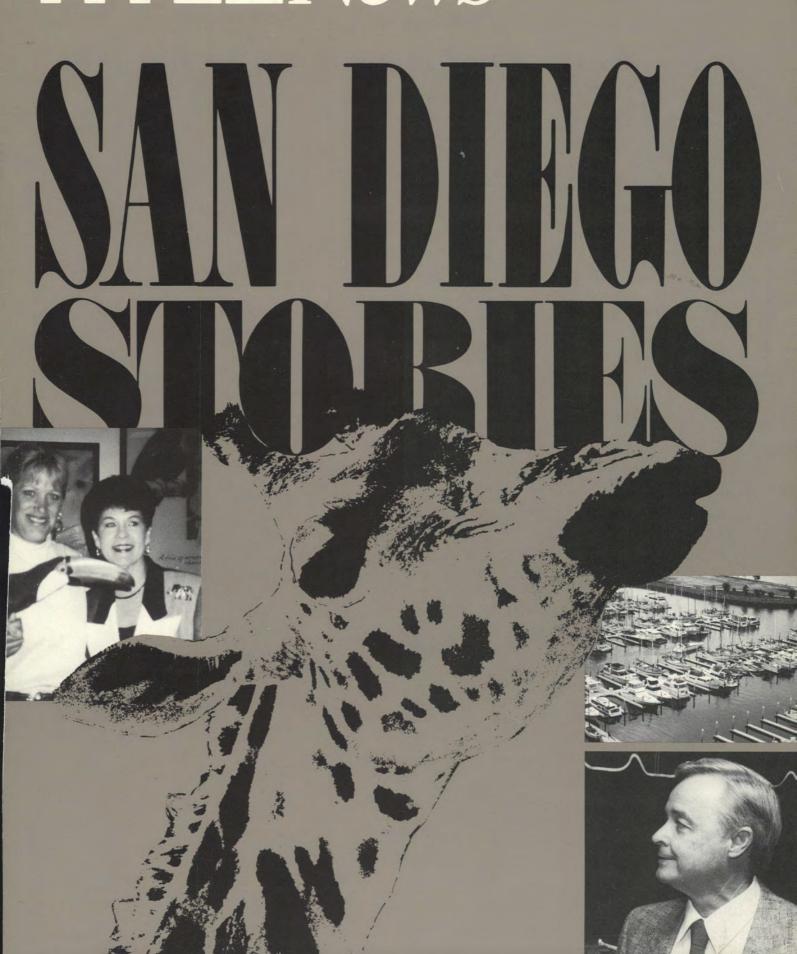
TITLE News



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JUNE 1991

TITLENews

Volume 70, Number 2

Editor: Adina Conn

On the Cover: "San Diego Stories," a photographic essay of this year's ALTA Mid-Year Convention. Photos shown clockwise: Joan Embery, San Diego Zoo staffer with ALTA First Lady Ann Thurman; one of the zoo's most popular residents; a view of the San Diego Marina from the Marriott Hotel (this year's Convention site); and ALTA President Bill Thurman. Photo spread beginning on page 12. Cover photographs by Adina Conn.

FEATURES

4 Agent Defalcation—an **Underwriter's Challenge**

Are you an underwriter affected by your agent's failure to make a pay-off on a policy? This article tells you what you can do to protect yourself and your company should such an act occur.

By Tom Kelly

KLTA Lobbies Against Controlled Business

By John M. Bell

Networking at its finest! In this article, a state officer shares his association's legislative efforts with Title News readers.

12 San Diego Stories

Highlights of this year's ALTA Mid-Year Convention in beautiful San Diego are captured in this photographic essay.

By Ken Abbinante and Adina Conn

DEPARTMENTS

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A MESSAGE FROM THE UNDERWRITER CHAIRMAN



f you are able to read this...congratulations! You made it through the 80's.

It was a decade of true financial turmoil. Some industries were severely damaged. Our industry could have suffered the same fate, but it did not. Let's take a moment to give ourselves credit for this . . . heaven knows nobody else will.

I was 32 years old when the decade began. By the time it was over, I was 58. For ten years the country was on a roller coaster ride like it had never seen before. The early 80s were recession years. Title orders were scarce. Then the market rebounded too quickly. By 1986, I wanted to ask certain customers to put their orders on hold until the

next economic downturn (not, however, a good marketing plan). Computers were "in" and training programs were "out". At that time, most of the lenders disappeared and we were back to treating every order like it was a gift from heaven. Although I'm taking liberties by generalizing a bit, one can see the point.

Things changed during the 80s. Lawyers, MBAs and CPAs took over the financial world. The guys who ran the businesses were incidental. Honesty became a little less important. Companies were born, became huge, and disappeared in the course of a few years. Stability and longevity were considered boring.

Some things didn't change during the 80s, but they were given new names. At one time, when one industry member bought another, it was called a "purchase". Now we call it a "consolidation"... a mystical event! If the buyer uses borrowed funds, we call it an "LBO". If the buyer issues bonds to raise the money, we call this "junk bond financing".

During all this, some industries let their guard down. They thought that the natural order of things had really changed. Some industries let their guard down. Our industry was not.

To be sure, many of the things that hurt the savings and loan industry could have also hurt our industry. We could have invested heavily in junk bonds, but we didn't. More important, we could have put ourselves in a position to suffer financially when some of the LBO's went sour (and many of them did). Our underwriters, however, saw that some of these deals didn't make as much sense as everybody seemed to imagine. Through careful underwriting practices and the use of the creditor's rights exception, we were able to issue title insurance in connection with some of these ill-fated transactions without suffering a loss in the process.

During the 80s we started to criticize ourselves because a few bad practices worked their way into our industry and because in the latter part of the decade, profits weren't very high.

Nonetheless, I do see some good signs on the horizon. Now, new and more equitable pricing systems are being implemented. In a number of states, defalcations are now tapering off. With respect to the Association and its most recent convention, our time was passed in San Diego most pleasurably—without a single quake, and with no report of any food poisoning!

Hats off to the title industry. Sure, we have problems and we make mistakes. But can you think of a better industry? Let's give ourselves credit . . . we made it through the 80s!

Buker S. Ken

Parker Kennedy

Agent Defalcation an Underwriter's Challenge

by Tom Kelley

The Board of Governors at a recent meeting recognized the talent that serves on ALTA committees and requested that the committees be utilized to generate articles for Title News. The following article by Tom Kelley, vice president and national counsel of First American Title Insurance Company, is the first submitted through a committee. The author is a member of the Claims Administration Committee that will be supplying articles periodically on claims management issues.

nderwriters and agents generally enjoy mutually beneficial relationships. In recent years, however, title insurance underwriters have been adversely affected by a few agents failing to make payoffs on policies and/or converting trust monies for the agent's own benefit. While the causes related to why the agent committed wrongful acts is the subject for a different article, this article intends to focus on what the underwriter can or should do when the horse is out of the barn.

