relations Committee and staff, television and radio public service material of similar creative quality annually reaches an ever-changing national audience of mil-

lions of home buyers and opinion leaders. In this way, ALTA is able to positively identify the land title industry with serving the public interest and offset misinformed criticism of the industry that may be carried by media.

In other examples of ALTA television and radio activity, a package of three, 30-second public service announcements suggesting that viewers write the Association for free literature on home buying and land title protection early this year was aired by over 200 stations in 45 states. Celebrities featured on these include Angie Dickinson, star of NBC Television's, "Police Woman", and Mike Evans, formerly of CBS Television's, "The Jeffersons".

Another package of ALTA 30-second celebrity announcements is being prepared for nationwide distribution to television stations at the beginning of 1977.

Also in the spring of this year, a package of ALTA television public service slide announcements was aired by 75 stations in 38 states with a potential audience of more than 97 million. The announcements point out that real estate ownership can be challenged under the American system of law—and suggest learning about land title protection.

Plans for 1977 ALTA public relations activity include another television slide announcement package for distribution in the spring.

Television public service distribution of two ALTA feature films, "A Place Under The Sun" and "1429 Maple Street", is continuing this year with impressive results.

Despite its irregular 21-minute time length for television, "Place" at mid-year had been aired before an audience cumulating more than half a million in 27 states—and could run that total to one million by the end of the year.

In its second year of television distribution, "1429 Maple" at midyear had cumulated an audience of approximately 9 million in 38 states since the start of this activity.

As is traditional, ALTA public service radio spots in 1976 appear well on their way to being broadcast by more than 1,000 stations from coast to coast and reaching an audience of millions. Featured on this year's spots—which call attention to the need for learning

in advance about home buying and land title safeguards—are Larry Linville of CBS Television's, "M*A*S*H"; Marty Robbins, country and western music star; Henry Mancini, contemporary music personality; and actress Patty Duke Astin.

Early indications of the high creative quality of the 1976 radio spots include their acceptance for broadcast by such major metropolitan stations as WHBI, New York City, and KGO, San Francisco.

Here is a partial list of the stations that to date have reported scheduling the ALTA radio spots.

Alabama—WKCH, Montgomery; WCRI and WDJC, Birmingham

Alaska-KJZZ, Anchorage; KTKN, Ketchikan

Arizona—KASA, Phoenix; KJOK, Yuma

Arkansas—KGUS, Hot Springs; KUOA, Siloam Springs

California—KFBK, Sacramento; KDB, Santa Barbara; KLRO, San Diego

Colorado-KOSI, Aurora; KFEL,

continued on page 15



A HOME OWNER stares in disbelief as a claimant rides up to advise him of a land title challenge under the will of a former owner. The scene is from a 60-second ALTA television public service film clip.



IN A STARTLING DEVELOPMENT, a homeowner finds his property invaded by young people in strange costume who engage in mock swordplay. Later in this ALTA television public service film clip, he finds they are members of the local drama club who are using his residence for rehearsal through a deed restriction.

ByLaws Proposal Corrections Noted

Several typographical errors are present in the proposed ALTA ByLaws amendments to be voted on Wednesday afternoon, October 20, during the 1976 ALTA Annual Convention in Seattle, as published in the July, 1976, issue of *Title News*.

ALTA members are asked to note in particular the following corrections of these printer mistakes in the aforementioned July edition of the magazine:

- On page 11, column 3, twenty-third line from top, insert the following after the word, "its", at the beginning of that line: "or their agents concurrent representation by more than two of its" and continue with the words, "officers or employees (etc.)" as shown
- On page 13, column 3, top line, change the third word, "whose". to "those"
- On page 14, column 3, forty-third line from top, strike the first two words, "or require", and insert the following in their place, "or

to both Section and Association membership, as the occasion shall require" and continue with the words, "and all reports (etc.)" as shown

— On page 14, column 3, forty-seventh line from top, the last word in that line, "standard", should be shown with a strike-through

WASHINGTON PROFILE continued from page 5

turning our cities around socially and financially.

QUESTION

5.) There has been a great deal of discussion in Congress over the last two years on legislation that would reconstitute the financial community as presently known. There is a divergence of opinion as to whether or not financial reform would ultimately benefit the consumer. What can commercial banks, mortgage lenders, and applicable trade associations do, in conjunction with Congress, to shape financial reform

legislation that is truly in the public interest?

