

## EIGHT FUNCTIONS YOUR COMPUTERIZED TITLE PLANT SYSTEM SHOULD PROVIDE.

TRACT+ provides a complete range of title plant and accounting services. TRACT+ is a customdesigned in-house minicomputer system that cuts employee time and errors, reduces storage space and permits you to operate your office at peak efficiency.

If you're considering a computerized title plant system, make sure it will provide these services for you.

Index and search metes and bounds descriptions

2 Search names for phonetic equivalents (Read-Reed)

## Search names for first name equivalents (Bob-Robert)

- Create invoices, aging reports, and monthly statements
- 5. Maintain your general ledger with accounts payable and receivable
- 6. Create operating statements and balance sheets
- Do your payroll, including preparing checks and year-end W-2 forms
- Create periodic judgment and mortgage reports

TRACT + is easily operated by people with no previous computer

MANAGEMENT INFORMATION SYSTEM PREFERRED TITLE SERVICE CO.

EARCH DOCUMENTS

ACCOUNTS RECEIVABLE INVOICING NONTH END REPORTS CHANGE COMPANIES HELP FUN SYSTEM MAINTENANCE

TYPE IN LETTER OF YOUR CHOICE? .\_

JUDGHENT FILE MAINTENANCE FIRST NAME EQUIVALENT FILE MAINTENANCE SEARCH JUDGMENTS LIEN FILE MAINTENANCE SUBDIVISION/PLAT FILE MAINTENANCE SEARCH LIENS DOCUMENT FILE MAINTENANCE SEARCH DOLUMENTS experience and may be shared by multiple title companies with protection for the proprietary data of each.

If the computerized title plant system that you are considering doesn't provide all of these things, you should be looking at something else. TRACT+ is "something else."

Call or write for specific information for your particular situation.



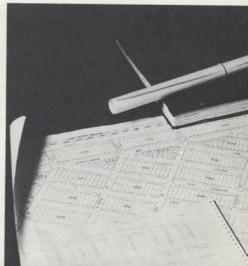
Developed by Madison Software, Inc. A division of Preferred Title Service Co. 25 West Main Street Madison, WI 53703 (608) 251-2020













Editor: R. Maxine Stough

Editorial Assistant: Barbara J. Grady

Title News is published monthly by the American Land Title Association, 1828 L Street, N.W., Washington, D.C. 20036. Telephone (202) 296-3671.

#### ASSOCIATION OFFICERS

President

James L. Boren, Jr. Mid-South Title Insurance Corporation Memphis, Tennessee

President-Elect Fred B. Fromhold Commonwealth Land Title Insurance Company Philadelphia, Pennsylvania

Chairman, Finance Committee

John E. Flood, Jr. Title Insurance and Trust Company Los Angeles, California

#### Treasurer

C.J. McConville Title Insurance Company of Minnesota Minneapolis, Minnesota

Chairman, Abstracters and Title Insurance **Agents Section** Thomas S. McDonald The Abstract Corporation

Sanford, Florida Chairman, Title Insurance and **Underwriters** Section Donald P. Kennedy First American Title Insurance Company Santa Ana, California

Immediate Past President Robert C. Bates Chicago Title Insurance Company Chicago, Illinois

**Executive Committee Members-At-Large** Robert D. Dorociak **USLIFE** Title Insurance Company of Dallas Dallas, Texas

Sam D. Mansfield Marion Abstract and Title Company Ocala, Florida

#### ASSOCIATION STAFF

**Executive Vice President** William J. McAuliffe, Jr.

Vice President—Public Affairs Gary L. Garrity

Vice President-Government Relations Mark E. Winter

Vice President-Administration David R. McLaughlin

**Director** of Research Richard W. McCarthy

### **Features**

Forest Survey Jumble Touches Off Boundary Disputes by Barbara J. Grady and Maxine Stough	6
Policy Tinkering Breeds Volatile Economy by The Honorable Clarence J. Brown	11
Claims Research: The Public Historian Can Help by J.N. Laichas	14
Use of NOS Resources in Coastal Litigation by James Collins	16
Water Bill Quagmire Industry TV Asset	21

### Departments

A Message from the President	5
Names in the News	23
Calendar of Meetings	Back Cover

# **TITON: The system for**

the 1980's

It can improve your control of your business ...but you don't have to change your business to suit TITON



But a few things *will* change. The efficiency of your title plant will increase as posting becomes faster and errors are eliminated. And as efficiency goes up, maintenance costs go down.

**TITON**, TDI's on-line minicomputer system, offers you the advantages of state-of-the-art technology, with the security of a tested system. **TITON** is considerably faster, more efficient and easier to operate than many computer systems on the market today. This is because **TITON** was derived from years of continuous experience gained by TDI from contact with title personnel in building and maintaining title plants.

TITON's features and capabilities are:

- Rapid index retrieval
- Ability to add, edit, and modify title plant information
- Extensive validation of all entered data
- Local and remote access to the title plant

- Maintenance of system hardware by the manufacturer
- Storage expansion capacity to over 10,000,000 postings

This system has been designed to fit the needs of both single and multiple county users and can be shared by several companies.

If needed, TDI can help you to increase the effectiveness of your TITON System by building a computerized back plant for several years of past recordings.

You can either lease or buy the system, and the entire hardware package fits comfortably in only 100 square feet of office space. Terminals are about the size of a typewriter and can be located anywhere. And **TITON** will be operated and controlled by your own staff.

**TITON**, a system developed with the most up-to-date computer technology by professionals with over twelve years experience in the title insurance industry.



Main Office:

1835 Twenty-Fourth Street Santa Monica, CA 90404 (213) 829-7425 Branch Offices:

901 North 9th Street Milwaukee, WI 53233 (414) 276-2128 448 East 4th Street South Suite 210 Salt Lake City, UT 84111 (801) 521-9101 4647 East Evans Denver, CO 80222 (303) 759-5344

#### Subsidiary:

Title Data Services 1839 Edgewood Rd. Auburn, CA 95603 (916) 823-8620



## A Message From The President...

perating results in 1980 were poor for most members of the American Land Title Association, and, at this writing, the outlook for 1981 is little better.

Times such as these often cause discouragement and disillusionment. Owners experience encroachments upon their capital. Managers find it difficult to retain the personnel who will be needed in a business upswing. And, in the effort to minimize bad operating results, there is a temptation to cheapen the quality of operations and to adopt unwholesome marketing practices.

But let us not, either in our mental attitudes or in our responses to depressed business conditions, blind ourselves to the long range outlook for our industry. That outlook is good. If the real estate market achieves its potential, land title industry revenues well could double in the next decade. Consider these facts:

• Studies indicate that in the 1980s more than 42 million Americans will enter the primary homebuying age group of 25-34. This is a 31 percent increase over the 1970-79 period.

• The U.S. Census projects that the average size of typical household will shrink to 2.5 people in 1985 as compared to three persons per household in 1970.

• Indications are that the meeting of the increased demand for housing, replacing worn out housing stock and creating a satisfactory backlog will require average yearly starts in the 1980s of approximately 2.1 million housing units.

• The residential resale market is expected to be approximately 30 percent greater by the middle of the decade than at the close of the preceding decade.

• The median price of a home probably will increase from approximately \$62,000 at the close of the 1970s to approximately \$144,000 at the close of the 1980s.

• In 1979, less than one-half of all residential and commercial real estate transactions required a title insurance policy. By the end of the 1980s, about three out of every four real estate transactions will require title insurance. Why? Because more mortgage lenders, homeowners, commercial developers and national companies are learning about the benefits of title insurance. And, the accelerating trend to raise mortgage capital in the secondary market is a great stimulus to the use of title insurance. This is a time for title people to raise their sights beyond a period of prolonged recession and to be prepared for a market environment which should make possible the greatest growth record ever experienced by the industry. Being ready to make the most of the opportunities of these future years requires that we:

• Get our people, our tools and our procedures in shape to handle unaccustomed volumes of business efficiently and accurately so that we can meet the increasingly demanding requirements of our customers and will deny to our adversaries the bases for criticism which they seek.