The First Call

In many situations the agent will telephone the underwriter with news that the agent has been misusing monies for mortgage or other pay-offs or monies out of the trust account. At this point, the underwriter needs to react with a team of players who have been predesignated in the particular geographic area to handle agent defalcations.

I think it is particularly important for the underwriter to have a designated point person to control the information developed from various sources. Usually company counsel in the particular state will be designated as the person in charge of the investigation and will determine any liabilities.

The typical defalcation is an accounting nightmare from the beginning requiring accounting expertise to try to unravel where the money went, how it was taken and to whom it was paid, making the accountant a key team member. In one of our cases, we designated the accountant as the "forensic accountant". In many defalcations records are at a minimum and are usually very confusing. The accountants must virtually duplicate the accounting system which should have been in place all along.

Another team member is a private investigator. Generally, title claims do not require the use of outside investigation, however defalcations cannot really be handled without the adequate use of investigators. Someone must go into the field to ask questions in order to develop the full story of what happened and who is involved.

Besides the forensic accountant and the private investigator, outside counsel who would be assigned to institute lawsuits against culpable parties or to initiate litigation to recover assets is another essential team member. It is important that the outside counsel be sensitive to the time requirements of getting the lawsuits filed and pursuing any recovery which might be available. These matters cannot wait and must be initiated promptly in order to maximize any recovery.

Finally, a title person must be enlisted to go through the various titles which have been insured. In a situation where you have policies issued and the pay-offs on the various loans were not made, it is prudent to review all of those files and research the titles in order to determine what liabilities may be present on the outstanding title policies.

How Big Is It?

From the underwriter's perspective, one of the most frightening aspects of an agent defalcation is that, from its inception to a period somewhere down the road, you have no idea how large is the exposure. This period of time can create some uncertainty as to the liabilities and creates some anxious moments on the part of management. The job of claims manage-

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ment is to determine and report the range of exposure created by the agent, and to do so in a timely manner.

What Do You Do First?

After having assembled the team, or calling the team into action, the underwriter needs to obtain all of the available records of the agent. Sometimes the agent will voluntarily turn over the operation's records and other times you must institute a lawsuit in order to gain control of the records. The records are particularly important in order to track the money.

Unlike an employee defalcation, the agent defalcation represents a situation in which you must gain control of the records and documents in order to trace the money. In an employee defalcation, those records are the underwriter's records subject to immediate inspection and determination of where the money went.

Additionally, the team must answer questions from lenders, insureds, vendors and anyone else connected with the agent's operation. Usually for a month or so, calls will come in concerning questions about pay-offs, money or account or other types of items which are within the agent's usual business activities. I think it is important to monitor these calls because they can develop into leads as to where the money went and, certainly, what exposures the underwriters may have as a result of the agent's activities. Some time should also be spent on developing a considered response for customers and press inquiries. A good response may help the underwriter avoid creating unnecessary alarm and avoid assuming any unnecessary liability. Ideally, only one person should respond to such inquiries.

The underwriter's liability varies based upon state law, ranging from somewhat strict liability for the agent's defalcations (such as in Florida) to more loosely defined obligations which would only result in title insurance policy liability in other states. The manner in which the claim is handled certainly is reflective of the range of liabilities from state to state. The file designation "XYZ Agent" will really be 50 to 100 different claims as a result of one agent's activity. The facts of each claimant's right to funds or pay-off will be very similar but will require separate analysis by the underwriter.

Asset Recovery

Many times in the agent defalcation situation, assets are available, or held by third parties in order to recover a portion of the monies. Various assets may be personal property (such as cars, jewelry, etc.) or real property owned by the agent, or claims against third parties for money received. Various forms of collection have been used by underwriters, including state receiverships, conservatorships, etc., I would favor the bankruptcy proceeding over most forms of liquidation, the primary benefit of bankruptcy being the ability to draw third parties in for collection purposes. The bankruptcy form of liquidation can control the filing of lawsuits by various parties and provides an adequate forum for the dissolution of the business and the orderly payment of creditors. Asset recovery can take the form of seeking money to be returned from the agent's primary bank and against third parties who received payments from the agent, or various payments of personal benefit to the agent or improper payments made out of the escrow account. The underwriter should evaluate each asset on its own merit and as to whether any available recovery can be made from that particular asset. I recall an airplane we acquired in connection with an agent defalcation which proved to be a less than advantageous situation in that the airplane needed extensive repair work and turned out to be somewhat of a liability rather than an asset.

Multiple Underwriter Situations

Frequently the agent has underwriting agreements with several underwriters. This presents unique problems of determining which underwriter is responsible for which policies. If the agent failed to make pay-offs on transactions, the liability is fairly clear as to which underwriter's policy was issued. It becomes somewhat less clear if closing protection letters were issued for the benefit of the lenders who may have had money held by the agent with the transaction having not closed. The lender in these situations may have had several closing protection letters from different underwriters. The key element in multi-underwriter situations is co-operation and communication must exist between the underwriters in order to resolve

the issues in a timely manner. While the underwriters may have differing views as to how to handle the situation, any delay or diffusion of tactics will result in additional expense and unwarranted delay in the collection of any available assets.

Prosecution By Authorities

The agent's acts usually constitute criminal activities. The available authorities to prosecute such criminal acts include the Federal Bureau of Investigation (FBI), state or county prosecutors and postal authorities. The central problem with prosecution of agents for their activities in connection with a defalcation revolve mainly around the complexity and lack of available resources for proving a case against the agent. While everyone connected with the defalcation knows that money is missing and a theft of money occurred, proving it is a different matter. The key element in the appropriate authorities prosecuting the criminal acts is the reconstruction of the accounting records in order to show how the theft occurred, how much money was taken and what the pattern of conduct the individual followed. Prosecution of the criminal acts committed by the individual is a deterrent for future situations and should be a concern in every agent defalcation.

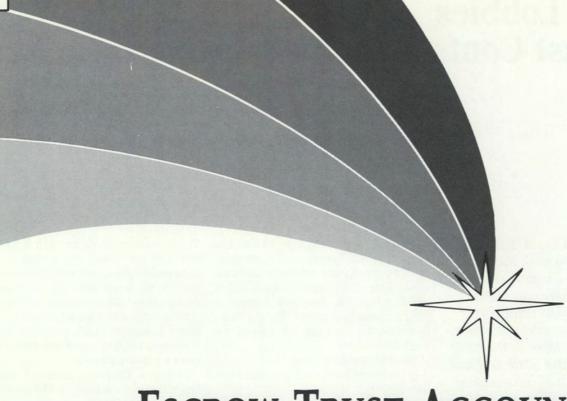
The Postmortem

In the past six years, underwriters have had to encounter agent defalcations and improper policy issuing situations in increasing numbers, although occurrences are small compared to the total agent group. I think it is important that each agent defalcation claim situation be analyzed and that the manner in which it was created and what factors led to the agent defalcation must be noted. Underwriters certainly must learn from past claims as to what are future risks. By conducting a review of the facts which created the situation leading to each agent defalcation and, more specifically, how the agent defalcation was dealt with, underwriters can benefit from the experience and control future agent defalcations.