ANSWER

The legislative debacle which occurred this session in the House with respect to "financial reform" made two rather significant contributions. First, although possibly great improvements can and should be made in the providing of financial services and in the meeting of credit needs, our present financial institution structure looks bad and inadequate only until you start comparing it with the defects and inadequacies of a new arrangement; and, second, it is politically improbable that "financial reform" will occur unless the concept of equity and a balanced role between institutions are carefully and objectively pursued while the consumer interest is more profoundly addressed.

Meaningful financial reform will occur if, and only if, the members of Congress start being statesmen and stop playing one self-interest sector against another on the basis of where the votes are, and in turn, the affected institutions and segments of the industry start contributing on the basis of their enlightened self-interest, rather than only their self-interest.

ALTA President Howlett Addresses Pennsylvania Convention







PHOTOGRAPHS from the 1976 Pennsylvania Land Title Association Convention include, at left, from left, ALTA Executive Vice President William J. McAuliffe, Jr. and President Richard H. Howlett talking with 1975-76 PLTA President Albert E. Pentecost near a large reproduction of a salute to the land

title industry on the Centennial of Title Insurance, which was published in the *Congressional Record*. President Howlett addressed the convention at center. At right, President Pentecost congratulates newly elected PLTA President John H. Kunkle, Jr.

s in the news

include John Phelan, Las Cruces, first vice president; Dana Shriver, Taos, second vice president; and Bill Harris, Raton; Robert Flores, Las Cruces; Harold Brackeen, Albuquerque; Ida Romero, Espanola; Charles Currier, Artesia; and Robert Ryan, Albuquerque-all Board members.

Guy Ridout of Albuquerque was apointed to serve as NMLTA secretary.









HURSIG

COVINGTON



ZEISER







TARRANT

GOLDBERG

Peninsular Title Insurance Company has elected James F. Covington, Jr., vice president and general counsel, and to the board of directors.

Title Insurance and Trust and Pioneer Title Insurance announce the election of Charles L. Coffman as executive vice president-finance and administration.

Chicago Title and Trust Company has announced the following elections: John Ludwick, vice president, home office; George Hursig, vice president and comptroller, home office.

Lawyers Title Insurance Corporation announces the following appointments: Bruce H. Zeiser, vice president, Boston; James A. Marshall II, manager, Houston national division; J. Henry Godwin III. branch counsel. Norfolk. Va.; Joseph J. Beck, senior title attorney, Richmond, Va.; John W. Tarrant, branch counsel, Fort Lauderdale, Fla.; Bernard F. Goldberg, Jr., assistant manager, Washington, D.C.

NMLTA Elects Brandenburg

William Brandenburg of Santa Fe was elected president of the New Mexico Land Title Association during its 1976 Annual Convention at Las Cruces.

Guests of honor at the Convention were ALTA President and Mrs. Richard H. Howlett. Hughes Butterworth, Jr., 1975-76 president of the Texas Land Title Association, also was in attendance.

Other newly-elected NMLTA officers

CUMBERLAND - continued from page 6

loan-and I'll let Bob (Bartlett) speak to that-but really muck that loan up when the mortgage banker wants to put it into the secondary market. Exceptions where one company in the town will make an exception for a certain item and another one won't. You can't anticipate it, my people tell me. And I guess they-this is sort of part of the same thing-and that is a complaint that the title industry is a little inflexible in devising forms or devising coverage which will satisfy our permanent investors. I know you deal directly with FNMA and some of the life companies and I'm sure those things get straightened out and that brings us back to the question of time. "Damn Slow Business."

I note that some of the dissatisfications that we expressed with respect to your new construction loan policy, adopted last fall, are under reconsideration and I understand that's to be part of the business in this meeting later on.

But on the whole the relationship between the business customer, that I'm here to represent, and your industry is very good.

When we come to the property owners, I think we may have a little different question. I call them property owners, I do not call them "consumers". I don't like that word, consumers. Mortgage bankers, commercial banks, insurance companies are all consumers of your product, just as the property owner is a consumer of your product. So I don't like that word "consumers"; it implies that somehow we're not all human, we're an industry. And only the consumer is human.