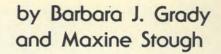
• Strive to maintain a high degree of integrity in the marketing, production and delivery of our products and services.

• Participate in the industry's efforts, spearheaded by the American Land Title Association, to create a legislative-regulatory-judicial-consumer climate conducive to the preservation of title evidencing as a private, independent, financially sound, competitive undertaking.

Sincerely,

A.L. Doren, &.

J.L. Boren Jr.



# Forest Survey Jumble Touches Off Boundary Disputes

ne morning, the owner of an apple orchard in southeast New Mexico finds federal signs posted 30 feet inside his property which read "All property behind this sign is U.S. Forest Land. Do not trespass." The same day, his neighbor down the road discovers a line of trees cut down on his property—the result of a brushline for a federal survey.

The scene is not restricted to New Mexico. It has been repeated often in recent years with different players and a stage set in various states. Only one player is the same. The U.S. Forest Service. And it is forcing newly established property lines upon private citizens, rendering private surveys meaningless and clouding titles.

Landowners with property abutting national forests are being told that they are encroaching upon federal property simply by living or otherwise using in good faith land to which they believed they held clear title for years or even generations. It has resulted in trespass and title claims estimated by Forest Service officials at close to 90,000 throughout the nation.

The problems arise because some of the original corner monuments delineating legal cadastral surveys of national forest lands have disappeared. In other cases the retracement surveys of boundaries conducted by Bureau of Land Management (BLM) surveyors and private surveyors are deemed inaccurate. In still other instances, the sheer absence of federal surveys is at the heart of the trouble.

The property line disputes have surfaced during the past few years as an outgrowth of a management policy instituted in 1976 by the Forest Service which mandates that precise boundaries of a national forest be determined before timber is cut, so that timber resources may be fully used.

"Little did we know what problems this multitude of boundary problems would result from our policy to solve a resource use problem," said George Liddicoatt of the lands staff of the U.S. Forest Service in Washington, D.C. Resolving these boundary disputes will cost over \$112 million in legal fees, the U.S. Department of Agriculture estimates.

While the Forest Service has its own woes, title companies have been approached by policyholders who report that descriptions in their title policies do not agree with the new government surveys. If the Forest Service determines a federal boundary is 100 feet inside of John

```
Ms. Grady is Title News editorial assistant.
```

#### "Landowners have found anywhere from eight to 100 feet of their property lopped off as a result of the new BLM survey lines."

Smith's property, it may mean that Smith has lost title to one-quarter of his property.

In New Mexico where the situation is particularly severe, the boundary mix-ups are related to surveys of the Lincoln National Forest in the southeastern part of the state. Although the New Mexico problem appears to be more acute than others elsewhere, it may portend what could be ahead in California, Wyoming and other states where property line disputes between private landowners and the U.S. Forest Service are surfacing.

#### **Musical Markers**

BLM survey work in the Lincoln National Forest was begun in 1967 to locate boundaries established in the 1920s through an original cadastral survey of most of the forest. Monuments placed during the survey of the 1920s were made of native material such as rocks and wooden stakes. BLM surveyors in 1967 could not find them. Therefore, they made a new survey and established new, brasscapped monuments.

In 1969, the survey project ran out of funding and consequently was not completed. Nor were the surveys of the two previous years approved by the BLM's chief cadastral surveyor—a procedure required for all BLM surveys if they are to be valid.

Ten years later, Congress appropriated funds to complete the Lincoln National Forest survey. This time, BLM surveyors found many of the monuments put in place during the 1920s which designate the boundaries established in the original survey. They then removed corner monuments from the 1967-69 surveys and placed new ones back in the original locations.

During the 10-year interlude following the 1967-69 survey, private surveyors based surveys of adjacent private land on the BLM-stamped, brass cap monuments placed in the late 1960s, believing them to be established corner markers. Title companies, in turn, relied upon the surveys of private surveyors when writing title policies. And private landowners relied on government descriptions, the work of private surveyors and the word of title companies.

Charlene Ward, owner of Alamogordo Abstract and Title Co. in Alamogordo and chairman of District Four of the New Mexico Land Title Association, says landowners have found anywhere from eight to 100 feet of their property lopped off as a result of the new BLM survey lines.

Along with landowners, the situation has alarmed and provoked New Mexico surveyors, title companies and other land development professionals because federal survey brass caps are always assumed to be legally binding survey monuments.

The president of a survey firm in Alamogordo explained that it is not the practice of the government to notify private surveyors when federal brass caps are official. Thus, surveyors of the area generally believe that for those monuments to be in the ground for 10 years without approval is an exceptional as well as misleading situation. The Forest Service contends, on the other hand, that any careful surveyor would have made sure that brass caps were officially approved by the BLM chief cadastral surveyor before relying on them.

#### **Retracement Surveys**

Less than one-third of the boundary lines—roughly 500 miles—of the Lincoln National Forest were surveyed between 1967 and 1969. Landowners in Otero and Lincoln counties are affected. While the problems created by that survey account for a major part of the confusion in New Mexico, other surveys also have been brought into question.

BLM surveyors are reported to have recently set corner markers and lines which differ from federal surveys or resurveys conducted as early as 1865. When new federal land boundary lines are drawn, often private landowners find chunks of their property cut away as part of federal property. Stories include cases of BLM surveyors moving both retracement survey markers and original survey monuments.

According to Ward, BLM surveyors claim that the laser beam survey techniques that they now use make these current surveys retracing and re-establishing forest boundaries very accurate.

In other cases, New Mexico landowners report that people whose ownership extends back generations have been told that they are in "innocent trespass" of federal land. However, some of these cases which involve generations-old homesteads are the result of gradual encroachment and presumption of ownership on the part of owners whose property borders national forest land, according to Liddicoatt.

Hundreds of private landowners share the boundary line of the Lincoln National Forest with the federal government. While much of this land is open space used for livestock grazing and orchards, some of it is the site of housing developments. Consequently, as BLM surveyors move the forest boundary 50 or so feet into subdivided land, individual landowners face the threat of having the greater part of their lots swallowed up.

In 1973, in Cloudcroft, a small picturesque town situated just inside a northern boundary of the Lincoln National Forest, it was decided that a brass cap survey monument designating an established section corner was eight feet off the mark. BLM surveyors removed the monument and placed a new one.

Because Cloudcroft consists of subdivisions, moving the corner monument affected property lines of multiple lots. Recently, BLM surveyors changed the 1973 decision and declared the former section monument to be the correct one. However, they now are having difficulty re-establishing its location and the monument has yet to be reset.

While subdivision owners may arrive at agreements with neighboring subdivision owners to preserve the constancy of "The Forest Service contends, on the other hand, that any careful surveyor would have made sure that brass caps were officially approved by the BLM chief cadastral surveyor before relying on them."

boundaries through adverse possession, this legal recourse cannot be applied in disputes with the federal government. Therefore, Cloudcroft subdivision owners living adjacent to the forest continue to have uncertain title to their land.

About two-thirds, or approximately 1,200 miles of Lincoln National Forest boundary have yet to be resurveyed for the Forest Service. This presents the specter of yet more boundary disputes arising as BLM surveyors complete the job.

#### **Other Boundary Problems**

In other parts of the country, national forest boundary disputes have issued from less dramatic circumstances. A common



source of boundary disagreement is the gradual presumption by landowners of ownership of land up to where the Forest Service has stopped cutting trees.

Forest officials in Washington, D.C., say another common source is when privately contracted surveyors, unable to find all of the monuments designating a national forest boundary line, base the survey of abutting land on the only markers they can find. With limited points of reference, these surveys easily can end up with skewed lines, officials say. Though the plot may be surveyed at exact footage and with proper angles, its direction and placement may be off.

Disputes over national forest boundaries are most prevalent in the 11 western states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, according to the Forest Service.