The author is vice president and national counsel for First American Title Insurance Company in Santa Ana, California. He has been employed by First American Title Insurance Company since 1972 and is responsible for the legal department and national claims for the company.

Mr. Kelley received his Bachelor's Degree from the University of Nebraska in 1971 and Juris Doctor Degree from Western State University, Fullerton, California, in 1976. He is a member of the California State Bar and the American Bar Associations. He is also a member of the Litigation

Committee of the California Land Title Association and of the Claims Administration Committee of the American Land Title Association.



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KLTA Lobbies Against Controlled Business

by John M. Bell

The Kansas Land Title Association coupled with the Kansas Insurance Commissioner, have successfully completed a five year effort to limit controlled business and eliminate deceptive practices in the title profession in the State of Kansas. A network of information on legislative efforts and the results achieved is shared by the KLTA's own secretary/treasurer.

n 1986, nine title companies in Johnson County, Kansas, filed a complaint with the Kansas Insurance Commissioner. This action received a great deal of coverage from **The Business Journal** (a local business newspaper). The Insurance Commissioner investigated and found five areas of violations:

- (a) shell title companies
- (b) advisory fees based on business referred
- (c) paying closers salaries who worked in real estate offices
- (d) leasing office space from brokers and not using the actual space
- (e) selling stock for \$1 a share with assurances of receiving \$7,000-\$8,500 per year on return investment.

In August of 1987, the letters of consent were sent to the companies in violation. In each instance, they were signed and the practice ceased. In January, 1988, the Insurance Commissioner opened a new investigation when a case was filed by a consumer who claimed his charges had been inflated due to a relationship between the realtor and the title company. At the same time, a member of the Kansas House of Representatives approached the Kansas Insurance Commissioner regarding a complaint he had received from a constituent, of alleged excessive charges by a title company.

In July of 1988, the Kansas Insurance Commissioner appointed a Study Committee whose membership represented the title industry, the Kansas Bankers Association, the Kansas Real Estate Commissioner, the Kansas Savings and Loan League and the Kansas Association of Realtors. The result of this committee's deliberations was H.B. 2502. This bill said in essence, that in a controlled business situation, no more than 20% of a title company's business could come from a controlled business source.

The law exempted counties with a population of 10,000 or less. This exemption was requested by the Kansas Land Title Association, as we found that many of our members in those smaller counties, in order to make a living, were engaged in several businesses in addition to title insurance. These businesses often included real estate and other forms of insurance.

The term "Controlled Business" was to be defined in the regulation to be drawn by the Kansas Insurance Commissioner. In 1989 the bill passed both houses of the legislature and was signed by the Governor. There were only two nay votes in the House of Representatives, the bill passed unanimously in the Senate. The controlled business entities filed a law suit claiming the population exemption and the fact that the definition of controlled business was not in the bill, were both unconstitutional. In late 1990, the District Court of Shawnee County found the bill to be unconstitutional based on these two points. The Kansas Insurance Commissioner appealed this finding to the Kansas Supreme Court.

In January, 1991, the Kansas Supreme Court unanimously reversed the decision of the District Court of Shawnee county. The controlled business companies filed for a rehearing and in March, 1991, it was denied.

During this same time in the state legislature, a new bill had been introduced which would have taken everything out of the law but the need to disclose one's interest in a title company. In March of 1991, the Insurance Committee of the House of Representatives voted 10 to 3 to defeat this bill.

A point of interest in this rather lengthy procedure was the fact that although the realtors had alot more money to spend and many more members who vote, it was the title people, with help, that prevailed.

The Kansas Land Title Association kept

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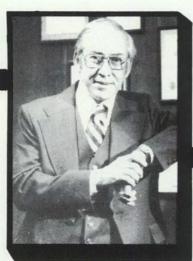
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"There's hardly anything in the world that some men cannot make a little worse and sell a little cheaper, and the people who consider price only are this man's lawful prey."

John Ruskin (1819-1900)

"A title agent for title people"

their members informed and called the many special meetings which were necessary to plan our strategy. The state was networked, with members writing and calling their respective representatives and keeping the state association informed of their contacts. The members were generous with their contributions and the American Land Title Association also helped with attorney's fees during the appeal to the Supreme Court.

Our members in the smaller counties were very important, although none had been affected by controlled business, they supported the legislation. These people are better acquainted with their representatives than the members in the more populous counties and they were most important to this effort.

The legislature was obviously more attuned to the Kansas people than those who appeared for controlled business who were from out of state. The Kansas Association of Realtors Board of Directors endorsed the controlled business point of view and their lobbyist appeared at every hearing. None of the local Boards of Realtors endorsed this effort. In fact 20 some realtors wrote letters in opposition to controlled business. The lobbyist for the Kansas Association of Realtors told several members that this hurt the KAR position, as it proved that they did not have the support of all of their membership. Additional help, which was unsolicited, was the appearance of a member of the Sedgwick County District Attorney's office from the Consumer Fraud and Economic Crime Division. This Assistant District Attorney testified regarding their office's concern for the consumer in a controlled business atmosphere. They recognized that the consumer does not know enough about the situation to protect themselves.

The Kansas Land Title Association has

had a lobbyist for many years. Our current one has been representing the association for a number of years. He is an attorney, former Speaker of the House and former state senator. He is very conversant regarding the title business, and this, coupled with his contacts, makes him very effective. He kept the KLTA Secretary advised on who in the legislature needed a special call, or who would be needed at the hearings. There were many conference call meetings of the Legislative Committee which included our lobbyist. Also included in these Conference Call Meetings was a senator who had championed our original bill. We found that through these conference call meetings we were able to make decisions as to who would speak at the hearings, who would cover what subject matter and the latest information coming out of the state capital that would be of interest to us. These calls kept the operation in good order, with no unexpected actions and made our efforts more effective. Our members operating in the state capital were very important in helping to monitor the activities and also were available on, sometimes very short, notice for appearances.

The main thrust of the controlled business group was that the new law was inhibiting free enterprise. The Kansas Land Title Association's position was that we wanted a "level playing field" and for them to go out and compete with us. To our advantage, during this most current effort to pass another bill, the National Association of Realtors came out against banks being able to sell real estate and NAR asked for a "level playing field". Copies of the NAR publication were included with the position papers and realtors letters which were given to the House Insurance Committee, and this obviously received a positive reaction for our position from the members of the Insurance Committee.

The Association does not feel "it is over". Some of the realtors engaged in controlled business are very angry and have promised they will go back year after year to the state legislature for a bill eliminating the 8-20 restriction on controlled business.