But the property owner customer is

different and I think you ought to keep this in mind in everything you do. The first thing that's different about them, is that they don't deal with you very often. As a matter-of-fact, each one of them probably deals with you only once or twice in his or her lifetime. The averages are somewhat misleading. We see that the average home is sold every four or five years, and you multiply that by the number of homes and the number of people and you get people moving around the country with considerable amount of turnover. Well, there are some people who move a lot but a substantial bulk of the population doesn't move very much at all; indeed may buy one or two homes in the course of their lifetimes. So they don't deal with you very often. The second thing they don't do, unlike the business customer, is that they don't have the expertise. Business customers have a battery of lawyers that they can call upon to argue with you and your lawyers about what you can and should or shouldn't do. And the third thing about the property owner—and this is the key—they pay the bill! That's the key.

The reason I took it upon myself to bring this up is that your industry is very much like the mortgage banking industry in this respect. Our industry when it thinks of its customers thinks of who brings it the business. To the mortgage banker the business is brought in the front door by the real estate broker for existing properties, and by the builder for new construction. That's the "customer". That's who brings the

McCulloch Is OLTA Speaker

Addresses by ALTA President-Elect Philip D. McCulloch and by F. Frank Howatt, assistant state insurance commissioner, were among highlights of the 1976 Oregon Land Title Association Convention held in June at Salishan Lodge.

Another point of major interest was presentation of OLTA Honorary memberships to Wallace W. Bohning, Paul vonBergen, Jack W. Stanley and Edward E. Miller.

A panel on land title and escrow problems and a report from the Oregon title insurance rating bureau also contributed to the overall excellence of the program.

Thomas G. Stapleton of Portland was elected new OLTA president at the convention and David D. Gilley of Portland was chosen vice president. Elected to the Executive Committee were Kenneth R. Schramm of Portland and Pat McLoughlin of The Dalles.



THIS VIEW from the 1976 Michigan Land Title Association Convention shows Robert J. Wilson, Jr., standing, right, incoming MLTA president, being congratulated by William M. Quinn, who completed his term as president of the association at the convention. At left is Mrs. Shirley Quinn and Mrs. Sue Wilson is at right.



IN THESE PHOTOGRAPHS from the 1976 Oregon Land Title Association Convention, ALTA President-Elect Philip D. McCulloch (right) talks with Oregon Assistant Insurance Com-



missioner F. Frank Howatt and wife in the view at left. At right is newly-elected OLTA President Thomas G. Stapleton and his wife, Mary.

business in.

I think it's typical of our industry—I can't speak for you and your trade association and its conventions because this is the first one I've been to—but I know what we do. And if we had a panel that was entitled, "Let's Hear From The Customers," we'd have the builders and we'd have the brokers and we wouldn't have anybody representing the mortgagors. We wouldn't. We wouldn't have thought of it.

I'm not so sure that I know what you do. But I can tell you that I as a property owner or more precisely representing my mother in this particular case who is a property owner, I had this experience last fall. My mother had a house that she wanted to refinance to acquire an additional piece of real estate. I handled it for her. I spoke personally to the head man of the title insurance company office in Washington. I explained that his company had issued an owner's policy on the property to my mother 21/2 years earlier and that the existing mortgage which was to be paid off was with the same lender as the refinance mortgage would be. Well, it took over three weeks to search the title and to prepare for closing. The title company prepared the closing statement to charge the full premium for the new policy. When I objected that a reissue rate should apply, the closing agent was surprised to find out that there had been an owner's policy issued by the company less then three years prior. The closing agent for the title company-it was closed at the title company-wanted to charge interest from the day of settlement (the day my mother was there to sign papers) to the day that the existing loan would be paid off, and also interest on the new loan from day of settlement to the day the old loan was paid off. And he didn't see anything strange about the fact, when I called it to this attention, that there was no sale involved in the transaction and that there was only one lender involved in the transaction. As a matter-of-fact, he told me that it was up to me to straighten it out. Well I did and I didn't have any problems straightening it out.

That's what happened to a knowledgeable friend. Lord knows what happens to the naive one-timer.

The point isn't that the company is terrible, the point isn't that there were some mistakes made—sure there are going to be mistakes made—the point is that the company didn't evidence that it was worried about the property owner. That's the point.