The 1976 policy directive of the U.S. Forest Service that national forest boundaries be surveyed before timber harvesting was in response to the National Forest Management Act of 1976 which amends the Forest and Rangeland Renewable Resources Planning Act of 1974.

The 1976 law requires that the number of board feet to be cut in national forests each year equal the replacement potential of new trees planted in the national forests that year. To assure adequate response to the congressional mandate, the Forest Service ordered in 1976 that trees be cut right up to the boundaries of national forests. Hence the need to ascertain the precise boundaries.

Prior to 1976, the practice of the Forest Service when cutting timber, according to Liddicoatt, was to leave one surveyor's chain—66 feet—of uncut trees inside each border. The intent was that this area would be a buffer zone so as to avoid potential national forest trespass over boundaries.

A Department of Agriculture audit of the Forest Service's land status records and cadastral engineering program conducted between 1977 and 1979 determined that up to \$25 million more a year could be realized if timber was cut to national forest boundaries. This dollar amount was based on revenues of fiscal year 1976. An estimated six percent of national forest timber resources had been bypassed annually.

Since the early 1950s when resource and land values first began to increase sharply, the Forest Service recognized a need for more careful development of federal timber resources. Consequently, in 1958, it began a boundary survey program through cadastral engineering and in 1963, they initiated conversion to a centralized land status records system.

#### The Landline Location Program

Some years later, they determined the progress of the survey program was too slow and that it might take several centuries for the job to be completed. In 1975, in response to the Forest and Rangeland Renewable Resources Planning Act of 1974, the Forest Service set a goal of completing all surveys and resurveys of national forest boundaries by the year 2020.

Its boundary survey program, called the Landline Location Program, was greatly expanded in funding and manpower. Since 1976, the Forest Service, through BLM surveyors, has been busily surveying and resurveying national forest boundaries. The multitude of boundary problems that the initiative has uncovered seems to stem from the stepped-up pace of survey work now going on as the Forest Service and BLM strive to chip away at BLM's backlog which stretches back for decades.

A 1979 House Appropriations Committee report states that the BLM has a backlog of 92 million acres of federal land in the lower 48 states which have yet to be surveyed for the first time. In Alaska, there are 308 million acres which await survey. This backlog involves land under the jurisdiction of many federal agencies, not just the Forest Service.

In addition, according to the Appropriations Committee report, the BLM faces the task of resurveying several hundred million acres in the 30 public land states because many of the original surveys were conducted before 1910 and the monuments have disappeared. A good number of the early surveys were "fraudulently or inadequately done," the report says. It concludes that "over 50 million acres (of federal land) in the western states are urgently in need of resurvey."

Surveys of land under other federal agencies' jurisdiction have brought about boundary questions as well. For instance, property line disputes and title claims are occurring in Socorro County, New Mexico, where boundaries of BLM land are the problem. Socorro County is just west of Lincoln County.

#### Accountability

At present it is uncertain who will be held accountable in boundary disputes such as these. Many title policies exclude surveys from coverage. But title companies do insure a title description and they insure that a landowner has title to a parcel of land so described. Title people in New Mexico have received complaints from insureds and they anticipate title claims from landowners on national forest boundaries.

Aubrey Dunn, a spokesman for New Mexico landowners who are trying to obtain a congressional solution to the problem, foresees a time when "purchas-

"With limited points of reference, these surveys easily can end up with skewed lines. Though the plot may be surveyed at exact footage and with proper angles, its direction and placement may be off."



ers of title insurance will be leery of taking title policies with survey exceptions."

From yet another standpoint, it is the private surveyor who has fallen victim to unreliable federal surveys of public land and the disappearance of survey monuments. According to Forest Service officials, in many of the national forest boundary problems across the country, it is the private surveyor who legally may be at fault due to his inadvertently incorrect surveying.

Liddicoatt said that it is common for private surveyors to conduct surveys based on only one or two survey monuments delineating a federal land boundary. To conduct a survey based on fewer than all of the corner markers does not accord with official survey procedures outlined by the BLM which surveyors in many states are obligated to follow by law.

Often the cost of conducting a complete survey in compliance with BLM procedures will equal or exceed the value of the land being surveyed. "When the cost exceeds the value of the land," one surveyor explained, "practicality does not allow using all the corner markers of the one boundary."

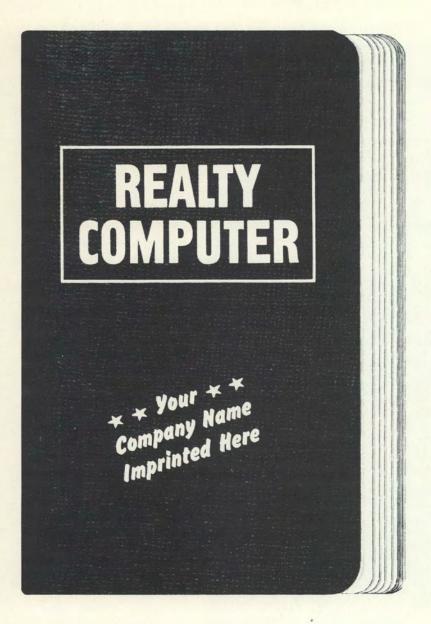
However, Liddicoatt says that when a surveyor does not conform to BLM instructions of using multiple points of reference, his work is more likely to be incorrect.

If a survey, whether it be one conducted by a privately contracted surveyor or a resurvey of federal land for the government, does not agree with lines of an original cadastral survey of public land, it is legally incorrect. This fact is the crux of the matter in many of the national forest boundary disputes around the country.

In accordance with the Land Ordinance of 1785, all federal public land was to be surveyed in a rectangular system or cadastral system before title could be transferred from federal ownership. This law also allowed for grants of public domain land to the states and the reservation of a particular lot in every township in these states for public schools. Thirty states were carved from the vast public domain held by the federal government in the late 1700s and 1800s. This includes most states in the West and Midwest but excludes the 13 original colonies, Maine, Vermont, Kentucky, Tennessee, West Virginia, Texas and Hawaii.

In public land states, original cadastral surveys of public land are legally binding. This means that all subsequent surveys federal or private—must agree with the lines and section monuments established in the cadastral survey. Cadastral surveys (continued on page 22)

# PUT YOUR NAME IN EVERY REALTOR'S POCKET!



YOUR Hard-Working

## GIFT FOR REALTORS!

Created by Realtors for Realtors

In addition to the conventional loan amortization payment tables, the latest 260-page *Realty Computer* provides over 30 real estate tables badly needed by real estate people in their daily transactions.

A quality edition that fits pocket or purse.

You owe yourself an appraisal of the **REALTY COMPUTER** one of the finest professional fact-finders you have ever seen.

> YOUR REAL ESTATE CLIENTELE WANTS IT!

## Write today for your complimentary copy

(to Title Companies only)

## **PROFESSIONAL PUBLISHING CORPORATION**

122 Paul Drive • San Rafael, California 94903 • (415) 472-1964

# Policy Tinkering Breeds Volatile Economy

Editor's note: The author presented the following remarks at a meeting of the National Council of Housing Industries in Las Vegas, Nev., last month.

During the first 11 months of 1980, less than 1.2 million housing units were started. This represents a decline of more than 25 percent from the 1.65 million units started during the same period in 1979. Building permits show a similar pattern. During the first 11 months of 1980, 1.1 million units were authorized, compared with 1.5 million units for the same period in 1979. This represents a decline of more than 26 percent.

"It is unreasonable to expect that contractors in the housing industry could plan effectively when mortgage rates were 17 percent in April of 1980, 12.5 percent in June and 16 percent in October."

High interest rates are the villain—high interest rates driven by high and variable inflation and by a federal government whose voracious appetite for loanable funds sops up dollars that otherwise could be used to finance private investment projects, the purchase of new homes, new cars, college education and other discretionary, private spending.