This article was requested in an effort to inform other state associations of what worked in a positive manner for us in the state of Kansas in our success to limit controlled business. If other states have further questions or need more information, please feel free to contact the Kansas Land Title Association, as our officers, the members of the Legislative Committee and our lobbyist will all be willing to share any information we have in this regard.



The author is executive vice president of Security Abstract & Title Co., Inc., in Wichita, Kansas. He is the secretary/treasurer for the Kansas Land T tle Association, as well as a member of the ALTA's Public Relations Committee The author is also past president of the Kansas Land Title Association, as well as a recipient of the KLTA's prestigiou "Title Man of the Year" award.

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SAN DIEGO STORIES

o earthquakes, no food poisoning—not as much as a single tremor was experienced during the ALTA's Mid-Year Convention, recently held in San Diego. Members passed their time in the beautiful city, worry-free, enjoying the sun and the sea. A more perfect convention site to chase away the winter blues could not have been found. While some members partook in the abundance of interesting and informative educational fare, others explored the exciting sites and sounds of the city and its outlying areas. The outcome—the following pictorial essay, which clearly proves San Diego and the Mid-Year Convention was enjoyed by all.



San Diego Marriott Hotel & Marina-site of this year's Mid-Year Convention.



MEETINGS





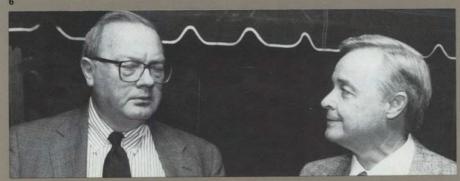






TIME OFF









- Dick Geib (seated left) and Ron Wilkins listening in at the Life Counsel meeting.
- 2. State Executives Joy Drummonds (from left), Susan Zecchini, and Melissa Murphy enjoy the Affiliated Officer Seminar.
- 3. State Executive Fran Morris (seated left), clearly tickled by comments from Robert Barnett.
- John Bell (left) and Barbara Harms found deep in conversation during the Public Relations Committee meeting.
- A state executive found listening intently during one of the group discussions.
- ALTA President Elect (left) Dick Cecchettini found discussing ALTA business with Underwriter Chairman Parker Kennedy.
- 7. ALTA President Bill Thurman (right), engrossed in conversation with Roy King.
- 8. ALTA Past Presidents (from left), Jerry Ippel, Roger Bell and Jim Boren reminisce about the "good ole times."
- 9. Connie Thomson (left) intrigued by conversation with Joe McNamara.

HAPPENINGS AT THE ZOO











- 1. ALTA members enjoy a behind-thescenes tour of the San Diego Zoo.
- 2. Vera Harper with book in hand, looks on at the giraffes' habitat.
- 3. A San Diego Zoo staffer proudly shows off her 13-foot slithery friend to attendees at the Spouse/Guest Brunch.
- Certain zoo denizens found lounging around the water, enjoying the perfect weather of the day.
- Joan Embery, San Diego Zoo "Ambassador" (left), introduces her friend to an amused Ann Thurman, ALTA First Lady.
- 6. Joan Embery with a hungry friend in hand.



6

GENERAL SESSION

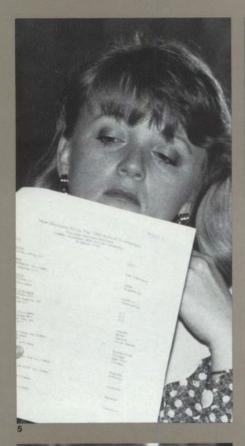




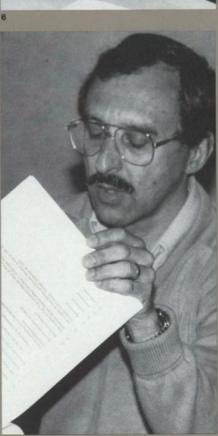




PAPER WORK & MORE PAPER WORK . . .



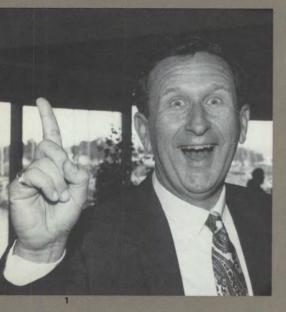




- 1. General Session speaker Carl Sagan emphasizes a scientific point.
- 2. Carl Sagan (right) finds a real fan in ALTA Abstracter-Agent Chairman Dick Oliver.
- 3. Early Bird Prize Winner Dan Dozer (left), congratulated by Bill Thurman.
- 4. Dorie and Dale Astle (from left) peruse the schedule of the day.
- Karen Brown found examining a list of new members at the Membership and Organization Committee meeting.
- 6. A member is found engrossed in ALTA information.
- 7. Randy Owensby studies a report at the Recruitment and Retention Committee meeting.
- 8. Ray Bender—a little mystified by an M&O report.



CANDID MOMENTS

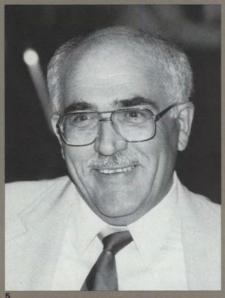


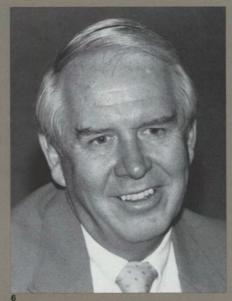




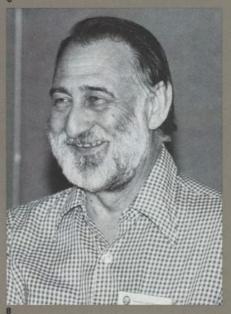














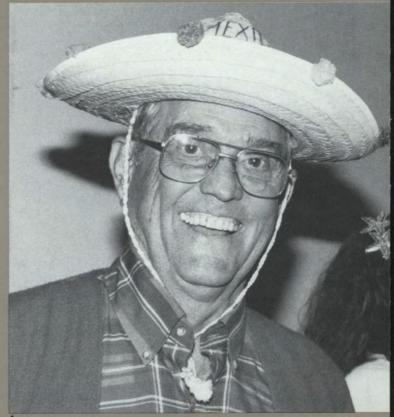
- 1. Bill Rice emphatically states that San Diego is #1 in his book!
- Dick and Kitty Oliver (from left) found visiting with friends at the ALTA President's reception.
- 3. Marietta Toft (left) and Helen Bell present warm smiles for the camera.
- An amused Peter Norton (right) chuckles away while Myron Ely looks on.
- 5. Orville Jones delights in the Affiliated Officer Seminar.
- 6. Donald Davids found enjoying the convention.
- 7. Louis Petty caught in the act of having fun!
- 8. Mike Carpenter provides a hearty smile at the Lender Counsel meeting.
- ALTA members enjoy the outdoors and the harbor during one of the convention tours.

ICEBREAKER...OLE!