Ladies and gentlemen, I tell you Section 701 of the Emergency Housing Act of 1970 should never have been enacted. And I say RESPA should never have been enacted. And I say the Goldfarb Opinion should never have been handed down by the Supreme Court. I say should not, not because they were all wrong, but because there should not have been anything going on out here in the real world to encourage these attempts to abolish abuses.

We who are in the land transfer business (and I include mortgage bankers as part of the people who assist in transfering ownership of land) who know the most about it, must and should work to improve the business for the paying customer. Public relations is certainly primary. I have head some of that today earlier. But I'm talking about our operation not just our image.

When you take over the settlement function and imply thereby that you are going to look out for the rights and interests of everybody concerned, then by gosh you better look out for the rights and interests of everybody concerned. When you adopt, or urge public officials to adopt, premium schedules as fair to both commercial policy holders and individual homeowner policy holders, then you better make sure that those premiums are fair to the individual homeowner as well as the commercial policy holder. And I'll go one step further-and this is a tough one-I think rather than encouraging inefficient systems of public records by smugly maintaining expensive and duplicative private title plants, I think your industry ought to actively encourage improvement of the public records.

I don't know whether you all know it but there is a lawyer in Florida who picked up the fact that in Florida the land records are so arranged that there is a day or two when the title companies there don't know what the land record says. They operate on a ditto system by some kind of pooling. And he goes charging into the regulatory body and he says the title companies are issuing policies without knowledge, they're in the casualty insurance business. And it

disrupted the title business down there in Florida and the reason, as I understand it, is because the public records aren't as good as they should be. So it costs you money and worry but it sure costs the public a lot more when there are inefficient public records.

To sum it up, I think both of our industries must be constantly aware that the paying customer wants service, too. The land title industry, the mortgage banking industry, the other industries represented here and related industries, have developed a system that is unsurpassed in the world in its ability to allow individuals to own their own homes. I'm proud of that, and I'm proud to be part of it. But any system can be improved to meet new needs and circumstances. By listening to the customers, as you are today, the system will be improved.

MEAD—continued from page 7

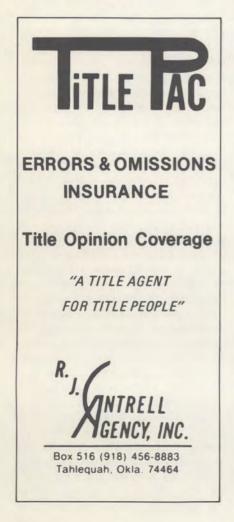
himself receiving, at a very early stage, a full copy of the exceptions rather than hearing second hand from a lender or title attorney, or whomever. If the Realtor himself, or the broker himself, received a full copy at a very early stage, a lot of problems would be solved with the property owners at that time; as a matter of fact, with both the buyer and the seller. If we do not have a case where there are some exceptions, and if they are acceptable, this should be a great service.

It would help if alternatives or solutions to these problems could be suggested by the title company, rather than just giving print outs on each piece of property. Property is like people, they all have their own personalities. Properties do not fit well into computers. Print outs on a piece of property might or might not fit, more often not.

If a study were made of the exceptions, and where they might be corrected, this would be a great service of the title companies. We also feel that in many cases their exceptions are much too conservative. How good are your examiners? A major problem arises when you are using independent attorneys to do your work. It has been our experience that attorneys in general are problem seekers rather than solution seekers. From time to time and more often than not, I feel that the only way the attorney justifies his position is by finding with great glee

a problem. I have a pat answer; when an attorney calls and he is just excited to death that he has found a problem, I say fine, please call me back when you have found the solution.

It is a matter of approach, it is a matter of common sense, and more important, it is a matter of presentation. Presentation of the problem. What does it really mean, a problem of title? Just what does it mean? We feel that some remote exposure to a title deficiency should be justified by your premium. I am not suggesting that your premium is too high or too low. But unless you can put yourself in a posture where you can maintain a level of some significant exposure, I feel that any price for a policy is not justified. If premiums have to be high for expensive coverage, that is all well and good, but we are not getting this information on the level of the practicing agent; we don't know this. You are not telling us this; it might be told to your attorney and the word is just not getting across.