Rep. Brown of Ohio, is the ranking House Republican on the Joint Economic Committee of the U.S. Congress. Consider the following facts: Federal spending rose seven percent annually during the 1960s, and 11 percent annually during the 1970s. Budget deficits have occurred in all phases of the business cycle, with the cumulative Carter deficit ringing in at near \$200 billion.



#### **Monetary Policy Vacillates**

Deficits of this magnitude are always difficult to finance. And, they always put pressure on the federal reserve to inflate the money supply. But, while the Fed is pressured by chronic federal deficits to inflate the money supply, the course of monetary policy has hardly been steady. Between November 1979 and February 1980, M1-B—the sum of currency plus coin plus commercial bank demand deposits and checkable deposits in all depository institutions—increased at an annual rate of 7.6 percent.

Then, last year in a burst of anti-inflationary zeal, the Fed actually contracted the money supply. Between February 1980 and May 1980, M1-B's growth rate was minus 5.1 percent. As the monetary contraction began to take hold, with real GNP falling at an annual rate of more than nine percent—and, with the 1980 elections rapidly approaching—the Fed reversed course. Between May and August 1980, M1-B exploded at an annual rate of 16.9 percent. This was followed by a relatively more "modest" expansion of 12.9 percent.

Price volatility of this sort is hardly congenial to the operation of the money and capital markets. Policy uncertainty superimposed on an inflationary environment breeds a short-term view of the world: saving is discouraged, while longterm investment becomes the business of speculators. The loanable funds that are available are increasingly short-term, while the demand for loanable funds explodes—not to finance the purchase of new homes or new plants and equipment, but to maintain eroding standards of liv-(continued on page 13)

## Other companies are slashing costs. You can, too!

# FORM A JOINT PLANT!

When you change from a soleowner plant to a shared plant, you cut your plant maintenance costs one-half, two-thirds, three-quarters — you name it.

Then why isn't everyone doing it? Because getting started isn't easy especially if you think in terms of your existing manual plants. That's why you should begin thinking about a LANDEX automated plant.

The differences are important. For one, a manual plant is hard to share. The plant is one place; most of the users are somewhere else. But that's no problem with a LANDEX automated plant, for you can put terminals in separate users' offices, even in different cities. Another point: If you now have separate title plants in your county, then you must respect the interest that each company has in its plant. Which one will be the ongoing joint plant? You can resolve this dilemma by drawing up your joint plant agreement to incorporate a LANDEX system. You go forward with wholly new procedures. No one company enjoys a proprietary advantage over the others.

And another: Daily plant operation with LANDEX costs less than a manual plant. That's because LANDEX simplifies the work and tightens management control. Note, too, that LANDEX is your system, not an outside service. It is the on-line minicomputer system that goes into your offices, where your regular staffs operate it, under your local direction.

LANDEX automated joint plants have been established in thirteen counties in four states. They serve fifty-one title-company offices. Most of the LANDEX systems that title people have bought in recent months have gone into new joint plants. Others are being planned. We don't know if title people think first about LANDEX and then about a joint plant, or the other way around. But they certainly go together.

We're delighted to offer experienced help in planning your conversion to a LANDEX joint plant. We can get you started. Just write or telephone —

Donald E. Henley, President INFORMATA INC, Makers of LANDEX



INFORMATA INC / 23241 VENTURA BOULEVARD, WOODLAND HILLS, CALIFORNIA 91364 / (213) 346-9203 EASTERN REGIONAL OFFICE / POST OFFICE BOX 271180 / TAMPA, FLORIDA 33688 / (813) 961-5288 ing and to finance current operations.

This is not the stuff of which healthy, long-term capital markets are made. If capital markets are not healthy, the housing industry will be downright sick. It is unreasonable to expect that contractors in the housing industry could plan effectively when mortgage rates were 17 percent in April of 1980, 12.5 percent in June and 16 percent in October.

The financial markets—the lifeblood of the housing industry—face a number of immediate risks. First, they face several difficult inflation prospects. One is the demand for annual wage increases from nine to 11 percent. Next is the possibility of significant increases in oil prices. Then, there is the double-edged sword of rising global demand for agricultural products coupled with bad weather. And, of course, all of this will occur against a backdrop of negligible productivity gains.

If the inflation outlook is not entirely bright, the outlook for an efficient, responsible monetary policy is bleak. The Fed's track record suggests that, while it *talks* about controlling the money supply and letting interest rates reflect market conditions, its actual policy is one of interest rate targeting. This accounts for the variability of money growth, reserve growth and interest rates—each of which has not been so volatile in over two decades.

The final threat to the financial markets is the growth of so-called uncontrollable federal spending. Twenty years ago, federal transfer and interest payments constituted 30 percent of the budget. Now they comprise 50 percent and are still climbing. These "uncontrollables" include Social Security, public employee retirement, unemployment compensation, medical assistance and interest on the national debt.

#### Controlling The "Uncontrollable"

The key to stopping the federal budget hemorrhage is to get a handle on these uncontrollables. The key to doing this is not simply to trim the fat in programs, but, rather, to reduce the inflation rate that causes inflation-indexed expenditures to ratchet up. And, it is to put the economy on a stable path of solid economic growth

"With only a two percent reduction in the growth of federal spending, combined with supply-side tax cuts, our economy should show signs of strong economic growth by 1982." —a growth path that reduces unemployment, increases incomes, and reduces the growth rate of federal transfer programs and of federal debt.

The recent slide in interest rates seems to have vindicated those market analysts who have been predicting a softening of interest rates during the first half of 1981 —a softening of interest rates based upon a softening of the economy generally. The scenario called for a slackening of demand, reduced capital spending and inventory pruning.

All of this seems to be happening. December retail sales fell \$1.1 billion. While new orders for manufactured durable goods increased .009 percent in November, they were down from the 9.3 percent rate of increase in Septmeber, and the 2.2 percent rate of increase in October. The inventory to sales ratio fell during November to 1.54—down from June's 1.72 and September's 1.59.

A continuation of these trends would result in a decline in interest rates, provided the Fed were to let it happen. Yet, evidence is emerging that the Fed is once again targeting interest rates. This time the Fed is trying to prevent a significant slide in interest rates until either the demand for funds slows even more, or the rise in the price indexes slows down. Just how determined the Fed is to hold the line is anyone's guess. This is one reason why no one knows for sure what will happen to interest rates during the next three to six months.

Of course, what happens in the next three to six months is one thing. What happens over the long-term to the housing industry—and, for that matter, to the U.S. economy generally—is quite another. What happens over the longer term hinges importantly on what the administration, Congress and our constituents resolve to do now.

What we must do is abandon our proclivity to "fine tune" the economy. We must stop concentrating on the manipulation of demand. We must start focusing on bolstering the supply side of the economy. We must adopt a supply-side approach; an approach whose central focus is policy stability rather than policy oscillations; an approach designed to promote long-term economic growth and, in the process, to combat both inflation and unemployment.

As the ranking Republican on the Joint Economic Committee (JEC), I submitted minority views in our panel's 1977 and 1978 annual reports urging Congress and the administration to take three important steps: First, to restrain the growth of federal spending; second, to cut taxes to "What we must do is abandon our proclivity to 'fine tune' the economy. We must stop concentrating on the manipulation of demand."

stimulate increased saving, investment and work effort, and third, to tighten the reins on the nation's money supply.

Working with the then JEC Chairman Lloyd Bentsen, a Democrat from Texas, I was able to convince the Democratic members of the JEC in 1979 and 1980 to join the Republicans to issue consensus reports endorsing the recommendations contained in my previous minority views.

The major obstacle to implementation of the policies recommended by the JEC during the past four years has been the Carter administration.

Instead of restraining federal spending and balancing the federal budget as he promised to do, President Carter chalked up the largest federal deficit of any president in American history. Instead of cutting taxes, he doubled them during his presidency. And, although he appointed a chairman to the Federal Reserve Board who recognized the need to stop the flow of printing press money, he publicly chastised him shortly before the election for doing so.

#### **Growth Economics**

The recommendations of the JEC should sound familiar. They are the same economic policy changes that President Reagan pledged to implement during his term in office. I am convinced that he will keep his word.