THOSE WHO MAKE A POINT













- ALTA members are greeted Mexican style at the Icebreaker reception.
- 2. Mariachi players serenade members "South of the Border" style.
- 3. A pert little Missie Currier found "in tow" during the fiesta.
- 4. Bob Newell partakes in the evening's festivities.
- 5. Bob Bozarth found making a somewhat "dubious" point.
- 6. Bo Crowley making a two-handed emphatic point.
- Mary Feindt found explaining her point.
- Ed Schmidt, Jr., makes a "so-so" point.
- 9. Fred Hemphill lays it all on the line.
- Jan Alpert gracefully makes her point (or . . . is she caught practicing the hula for the 1992 ALTA Maui Convention?)!

NAMES IN THE NEWS



Robert M. Vogt has been named president of Security Title & **Trust Company of** Alaska, a wholly owned subsidiary of First American Title Insurance Company, by First American President Parker S. Kennedy, Security Title services every recording district in the state from its headquarters in Anchorage. Vogt has 17 years of experience in the title insurance industry throughout the western United States, including Honolulu, Phoenix, Seattle, and northern California. He has lived a total of 13 years in Alaska, working in Fairbanks, Juneau and Anchorage. He was sales manager for Security Title in the mid-70s, and most re-

cently was Washington

state manager for an-



Bender

other title company. Raymond L. Bender, executive vice president and north central region manager of Ticor Title Insurance Company has been elected vice president of Chicago Title Insurance Company, announced Richard L. Pollay, president of Chicago Title Insurance Company. Headquartered in Chicago, Bender will be responsible for the Chicago Metro Operations for Chicago Title Insurance Company. Bender joined Chicago Title through the recent purchase of the **Ticor Title Insur**ance Companies by Chicago Title and Trust Company. Bender has been active in the Urban Land Institute, the International Council of Shop-



Ronita

National Council of Corporate Real Estate Executives. Joseph C. Bonita, chief underwriting counsel and executive vice president of Ticor Title Insurance Company, has been elected vice president of Chicago Title Insurance Company. Bonita will be headquartered in Los Angeles. He joined Chicago Title in 1968 and Ticor Title in Denver in 1983. Bonita held a number of positions as a Ticor Title counsel. He rejoins Chicago Title through the recent purchase of the **Ticor Title Insurance** Companies by Chicago Title and Trust Company. William Chicago metro area manager, has been elected vice president, Chicago Title Insurance Company. Craig, who will be headquartered in Waupany after Chicago pany. Bajan Koepeczi-Deak, executive vice president and central and west-**Ticor Title Guaran**tee Company, has ident of Chicago Title Insurance Company, announced Michael **Ticor Title Guaran**tee and senior vice president and northeastern regional man-Koepeczi-Deak is headquartered in Buffalo, New York. He



A. Craig, northwestern

ping Centers and the

kegan, joined Chicago **Title Insurance Com-**Title and Trust Company acquired Safeco (now Security Union) **Title Insurance Com-**



A. Lewis, president of

ager for Chicago Title Insurance Company.



Ferraro



Funicello



Geer

joined Ticor in 1973, and came to Chicago Title through the recent purchase of the **Ticor Title Insurance** Companies by Chicago Title and Trust Company. He is responsible for Chicago Title's operations and Ticor Title Guarantee and Chicago Title agents in central and western New York. A decorated U.S. Marine veteran of the Vietnam War, Koepeczi-Deak is active in various builder's, realtor's and banker's associations. Kenneth C. Ferraro. associate general counsel, has been elected vice president, Chicago Title and Trust Company and Chicago Title Insurance Company, announced Richard P. Toft, president of CT&T. Ferraro, headquartered in Chicago, joined Chicago Title and Trust Company in 1971. He has served in a number of positions with the general counsel's office of CT&T and its subsidiaries. Thomas J. Funicello, Arizona state manager, has been elected vice president of Chicago Title Insurance Company. Funicello will be headquartered in Phoenix. Since 1982, he has been president and chief executive officer of Chicago Title Agency of Arizona, Inc. He has held positions with Lawyers Title, Commonwealth Title and Stewart Title Company. H. Stat Geer, southwestern Chicago metro area manager/ resident vice president has been elected vice president, Chicago Ti-

Koepeczi-Deak



Hallman

Knebel



through the recent pur-

chase of the Ticor Ti-

tle Insurance Com-

panies by Chicago

tle Insurance Com-



Marino

pany. Knebel is active in The Conference of Insurance Counsel, the American Land Title Association, the Association of Insurance Commissioners and the California Business Roundtable. Jack A. Marino, senior vice president and senior title counsel/national title sales for Ticor Title Insurance Company has been elected vice president of Chicago Title Insurance Company. Marino will be headquartered in New York City. He joined Ticor Title in 1971. He joined Chicago Title through the recent purchase of the Ticor Title Insurance Companies by Chicago Title and Trust Company. Peter C. Nichols, assistant vice president, has been elected vice president, Chicago Title and Trust Company. Nichols. who will be headquartered in Chicago, joined Chicago Title in 1977 and has been assistant vice president of operations in the Information Services Department since 1989. Bernard M. Rifkin. executive vice president and senior title counsel for the Ticor **Title Guarantee** Company has been elected vice president of Chicago Title Insurance Company. announced Michael A. Lewis, president of **Ticor Title Guaran**tee and senior vice president and northeastern regional manager for Chicago Title Insurance Company. Rifkin will be headquartered in New York City. He joined Ticor

Title and Trust Com-



White

Title in 1977 after holding positions with U.S. Life Title Insurance Company and Chicago Title. Rifkin rejoins Chicago Title through the recent purchase of the Ticor Title Insurance Companies by Chicago Title and Trust Company. Rifkin was formerly a professor at the NYU School of Law, and active in the American Land Title Association. He is a member of the American Bar Association. New York State and City Bar Associations, and the American College of Real Estate Lawyers. Richard C. White, executive vice president and western region manager for **Ticor Title Insurance** Company, has been elected vice president of Chicago Title Insurance Company. White will be headquartered in San Francisco where he is now responsible for Chicago Title's Bay Area operations. He joined Ticor Title in 1984 after holding a vice presidency with First American Title Insurance Company. He joined Chicago Title through the recent purchase of the Ticor **Title Insurance Com**panies by Chicago Title and Trust Company. White is a member of the National Association of Corporation and Real Estate Executives and a member of the Board of Governors of the California Land Title Association.