I do have some suggestions. First of all, I would like to see your national association design and distribute a title insurance handbook to all real estate agents in the country; you might very well have it already. These are the people who are dealing from beginning to end with the real estate transfer more than anybody else. In some cases even now, we do not get a copy of the letter. I don't think the attorney is doing a good enough job. He is hired to make sure there are no going to be any problems. I think that is where the attorney syndrome is out of hand. I would like to see a handbook that explains to me the reasons for title insurance, how rates are derived, regarding the property owner and mortgagee. Why is there a difference? I know, but I don't know it well enough to explain it to my clients; the basic procedures are not made known to us by you.

If there are obvious defects in the title, a great deal can be remedied by bringing these problems to the attention of the seller at the time the property is visited. Don't have any surprises, it doesn't help in promoting the property for sale. There are types of deficiencies

that definitely affect value. Explain the difference in the policies (the mortgagee policy and the home owner policy).

I would like to echo what was said here already, in that we all have a very serious responsibility to the American public. We have done a fine job in the past, yet we have our work cut out for us in the future. It occurs to me that one of the last strongholds of the common man to develop any financial independence whatsoever, is through owning his own home, an investment which he uses and lives in. Unless we can keep the ship afloat and straight as far as home ownership is concerned, when our generation reaches 65 years of age, there will be absolutely and positively no financial independence. You can recognize the situation we have today more and more. In such a situation, what a chaotic, totally socialistic society we will have.

I call on you to address yourself to solving whatever problems title companies may have. Let us join hands and have great dialogue to assure that, through home ownership, financial independence is maintained.

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then force you to lower your rates, something that the ordinary customer could not do because he has no leverage. As I said before, savings associations will not argue with you about your rates-either upward or downwardbecause we cannot afford to get involved in anything resembling price fixing.

As in any business, there is always room for improvement. Sometimes, and I emphasize sometimes, we feel that there are individuals in title insurance who seem to be having a contest to see who can come up with the most exceptions. Now we realize that you are not in the business of being a nice guy; you have to make sure that there are no legal problems with the title, and so you have to be careful. However, there is a feeling that sometimes these exceptions come out on a computer printout and are not really related to a particular transaction. Title insurance companies are very good about waiving these exceptions, but that takes time and a lot of wasted effort. It would be better if the transactions were examined on an individual basis in the beginning; it would take less time, and it would help things run much more smoothly for the savings association and the title insurance company. It would also be helpful to see a better explanation of what the exceptions are and what the special endorsements are, because we cannot explain them to our clients when we ourselves are not sure what they are. A general explanation of each would be helpful, for there is a lot of misunderstanding and a lot of confusion in the area that is often unnecessary.

We would also like to see title insurance companies put faith in the state statutes that exempt savings associations from the usury laws. Title insurance companies should be able to rely on such specific statutory exemptions. It is frustrating for savings associations to, in effect, be forced to comply with usury statutes which, by their terms, should not be applicable to them, just because title insurance companies refuse to take the statutory exemptions seriously.

It would also be very helpful if customers were advised generally as to what title insurance costs are and what is involved. Sometimes a customer pays more for title insurance than he should; for example, when he buys an "original" title insurance policy, when all he has to do is update a policy. Such mistakes are not caused by any desire to mislead on the part of the title insurance company-I'm sure that in most cases it's just a lack of communication.

In closing, I would like to say that savings associations and title insurance companies have done a good job so far in making home ownership possible for the average American. While there is room for improvement, we still are doing the job better than any other country. I think if we work side by side to keep the government from becoming more involved in the buying, selling, and financing of homes, both businesses will be able to continue to improve on their good records.

TV-RADIO—continued from page 9

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September 9-11, 1976 North Dakota Land Title Association Dickinson, North Dakota

September 12-14, 1976 Ohio Land Title Association Salt Fork State Lodge Cambridge, Ohio

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September 18-21, 1976
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Rodeway Inns-Airport
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September 23-24, 1976 Nebraska Land Title Association Omaha, Nebraska

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October 2-4, 1976
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October 25-27, 1976

Mortgage Bankers Association of America
San Francisco Hilton
San Francisco, California

November 3-6, 1976
Dixie Land Title Association
Gulf State Park Resort
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Gulf Shores, Alabama

November 4-6, 1976
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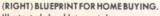
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