Implementation of the policies advocated by the JEC and President Reagan will promote strong economic growth growth that will benefit not only the housing industry, but all Americans.

Realistically, I do not think that we can expect dramatic improvements in inflation, unemployment and productivity this year. But, I am convinced that we will not have to wait five to seven years, as President Carter predicted, to get this nation's economy moving again.

With only a two percent reduction in the growth of federal spending, combined with supply-side tax cuts, our economy should show signs of strong economic growth by 1982. With this growth, will come a narrowing of the federal deficit, a reduction in inflation and unemployment, and increased confidence among (continued on page 23)

## **Claims Research**

# The Public Historian Can Help

"An exciting prospect for solving this problem for the title industry may be the public historian who already has begun to prove valuable in certain claims cases."

The title industry faces more complex problems today than it ever has before. Times have changed dramatically from the days when an attorneyabstracter could search any title and evaluate his findings without outside help. Now, it has become abundantly clear that many of the problems that the industry faces require the assistance of more highly specialized and sophisticated experts.

Recent litigation involving the Eureka, Calif., waterfront<sup>1</sup> is the consummate example of the type of claim requiring detailed research and analysis in order to prepare a successful defense. Eureka, however, is only one of a number of title claims that I have seen in recent years wherein extensive factual investigation was needed in order to prepare our case.

Preparation for this litigation required an enormous amount of investigation into the history of the Eureka waterfront, Humboldt Bay and the uses made of the lands in question over the years. Literally thousands of hours were spent poring

Mr. Laichas is vice president, senior associate counsel and in charge of claims for Safeco Title Insurance Co. in Panorama City, Calif. He is a member of the ALTA Wetlands Committee.

<sup>&</sup>lt;sup>1</sup>See the November 1980 issue of *Title News*, "Time, Money Awash in Eureka Tidelands" by J. N. Laichas.

over documents other than those which are normally examined during the search and evaluation of land titles. These included such documents as reports of state and local government meetings as well as newspapers, magazines, books, personal diaries and all manner of writings which chronicle local events over a period of some 100 years. In addition, personal interviews with long-time, area residents consumed many hours but yielded valuable information.

As a rule, such work is performed by the attorney in charge of the case or more often by a paralegal or a young assistant who is probably just out of law school. Solving the problem in this manner has proven to be extremely costly. Not only that, but much of the time and money is wasted because the researcher is undertaking a task for which he or she is not particularly qualified.

The research needs of recent cases with which I have dealt have been met by temporarily hiring a graduate student from one of the local universities. This has been a much better answer than the youngassistant solution because the graduate students are more likely to have the necessary research skills.

However, even this solution has its drawbacks because the student's primary interest is not his employer's problem. Quite predictably, he is likely to view the project as a part time job which will soon be over and which will not necessarily be helpful insofar as his future is concerned.

#### The Public Historian

An exciting prospect for solving this problem for the title industry may be the public historian who already has begun to prove valuable in certain claims cases.

Training for the emerging profession of public history is available through several universities. Of these, I am most familiar with the program at the University of California at Santa Barbara. It is a graduate level curriculum which prepares students to work on practical problems rather than in academic institutions.

In discussing the objectives of the Santa Barbara program, Director G. Wesley Johnson said that emphasis is placed on offering courses which will train students to perform research for industries such as ours. In fact, some of the problems presented in the course material very closely resemble the kind of problems that we in the title industry encounter from time to time.

During the first year of study at Santa Barbara, students take courses designed to teach them how to find and properly

#### "One student was hired by the city of Phoenix to do a study of the uses of water in that area by the local Indians over the last 200 years."

assess the many sources of information available to a researcher of this sort.

The second year is devoted to an internship which may be arranged with a private or public organization. For example, one student was hired by the city of Phoenix to do a study of the uses of water in that area by the local Indians over the last 200 years. This study was conducted in connection with a dispute over ownership of water rights. After completing her internship and studies, that particular student was hired by the city to continue working as a researcher.

In another case, a student was hired by the federal government to research the uses of Los Padres National Forest. Still others have delved into the uses of the Santa Barbara waterfront and a history of the Old Town section of Santa Barbara.

Students in the public historian program are trained to find and use the resources which many times title companies may need to examine in order to reach decisions as to how to handle some of our massive claims problems.

They explore public records, old histories, court documents, surveys, manuscripts, transcripts, newspaper accounts, engineering reports, economic and statistical rulings and correspondence, hearing and committee reports, private letters, political utterances, oral testimony, family records, even literary and artistic production.

These materials are widely scattered in large and small university and public libraries, county offices, state repositories, newspaper archives, court records, private homes, law offices and in many other locations throughout the communities being studied.

#### A Special Breed

The adversary historian does not perform research as an academic exercise. Rather, he approaches his work with a specific purpose in mind. He is in search of a particular result—one which will be helpful to the person, firm or agency paying for his time and skills.

This does not mean that the researcher will only dig out facts helpful to his employer's side. He is well aware of the need for presenting all facts bearing on the issue so that a proper evaluation can be made. It is also essential that the researcher keep the project's goal in mind and avoid getting off on a tangent which, although interesting, is completely irrelevant and unproductive as far as accomplishing his employer's objective is concerned.

There is yet another characteristic which sets the work of the adversary historian apart from the usual research project. He may well find that the results of his work will never be published, nor will he be able to impart to anyone other than his employer what he found. This might prove frustrating for the researcher who has unearthed material which otherwise could serve as the basis of an interesting article for a professional journal.

Dr. Johnson was most interested in knowing whether the title industry could use the services of public historians and asked if the industry had suggestions with respect to the content of courses. In addition, I recently received a letter from Arizona State University's history department which solicited advice and suggestions from industry as to content and approaches for courses in a public history program which will begin there in the fall of 1982. I also have been informed that Carnegie Mellon University in Pittsburgh, Pa. offers a similar program.

There are three possible ways in which the public historian can be of use to the title industry. First, companies looking for help in their title research departments might well consider hiring a graduate for full time work. Another possibility is the hiring of an intern for one year to perform either a specific research task or general research. Internships, while they benefit the student, also can help the industry determine whether or not it can benefit from the services and expertise of the public historian.

From a claims standpoint, I would like to be able to retain such a person to do research on a Eureka type of claim. One of the aims of the Santa Barbara program is to develop professionals who will be available on a consulting basis to perform this kind of work. Such consultants can be retained for a specific job for however long it might take.

The Eureka research, for example, went on for a period of several years. The researcher, however, did not spend all of her time on the Eureka case. As with an outside attorney, Safeco Title was billed by the hour for her work. Unlike the intern, this particular researcher was available as needed over a period of years.

Clearly, as we face more complex problems than in the past, the public historian may prove to be a new and valuable resource for the title industry.

## Use of NOS Data in Shore Claims

by James Collins

t is my intention to describe some of the National Ocean Survey (NOS) products and their use in the legal system to document marine boundaries. The propriety of the use of surveying and map products is left to the legal profession. The purpose of this article is to describe what is available from one particular agency.

During its 173 years of existence NOS has been collecting and recording data along the coast. Most of these data were carefully observed, qualified and recorded so that future generations could profit from their use. In general, the availability or even the existence of these historic coastal data is not widely known so that it is often overlooked to the detriment of the surveyor and attorney. Some of the more common products are described in the following sections.