The following individuals have received promotions at Chicago Title Insurance Company: Nigel

assistant vice president and remains C & I sales representative, New York City, NY; G. T. Ellis, appointed Florida National Business Unit underwriter, Orlando, FL; Susanna Juarez, appointed escrow advisory officer, Bay Area Management Group, San Francisco, CA: Robert Richards, appointed assistant regional accounting officer, Cleveland, OH; Timothy Whitsitt, appointed manager, Rockville Agency Service Center and remains associate regional counsel, Rockville, MD; Albert E. Yorio, appointed resident vice president and regional managing claims counsel. New York City, NY: John Obzud, elected president of CTIC of Maryland by that company's board of directors, Baltimore: William R. Sackville, elected a vice president of CTIC of Maryland by the company's board of directors; Walter Adams, appointed assistant vice president and county office manager, from senior title attorney and production manager, Belleville, IL; Alan Costa, appointed resident vice president and sales manager, from assistant vice presidentsales, White Plains, NY; Steven G. Day, appointed assistant vice president and branch manager, Providence, RI: Sarah Dunphy, appointed assistant vice president and remains branch manager, from title operations

officer, Bedford, NH; Robert A. Graves, appointed title opera-

Obzud

Drepaul, appointed

tions officer, from title production manager, Orlando, FL; Phyllis Hall, appointed branch manager. Fredericksburg, VA; Sue Jackson, appointed assistant vice president and manager, commercial escrow, Dallas, TX; John Kelly, appointed assistant vice presidentsales, from C & I representative. White Plains. NY: John H. Kettelkamp, appointed resident vice president and remains Sangamon County Manager, Springfield, IL; Dale Lewis, appointed assistant vice president and branch manager, from commercial escrow manager, San Antonio, TX; John Rudy, appointed to training and systems officer. West Palm Beach, FL; Lawrence



Morgenroth

Vaughn, appointed assistant regional counsel, underwriting, from office counsel, Chicago National Business Unit; Carol Watt, appointed assistant vice president and branch manager, from title production manager, White Plains, NY.

Irving Morgenroth has been promoted to executive vice president and general counsel of Commonwealth Land Title **Insurance Company** and its affiliate. Transamerica Title **Insurance Company.** In his new post, Morgenroth will serve the combined organization as the senior executive in the areas of law and public affairs. He is based in Commonwealth's corporate headquarters in Philadelphia, PA. Morgenroth has been

WHAT ARE WE WORTH?

I don't really have a good idea.

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American Land Title Assoc.



Lawrence E. Kirwin, Esq., President

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Call Toll Free 1-800-637-8979 and ask for Becky Polk Title Agents of America (TAM), P.O. Box 218694, Houston, Texas 77218-8694 with Commonwealth since 1959, serving for the past 20 years as chief counsel. He also serves on the Board of Directors of both Commonwealth and Transamerica Title. Morgenroth is a member of the American, Pennsylvania, New Jersey and Philadelphia Bar Associations. He has served on the Title Insurance Forms Committee and the Indian Claims Committee of the American Land Title Association. He is a past president of the Pennsylvania Land Title Association and the Corporate Real Estate Association and is a member of the American College of Real Estate Lawyers. Morgenroth also has served as an author and lecturer for the Pennsylvania Bar Institute and has partici-

pated in legal seminars

for the New York

Law Journal. Commonwealth

Land Title Insurance Company and Transamerica Title **Insurance Company** are pleased to announce the following promotions: Lynn Payne Anderson has been promoted to vice president and director of Corporate Communications at Commonwealth Land Title Insurance Company and its affiliated company, Transamerica **Title Insurance Com**pany. Based in Commonwealth's corporate headquarters in Philadelphia, Anderson is responsible for all marketing and corporate communications programs for

Commonwealth and

Transamerica Title

Anderson







Howarth

and their subsidiaries, Commonwealth **Mortgage Assurance** Company, Commonwealth Relocation Services, Inc. and **CRS Financial Ser**vices, Inc. George N. Byrd Jr. has been appointed branch manager at Commonwealth. Based in the company's newly opened Virginia Beach office, Byrd is responsible for agency and direct operations in the Greater Hampton Roads area of Virginia. Byrd has 14 years of experience in the title insurance industry. He is the former owner of Virginia Heritage Title and Escrow Agency and Life Title and Escrow Agency. two independent agencies that Commonwealth Land Title recently converted into the Virginia Beach office. Charles B. DeWitt has joined Commonwealth and its affiliated company, Transamerica Title, as vice president and southeast regional underwriting counsel. Based in the companies' Southeast Regional Office in Atlanta, he is responsible for underwriting activities in Alabama, Georgia, Kentucky, Mississipi, North Carolina. South Carolina and Tennessee. Steven E. Howarth has ioined Commonwealth and its affiliated company, Transamerica, as vice president and general auditor. Based in Commonwealth's corporate headquarters in Philadelphia, he is responsible for managing the internal audit-



Partin



Rapp



Reed



Schaeffer

companies and their subsidiaries in the mortgage insurance and employee relocation industries. James D. Partin has been promoted to vice president and southeast regional claims counsel at Commonwealth and its affiliated company, Transamerica. Based in Commonwealth's Southeast Regional Office in Atlanta, Partin is responsible for the companies' claims operations in the states of Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. John P. Rapp has been promoted to senior vice presidentunderwriting for Commonwealth and Transamerica. In his new post, Rapp has supervisory responsibility for the underwriting activities of both companies. He is based in Commonwealth's corporate headquarters in Philadelphia. Rapp ioined Commonwealth Land Title as a title attorney in 1966. Since then, he has served as assistant vice president of the National Branch Division, vice president and associate counsel and most recently as vice president and chief underwriting counsel. William M. Reed has been promoted to vice president and counsel at Commonwealth and Transamerica Title. Based in Transamerica's Colorado State Office in Denver, Reed is responsible for claims and underwriting activities throughout the state. Ruben G. Schaeffer has been

ing operations for the

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TIAC, a risk retention group owned by individual members of the American Land Title Association, is endorsed by the ALTA Board of Governors as a benefit for title professionals who deserve something considerably better than a continually-recurring E&O availability-affordability problem. If you are an ALTA member, call TIAC

toll free at (800) 628-5136 for information. If you are not currently a member, call the Association at (202) 296-3671 for an application. It's your business. And you haven't time for the E&O hassle.



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Williams



Eisen

named president of Commonwealth Land Title Company of El Paso, a new Texas subsidiary of Philadelphia-based Commonwealth Land Title Insurance Company. He is responsible for title operations throughout El Paso County. William W. Webb has been promoted to vice president and Arizona division counsel at Transamerica and its affiliated company, Commonwealth Land **Title Insurance Com**pany. Based in Transamerica's Phoenix office, Webb is the companies' chief legal officer in the state of Arizona. Benjamin K. Williams III has joined Commonwealth as marketing representative. Based in the Sarasota, Florida office, Williams is responsible for marketing the company's full range of title insurance services in Sarasota County.