#### **Tidal Data**

The NOS operates a network of approximately 140 permanent long-term tide gages some of which have been operating since the last century. Additionally, they have measured the tides at hundreds of

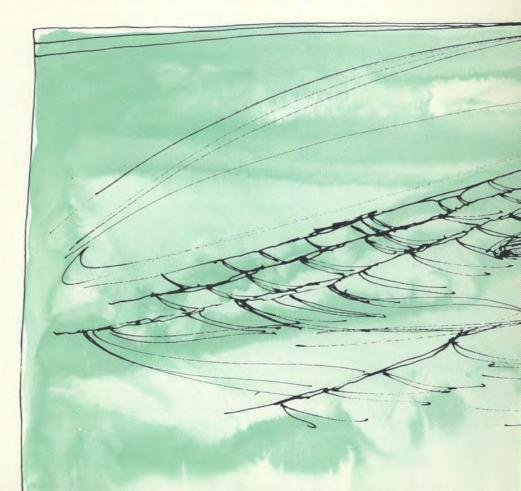
Dr. Collins, a registered professional land surveyor and certified photogrammetrist, is vice president of Craven-Thompson & Associates, Inc., a Ft. Lauderdale, Fla., based firm. During the last 20 years, he has served the National Ocean Survey in various capacities. Dr. Collins currently is in charge of the Rockville, Md., office of Craven Thompson.

other (tertiary) locations over the years. Although this tidal information was collected primarily for nautical charting purposes, the data have been increasingly used in recent years to help delineate marine boundaries. Since the landmark decision in Borax Consolidated Ltd. v. Los Angeles (296 U.S. 10, 1935) NOS has been recognized for its expertise in determining sea level datums.1 This datum information such as mean high and mean low water levels is available upon request from NOS; however, it must be carefully interpreted. For example, the mean high water elevation given for a tide gage is valid only at that point. The mean high water elevation may be different a few hundred feet from the given point. Care must be exercised in the use of tidal datums furnished by NOS.

#### **Topographic Sheets**

The single most valuable NOS product for determining historic marine boundaries is its shoreline maps or topographic sheets (T-sheets). The NOS has been continuously producting T-sheets of selected coastal areas from 1834 to the present. Many areas have been remapped a number of times. Until the 1930s, T-

<sup>1</sup> Maloney and Ausness, "The Use and Legal Significance of the Mean Higher Water Line in Coastal Boundary Mapping," The North Carolina Law Review, Vol. 53, Dec. 1974, No. 2



sheets were produced by field methods (planetable) and in recent years, sheets have been produced photogrammetrically using aerial photographs.

These shoreline maps range in scale from 1:5000 to 1:20,000 depending upon the importance of the area. For example, harbor areas are mapped at 1:5000 scale. The west coast of continental United States and Alaska are mapped at 1:20,000 scale (or smaller). From 1834 until the turn of the century, the T-sheets depicted the shoreline, major roads, waterfront houses and piers, and approximate land contours. In the period from 1900 until after World War II, the shoreline maps contained much more information and were in fact accurate topographic maps of the area covered. These sheets were routinely turned over to the U.S. Geological Survey which, in turn, reduced the scale to 1:24000 and produced the maps as 71/2 minute Quadrangle maps. The NOS shoreline maps produced after World War II (now called TP-sheets) gradually contained less and less detail. Recent maps show no topographic information (contours) and only portray the mean high and low water lines and planimetric information within a narrow band along the shore.

The NOS T-sheets are extremely useful in showing the location of historic shoreline, especially piers and bulkheads. "Marine boundaries, historic fence lines, upland marsh limits and other critical data are available by researching various NOS records."

Although there is considerable distortion across the full extent of a given map, relative detail in a given waterfront area is quite precise. For example, in one marine boundary dispute in Perth Amboy, N.J., T-sheets dating from 1836 were available. Additional T-sheets produced in 1855, 1858, 1886, 1915 and 1932 along with aerial photographs taken in 1932, 1943 and 1974 were available. These showed how the riparian owner had systematically extended his bulkhead line to acquire additional land. This classic case of waterfront land expansion was fully documented in the time-lapse mapping by NOS from 1836 to the present.

In other litigation, the location of inland property lines were in question. T-sheets of the area dating from the late 1800s showed fence lines, buildings, salt ponds, and other cultural features which aided in the determination of ownership. This case is mentioned to show that more than shoreline information can be extracted from these historic maps.

#### **Aerial Photography**

Beginning in the early 1930s, NOS began using aerial photographs to map the coast. They presently archive over a million frames of photography which can be obtained either as a nine-inch contact print, or a portion of the photograph can be enlarged up to six times and shown on up to 40-inch paper or film. Aerial photographs can also be enlarged to the scale of a given T-sheet so that a transparent copy of the sheet overlays the photograph, and detail can be transferred from the photograph to the map. The use of a series of maps (T-sheets) and photographs over a long time span is useful in showing both man-made and natural changes, such as erosion, to coastal areas.

#### **Hydrographic Sheets**

Offshore water areas have been continuously mapped or surveyed by NOS since the early 1800s. Hydrographic sheets or H-sheets are available for most coastal areas and are particularly useful in delineating the mean low water line which is the zero curve or contour on the H-sheet. Like topographic sheets, the H-sheets portray data in a highly reliable manner and are quite useful in documenting historic depths along the coast, in bays and harbors, and even in sloughs in marsh areas.

(continued on page 19)



## **TITLEPRO**® A New Word Processing Package For the Title Industry From MICOM

### An Exclusive Micom User Package

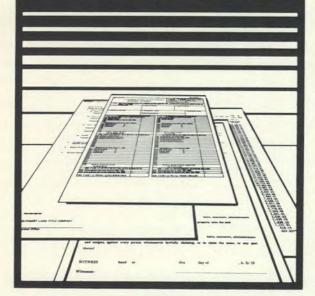
lets you prepare settlement statements as well as other documents which formerly required access to a main frame computer. Amortization tables are available at your fingertips.

### No More Policy Forms Inventory.

TITLEPRO<sup>®</sup>eliminates the need to inventory many printed forms. When you need a particular policy, simply recall the stored title information and tell Micom to merge the title data onto the form you need. Up to 252 variable items can be merged and the information entered only once. After the initial edit, information can be recalled as needed and changes in forms easily entered by the operator.

### **Miconet Efficiency.**

Miconet is the quickest, most efficient way of sending a written document from one Micom to another. Miconet delivers a title opinion to a branch office in less than ten seconds after it has been approved by the examiner. Miconet improves your turnaround



Increase Your Profit by Streamlining Your Closing Package Preparation



time by speeding up closing time  $1-1\frac{1}{2}$  days.

### And For The Title Insurance Attorney,

TITLEPRO<sup>®</sup>also prepares automatically, on continuous paper, all legal forms required in title closings. When printed forms are needed, the fill-in is done automatically by TITLEPRO.<sup>®</sup>

## What is TITLEPRO?

With the knowledge and assistance of title professionals, Micom has developed a system that quickly and easily processes the huge volume of forms used in the title industry. With TITLEPRO,<sup>®</sup> the operator enters the necessary information once. From that point to completion of

policy forms and legal documents, TITLEPRO<sup>®</sup> completes the closing package with complete accuracy.

Call our toll free number (800) 527-0891. In Texas call (214) 386-5580. Or write Micom TITLEPRO,° Suite 100, 4040 McEwen, Dallas, Texas 75234

#### NOS Data-(from page 17)

Each H-sheet is supported by a number of field books or sounding volumes containing the original observed data such as angles to fixed shore stations and sounding information. Some volumes also contain tidal observations. Quite possibly, depending upon circumstances, a more accurate than original hydrographic sheet could be produced using the angulation data from the sounding volumes.

#### **Geodetic Field Records**

An excellent source of information often overlooked is the geodetic survey field records. The books used to record geodetic triangulation data often contain comments concerning the location of cultural and natural features. For example, the fact that an observation team was able to occupy a given triangulation point throughout a tidal cycle might be used to prove the point was above mean high water.

#### Nautical Charts

Generally speaking, topographic and hydrographic sheets are better sources of information than the nautical chart which is a pictorial representation of the observed data. However, at times the chart contains information that does not appear on either the H- or T-sheets. The method for checking for this additional information is to review the chart "standards" which are achieved on 35mm film. The archived standards show the sources of all corrections to a given chart and the dates the corrections were applied. A paper copy of any given (35mm film) standard can be obtained from NOS upon request.