Lawyers Title Insurance Corporation announces the appointment of Lawrence C. Eisen as commercial transactions counsel in the company's Chicago National Division. Eisen joined Lawyers Title with 14 years of experience in the title insurance business. Lawyers Title has appointed Robin C. Flanigan operations manager for the company's commercial and branch offices in Chicago, IL. Flanigan joined Lawyers Title in 1987 as a senior escrow officer in Chicago, and in 1988 she was named office services administrator. Thomas M. Gray has



Gray



Hewit

been appointed assistant vice-presidentsales administrator in the company's Chicago National Division, in Chicago, IL. Gray joined Lawyers Title with over seven years of experience in the title insurance business; he was previously vicepresident-national accounts manager for **Ticor Title Insur**ance Company in Chicago, IL. James D. Hewit has been elected vice-president-sales and marketing manager at the company's national headquarters, in Richmond, VA. Hewit transferred to Richmond from Lakeland, FL, where he was vicepresident-Florida state manager. Hewit joined Lawyers Title in Akron, OH, as a sales representative in 1980. He transferred to the Painesville, OH, office as branch manager in 1984, and returned to the Akron office that year as branch manager. He transferred to the Florida state office in 1986 to assume the position of vice-presidentstate sales manager there. He was promoted to vice-president-Florida state manager in 1988. Herbert A. Horgan has been appointed regional agency manager, assigned to the company's New England states office, in Boston, MA. Horgan joined Lawyers Title in 1990 as multi-states sales manager in the New England states office. Previously he was the managing director of the Quebec Title



Johnson

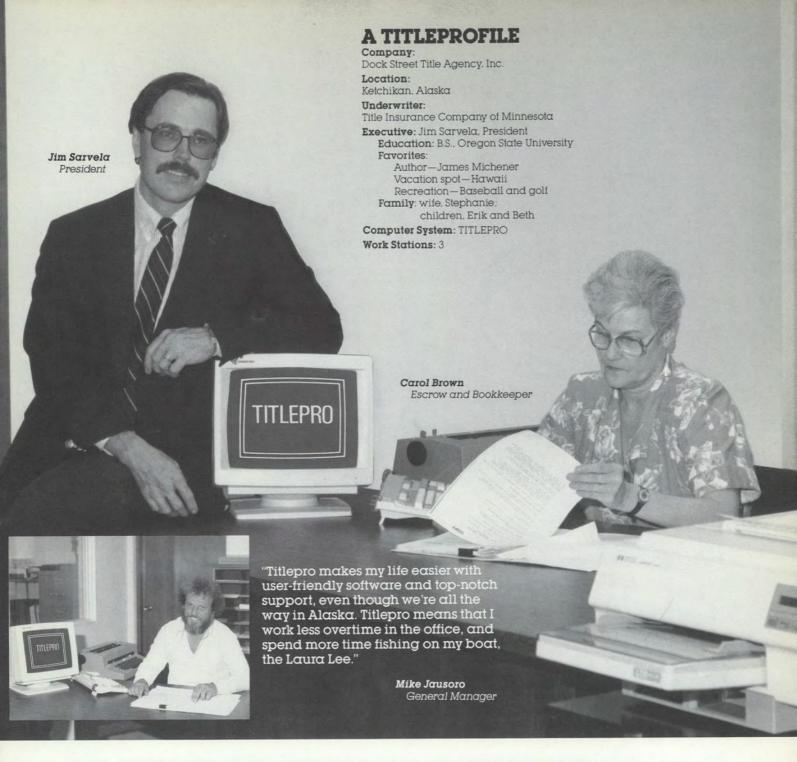
in Montreal, Canada. He has worked in development and real estate for more than 25 years in the New England area. James L. Johnson has been appointed technical training coordinator for the company. He is assigned to the product quality control department at Lawyers Title's national headquarters, in Richmond, VA. Johnson transferred to Richmond from Universal City, CA, where he was regional quality control coordinator. Johnson ioined Continental Lawyers Title Company, LTIC's subsidiary headquartered in California, in 1981 with nine years of experience in the title insurance business. Assigned to Continental Lawyers Title's Riverside, CA, branch, he served as manager of the title plant and later was named advisory title officer, subdivision manager, and branch training officer. In 1990 he was named regional quality control coordinator for Lawyers Title. James M. MacColl has been appointed assistant vice-president-National Division sales administrator in the company's Troy National Division office, in Troy, MI. MacColl has 31 years of experience in the title insurance business. He joined Lawyers Title's Detroit, MI, office as a sales representative in 1971. He transferred to the Pontiac, MI, office in 1973 and was promoted to senior sales representative later that year. MacColl moved to the Troy, MI, branch in



MacColl

Insurance Agency, a

Lawyers Title agency



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manager the following year. He was promoted to Ohio state sales manager when he transferred to the Ohio state office in 1981. In 1982 he was appointed assistant vice-president-sales. MacColl transferred to the Troy National Division in 1985. He is a member of the Detroit Metro chapter of the International Association of Real Estate Executives (NACORE). Susan Maria has ioined the company as branch counsel in the company's office in New Haven, CT. Maria has been involved in the title insurance business for more than six years. Before joining Lawyers Title she was assistant regional counsel for Chicago **Title Insurance Com**pany in New Haven. Gerald A. Matkaitis has been appointed assistant vice-presidentsales in the company's Chicago commercial office. Matkaitis joined Lawyers Title as a sales representative in the company's Chicago National Division office in 1981, and was named senior sales representative in 1983. In 1989 the company established a commercial office for both National Division and local commercial transactions; Linda R. Thurman has been appointed Georgia state sales manager. Thurman is assigned to the company's Georgia state office, in Atlanta. Thurman joined Lawyers Title with 17 years of experience in the title insurance busi-

ness in Atlanta. She

1976, and was named

metropolitan sales



Matkaitis

was formerly Georgia state agency manager with Ticor Title Insurance Company. J. Robert Walker has been elected vice-president-Florida state manager. Walker transferred from the company's national headquarters, in Richmond, VA, to its state office, in Lakeland, FL. to assume the position. Walker was formerly vice-presidentmarketing operations at the national headquarters. He joined Lawyers Title in 1975 as a sales representative in Newport News, VA. He was promoted to branch manager in Newport News in 1976. In 1978 he transferred to Richmond as manager of the company's Richmond branch, and in 1981 he transferred to Columbus, OH, as Ohio state manager. In 1983 he was promoted to vice-president-Ohio state manager, and in 1984 he transferred to Atlanta, GA, as vice-president-Georgia state manager. He transferred to Richmond as vice-president-Mideastern states manager in 1985. Marc I. Weiner has been appointed assistant New York state counsel. He transferred to the company's New York state office in White Plains to assume the position. Weiner joined Lawyers Title as branch counsel in the Brewster, NY, office in 1989, with five years of experience in the title insurance business. Kay Hardy Windsor has been named assistant branch counsel in the company's Norfolk,

VA office. Windsor transferred to Norfolk from the company's national headquarters, in Richmond, VA, to assume the position. Windsor joined Lawyers Title in 1988 as a claims attorney in the company's Virginia state office, in Richmond. She was promoted to senior claims attorney in 1989, and later that year she transferred to the claims department at LTIC's national headquarters. Windsor was promoted to assistant claims counsel in 1990.