#### Summary

Marine boundaries, historic fence lines, upland marsh limits and other critical data are available by researching various NOS records. Some of the information contained in these records must be properly interpreted by an individual familiar with the particular product, and this technical assistance can also be obtained from NOS. An excellent reference which shows sample federal surveying and mapping products is the Coastal Mapping Handbook which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (stock No. 024-001-03046-2 Library of Congress Catalog No. 78-600000). The definitive work on the use of NOS products is Shore and Sea Boundaries by Aaron Shalowitz, also available through the Government Printing Office. (Stock no. 003-002-00096, Catalog no. C4.19/2:10-1/v.1.)

#### **NOS Resources**

To order NOS products, following are the telephone numbers of key individuals:

#### **Geodetic Data**

Director

National Geodetic Information Center Telephone: (301)-443-8281 Mailing Code C18

#### **Tidal Data**

Deputy Associate Director Office of Oceanography Telephone: (301)-443-8487 Mailing Code C2

Topographic Sheets and Aerial Photos Chief

Photo Map and Imagery Information Section

Telephone: (301)-443-860 Mailing Code C3415 Hydrographic Sheets Chief, Data Control Branch Telephone: (301)-443-8408 Mailing Code C353

Nautical Chart Information Chief, Nautical Data Section Telephone: (301)-443-8662 Mailing Code C3222

The mailing address of the above listed sources is National Ocean Survey, 6001 Executive Blvd., Rockville, Md. 20852. The appropriate mailing code should be placed at the bottom of the envelope.

## PLAQUE OFFER

Your ALTA membership means that you have met high standards in land title evidencing. You know it—and so do many of your customers.

But it can be helpful to remind them. And others.

ALTA has developed a distinctive new plaque that impressively conveys the prestige of your membership. Designed with the Association logo on a gold metallic background, the plaque is mounted on fine grain cherry wood measuring 8 by 10 inches.

Cost for the plaques is \$25 each postpaid. Just make your check payable to American Land Title Association and enclose with the coupon below after completing. Mail to PLAQUE, ALTA, Suite 705, 1828 L Street, N. W., Washington, D. C. 20036.

	a man	
	MEMBER	
	American Land	
	Title Association	
Name		
		-
Company		

# New Policy Offered

The R.J. Cantrell Agency now offers errors and omissions protection for escrow agents and closers in all states except Alaska. The coverage is under a separate policy from our TitlePac program and is available at rates and with deductibles that we believe you will find acceptable.

The new policy, which was three years in the making, is just another way that our company strives to provide better service to the title industry. Call us or write for details.

## ERRORS AND OMISSIONS INSURANCE

#### FOR

- Abstracters
- Title Insurance Agents
- Title Searchers
- Title Opinions
- And Now for Escrow Agents and Closers



### The R.J. Contrell Agency

P.O. Box 857 2108 North Country Club Road Muskogee, Oklahoma 74401 (918)-683-0166

"A Title Man for Title People"

# Water Bill Quagmire Industry TV Asset

Securing up-to-date information from the public records on the status of water bills is a chronic land title evidencing problem in the District of Columbia. Computer problems and a water department that is considerably behind schedule in computing bills can mean the actual water charges against a home amount to much more than the buyer believes at settlement.

Naturally, the unexpected emergence of an unpaid water bill that can become a lien against real estate is a shock to an unwary home buyer who has completed purchase. This is especially true when the water charges are two or three years behind as is occasionally reported.

Complaints from home buyers who have just discovered outstanding water bills against their property are not unusual among title insurance companies operating in the District. But a rather typical water bill problem recently became special when the difficulty of the home buyer was brought to the attention of the title insurer through "Seven On Your Side," consumer action unit of WJLA Television, the ABC affiliate in the nation's capital. Effective handling of the media inquiry and professional competence demonstrated by WJLA personnel resulted in strongly positive exposure for owner's title insurance during a report on the local 6 p.m. newscast. Alertness and involvement by members of the District of Columbia and Metropolitan Area Land Title Association contributed significantly to the favorable visibility, which is especially important because of the inclusion of members of Congress and other federal personnel in the local viewing audience. (continued on page 22)



Title plant personnel are videotaped at work. The tape was aired in the WJLA television report that told how owner's title insurance saved a local home buyer from serious financial loss because of an unpaid water bill that was not disclosed before completion of a real estate purchase.

#### Water-(from page 21)

Shortly after being contacted by the "Seven On Your Side" producer, personnel of the title company insuring the home buyer consulted ALTA Vice President— Public Affairs Gary L. Garrity, who advised on strategy, briefed a "Seven On Your Side" representative, and arranged an interview with D. C. Title Association President J. Frank Mowery—which was used in the television report along with videotape of a local title plant at work.

In the report as telecast, Paul Berry, reporter, led off by stating: "Whoever loans you money will require title insurance but that only protects the lender.... You're not protected unless you buy what's known as owner's title insurance."

Berry went on to describe the problem of the insured home buyer who had contacted "Seven On Your Side," who he said received a water bill for \$1,200 a few months after she moved into her newly purchased home and then received another for \$1,300 with a threat that her water would be shut off.

Berry said that "Seven On Your Side" contacted the woman's title insurer on her behalf and "they protected her against the huge water bill and the threat of no water." He added that "if she hadn't bought owner's title insurance, the story would not have had a happy ending" for the buyer.

The television report was produced after the buyer had been advised by her title insurer that the company would stand between her and financial loss that might come from the unpaid water bill. Berry pointed out that the buyer "like most peo"Effective handling of the media inquiry and professional competence demonstrated by station personnel resulted in strongly positive exposure for owner's title insurance...."

ple, never gave much thought to her title insurance—but now . . ."

The buyer then appeared in the television report, saying of owner's title insurance: "I love it. I would advise anybody to take it if they were buying a new house—I would."

After Berry reported that a court order requiring the water department to provide timely and accurate bills was issued in 1968 and the District government still has not been able to implement it, President Mowery replied that a positive solution may be near.

"I have a committee of the D. C. Land Title Association and we're in constant contact with the water department," President Mowery said in the television report. They now have a new computer and it looks like that in the very near future this problem will be resolved. We hope so."

After mentioning the price of owner's title insurance on representative home purchase transactions in the local area, Berry noted that—for the buyer who was the subject of his report—"it was worth



President J. Frank Mowery of the District of Columbia and Metropolitan Area Land Title Association (center) discusses land title evidencing problems in the public records of the local water department before taping the television interview with Channel 7. Also shown, from left, are ALTA Vice President—Public Affairs Gary L. Garrity and Neal Friedman, television producer.

it... without owner's title insurance, she would have had to pay someone else's \$1,300 water bill."

Following the report, in response to a question on the air from the Channel 7 news anchor woman, Berry again mentioned the home buyer's problem and said:

"Thank goodness she had owner's insurance. If you do buy a house, pay the extra money. You just can't be too safe."

#### Forest Land-(from page 9)

are, in fact, rooted in law rather than science and defined as legal and enduring.

Because of the sanctity of original cadastral surveys, questions of true boundaries of national forest land, or of any federal land for that matter, would be settled if cadastral survey lines were known.

The nationwide establishment of cadastral land surveys and expansion of a cadastral land information system, in fact, is urged by the American Congress on Surveying and Mapping and by many federal agencies as the way to avoid property line ambiguities and questions.

But, however widespread agreement may be on the advantages of a comprehensive and expanded cadastral land information system based on cadastral surveys, such a system is very far away perhaps centuries—from becoming reality, according to a recent National Academy of Sciences publication entitled The Need for a Multipurpose Cadastre.

In the meantime, ALTA, the New Mexico Land Title Association, landowners in New Mexico, the U.S. Forest Service and the U.S. Congress are attempting to find solutions.

#### **Possible Solutions**

The Forest Service has authority to trade lands with private owners when parcels are in dispute. But it cannot sell land to private citizens.

The Forest Service also has authority, and has been following the practice, of allowing present landowners on disputed property to continue to live on or use the property in question. This recourse of "use permits" does not transfer with the title, however. On the contrary, the new forest boundary becomes binding on the new owner at the time of sale.

In Congress, Sen. Harrison Schmitt (R-N.M.) introduced a bill in late January which would give the secretary of agriculture the authority to convey to private citizens by quitclaim deed all rights, title and interest of the United States to national (continued on page 23)

## Names In The News . .





William Rumsey

Bruce Byrd

Lawyers Title Insurance Corp., Richmond, Va., announced elections and promotions at the corporate level as well as the state management level.

William J. Rumsey was elected senior vice president—general corporate counsel. John Goode was elected vice president—general underwriting counsel. Bruce L. Byrd was elected vice president—general claims counsel. Each works from company headquarters in Richmond, Va., where additionally Gabriel A. Ivan was named corporate counsel and Edward R. Beierle and Michael J. Starrett were named associate counsels.

Rumsey joined Lawyers Title in 1975 as assistant general counsel and was elected vice president in 1977. He is a member of the ALTA Committee for Liaison with the National Association of Insurance Commissioners.





John Goode

Gabriel Ivan

Goode has been with Lawyers Title since 1961, most recently serving as vice president and assistant general counsel. He chairs the ALTA committee on the Commission on Uniform Laws and is a member of the ALTA Title Insurance Forms Committee.

Byrd joined the company in 1955 and served as vice president—claims since 1975.

Ivan, formerly associate counsel, has been with Lawyers Title since 1971. Beierle was assistant counsel prior to this promotion and joined the company in 1974. Starret, also formerly assistant counsel, served as Indiana state counsel from 1976 to 1978 and joined the company in 1971.

Recently elected as Lawyers Title vice president and state managers were Kenneth F. Williams, Carl E. Ergenbright Jr. and Robert V. Jones Jr.

Williams is vice president and state manager for Florida, headquartered in Winter Haven. Prior to this promotion, Williams was Florida state counsel. He joined the company in 1966. Williams is first vice president of the Florida Land Title Association.

Ergenbright is vice president and state manager for Virginia. He joined the company in 1973 and has served as state manager since 1978. He works from Richmond, Va.

Jones was named vice president and state manager for Georgia, headquartered in Atlanta. A Lawyers Title veteran from 1956, Jones was elected state manager in 1979.

Elected state manager for Pennsylvania was **Theodore P. Gennett.** Previously, Gennett was manager of the company's Atlantic City, N.J., office.

Newly elected South Carolina state manager is **Oliver I. Crawford** who has been South Carolina sales manager for the company since 1977.

Mark L. Hershberger was named South Carolina state counsel. Both Crawford and Hershberger work from the Columbia, S.C., office.

Another newly elected state counsel is **George P. Daniels** in Florida, working out of the Winter Haven office.

**Timothy J. Whitsitt** was elected branch counsel of Lawyers Title's Washington, D.C., metropolitan office in Bethesda, Md. And in the company's Chicago national division office, **Edward E. Malzone** was elected assistant vice president—sales.

Wayne A. Condict was elected vice president-associate counsel of First American Title Insurance Co., Santa Ana, Calif. He has been with First American since 1973 as assistant counsel.

The Schmitt bill, S. 160, has evoked guarded optimism from those in the midst

of the problem. But there is not guarantee that it will become law and opposition is expected from the Forest Service.

The Forest Service's criticism, according to Liddicoatt, is that the proposal would have the Department of Agriculture give away federal land, and that such an answer may lead to a rush of people filling claims to acquire federal land. Also, spokespeople from the Forest Service say the proposal would not solve many of the problems because many of them involve more than five acres of land.

At the end of the last Congress, a bill was proposed by Sen. John Melcher (D-Mont.) which would allow landowners to buy back disputed land bordering national forests. It essentially allowed the Forest Service to have financial dealings with the landowners. The bill did not make it through the busy calendar of the lame-duck session, however.

The New Mexico state legislature has been asked by an ad hoc committee representing various state trade associations to offer a legislative solution. The ad hoc committee's proposal for legislation would have New Mexico accept as law the rules of surveying prescribed by the 1973 BLM manual of surveying with five overriding provisos.

The provisos generally require that all surveys, including public land surveys, be conducted to uphold private ownership of land on an equal basis with other ownership and that survey rules provide preemptive rights for bona fide claimants that have in good faith perfected their titles; that the unilateral changing of established survey corner markers be illegal; that bona fide rights of landowners who in good faith perfected title be secure; that adverse possession be applicable in good faith landownership cases against federal land, and that surveying enhance title rather than destroy title.

#### Economy—(from page 13)

American businessmen and consumers alike. This, in turn, will lead to lower interest rates, increased investment and even stronger economic growth throughout the 1980s.

The late 1970s have been a depressing time in American history. President Carter tried to convince the American people that our expectations for the future had to be lowered. President Reagan, on the other hand, ran a campaign of optimism. He successfully convinced the American people that we again can experience economic prosperity. I am looking forward to working with him to transform his optimism into reality.

Forest Land-(from page 22)

forest land in situations where property lines are disputed. This authority would apply in cases involving five acres or less of national forest land. Sen. Schmitt believes his solution would solve 90 percent of the boundary line disputes.

## Calendar of Meetings

March 25-27 American Land Title Association Mid-Winter Conference The Homestead Hot Springs, Virginia

April 30-May 2 Arkansas Land Title Association Lake DeGray Convention Center Arkadelphia, Arkansas

April 30-May 2 New Mexico Land Title Association Holiday Inn Las Cruces, New Mexico

April 30-May 3 North Carolina Land Title Association Litchfield Inn and Country Club Litchfield, North Carolina

May 3-5 Iowa Land Title Association Holiday Inn Amana, Iowa

May 7-9 Oklahoma Land Title Association Sheraton Century Oklahoma City, Oklahoma

May 14-15 California Land Title Association Islandia Hyatt House San Diego, California

May 14-16 Texas Land Title Association Palacio Del Rio Hotel San Antonio, Texas May 28-30 Tennessee Land Title Association May 28-31 Opryland Hotel Nashville, Tennessee

May 31-June 2 Pennsylvania Land Title Association Shawnee on the Delaware Shawnee, Pennsylvania

June 7-9 New Jersey Land Title Insurance Association Seaview Country Club Absecon, New Jersey

June 22-24 Oregon Land Title Association Ashland Hills Inn Ashland, Oregon

June 25-27 Land Title Association of Colorado Sheraton Steam Boat Resort Steamboat, Colorado

June 28-30 Michigan Land Title Association Grand Traverse Hilton Traverse City, Michigan

July 16-18 Wyoming Land Title Association Ramada Inn, Casper, Wyoming

August 6-8 Montana Land Title Association Sheraton Hotel Billings, Montana

August 6-9 Utah Land Title Association Elkhorn Village Sun Valley, Idaho

August 13-15 Minnesota Land Title Association Holiday Inn Grand Rapids, Minnesota August 14-15 Kansas Land Title Association Holidome Dodge City, Kansas

August 20-13 Alaska Land Title Association Juneau, Alaska

August 30-September 1 Ohio Land Title Association Hyatt Regency Columbus, Ohio

September 1-4 New York State Land Title Association The Otesga Cooperstown, New York

September 9-12 Washington Land Title Association Thunderbird Motor Inn Wenatchee, Washington

September 11-13 Missouri Land Title Association Lodge of the Four Seasons Lake Ozark, Missouri

September 13-15 Indiana Land Title Association Merrillville Holiday Inn Merrillville, Indiana

September 20-23 American Land Title Association The Broadmoor Colorado Springs, Colorado

October 2-4 South Carolina Land Title Association Hilton Head Island, South Carolina

October 15-16 Wisconsin Land Title Association Pioneer Inn of Lake Winnebago Oshkosh, Wisconsin

American Land Title Association

1828 L Street, N.W. Washington, D.C. 20036 BULK RATE U.S. POSTAGE PAID Silver Spring, Md. Permit No. 550