Dan C. Burgett has been named agency operations officer for Title Insurance Company of Minnesota (Minnesota Title) by Paul J. Muley, assistant vice president and Tampa operations manager. Burgett will be responsible for the expansion and maintenance of the Company's agency operations in Pinellas, Pasco, and Hernando Counties. A 15-year veteran of the title insurance industry. Burgett brings an extensive background in abstracting, examining, and management to Minnesota Title. Prior to joining the Company, he was branch manager for another national underwriter. The Board of Directors of Title Insurance Company of Minnesota (Minnesota Title) has announced the election of Edward D. Lee, New Mexico State manager, to the additional office of vice president. Lee will continue to be responsible for the development, administration, and servicing of the Company's agents

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throughout the state of New Mexico. A member of the New Mexico State Bar Association and past director, Region 5 of the New Mexico Land Title Association, Lee joined Minnesota Title in November of 1989. Madeline M. Sullivan has been named Massachusetts agency representative for Minnesota Title by vice president and New England manager, Melissa Lyon Murphy. Headquartered out of the Company's Northeast Region Office in Boston, Sullivan will be responsible for agency development, administration, and servicing throughout the State of Massachusetts, including the islands of Nantucket and Martha's Vineyard. An eight-year veteran of the real estate industry in Massachusetts, Sullivan is a member of the Massachusetts Young Mortgage Bankers Association. Prior to joining Minnesota Title, she was owner/ partner of American Realty of Essex and divisional manager at Carlson Commercial

of Salem.

Fidelity National Financial, Inc. is pleased to announce the appointment of Joe Beckerle to the position of vice president and manager of its Los Angeles County operation. Beckerle has managed Fidelity's Ventura County operation for more than five years. Additionally, Fidelity is pleased to announce the appointment of Alan Burton to the position of vice president and manager of the Ventura County operation. Burton joins Fidelity from another title insurance company where he served as County manager for the past five years. Rob Blake has been appointed to the position of vice president and manager of the Corporate Commercial and Industrial Division. Blake replaces Kirk Seaman, who has assumed a district sales management position in Fidelity's Los Angeles County operation. Charles F. Thomas has joined Fidelity as senior vice president. chief financial officer.

Nelson Nelson will remain with the Company as senior vice president in charge of coordinating the major acquisition of Meridian Title Insurance Company and American Title Insurance Company and future acquisitions. John W. Field has

succeeding Gary R.

been promoted to assistant vice president/ plant manager at World Title Co. A 20year title insurance industry veteran. Field joined World Title in October, 1986, as a title officer. In his new position, Field will supervise World Title's 28-employee searching plant, which coordinates the company's title search packages for the Burbank, Arcadia and Lancaster/ Palmdale offices. Field was named World Title's "Co-title Officer of the Year" in 1986, and was also honored by the company in 1989. He spent nine years with Safeco Title and his background also includes positions at National American and Ticor Title.



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1991 AFFILIATED ASSOCIATION CONVENTIONS

July

14-16 Michigan, Boyne Highlands Resort, Harbor Springs, MI

17-20 Wyoming, Holiday Inn, Riverton, WY

18-20 Utah, Sun Valley Resort, Sun Valley, ID

25-28 North Carolina, Shell Island Resort, Wrightsville Beach, NC

August

1-4 Idaho, Sun Valley Resort, Sun Valley, ID

15-17 Minnesota, Hotel Sofitel, Bloomington, MN

15-17 Montana, Huntley or Shoshoni Lodge, Big Sky, MT

23-24 Kansas, Overland Park Marriott, Overland Park, KS

25-28 New York, The Equinox, Manchester Village, VT

September

5-8 Missouri, University Plaza Hotel, Springfield, MO

12-14 Dixie, Sandestin Beach Hilton, Destin, FL.

12-14 North Dakota, Hospitality Inn, Dickinson, ND

13-15 Maryland, The Sheraton, Ocean City, MD

14-17 Indiana, Omni Severin Hotel, Indianapolis, IN

15-17 Ohio, Sawmill Creek Resort, Huron, OH

15-18 Washington, Campbell's Resort & Convention Center, Chelan, WA

October

9-11 Nebraska, Holiday Inn, North Platte, NE

24-25 Wisconsin, Hyatt Hotel, Milwaukee, WI

November

13-16 Florida, Marriott at Sawgrass Resort, Ponte Vedra Beach, FL

December

5-6 Louisiana, Omni Royal Orleans, New Orleans, LA Arizona (has not been determined) Nevada (has not been determined)

ACROSS THE HOMEFRONT

Lilly A. Conner, a claims attorney at Chicago Title Insurance Company, Dallas, was awarded the Texas Land Title Association's (TLTA) E. Gordon Smith Scholarship Award during the TLTA's annual convention in Dallas. This award is given in recognition of outstanding performance at the TLTA Land Title School of Texas. Conner was one of 120 people who took the final examination in the level one section of the five-day-long school which was held in February. She achieved the highest score, correctly answering 99 percent of the questions on the test. Conner began working for Chicago Title in the fall of 1990. She worked in the title insurance industry for one year prior to attending law school.

Larry Molinare, vice president for Gracy Title Company, Austin, was installed as president of the Texas Land Title Association (TLTA) during the Association's annual convention in Dallas. Molinare has been in the title insurance business for 17 years. He sold real estate for a short time before joining Gracy Title Company.

The **Association of Title Examiners** presented the prestigious D. J. Malatesta Memorial Award to Wayne, Pennsylvania businessman, **William W. Rice, III.** The award is presented to a person who has shown outstanding devotion and service to the title insurance industry in Pennsylvania. **Rice** is president of **Great Valley Abstract Corporation**, a full service title insurance agency, which has provided professional services to consumers, attorneys, lenders, and realtors since 1971.

Ollie M. Askins, is the recipient of this year's Oklahoma Land Title Association's William "Bill" Gill award as Title Person of the Year. Askins served as president of the OLTA in 1964-65, and since then has served several terms on the board of directors. He also served as vice chairman of the abstracter's section of the American Land Title Association.

Death Claims John Ely Weatherford

John Ely Weatherford, formerly senior vice president and general counsel of American Title Insurance Company, Miami, died in his home in Eustis, Florida, on April 7, following a long illness.

When informed of Weatherford's death, Frank B. Glover, retired president of American Title Insurance Company, said: "John Ely Weatherford was one of the leading title experts in the country. His wise counsel, sound underwriting practices and vast experience in the real estate title insurance profession helped pave the way for the growth of American Title from a modest, single-state operation to a vital force as one of the leading title insurers in the United States."

Douglas J. Thiel, American Title Insurance Company's executive vice president and chief legal officer, stated: "When I was a college student, struggling to grasp the intricacies of real property law, John Ely Weatherford was always there to give sound advice and encouragement. He stood tall among the legal experts in the title business."

Weatherford was born in Vandalia, Missouri, where he attended elementary and high schools. He was a graduate of the Washington University Law School, St. Louis.

Weatherford was active in the Florida Land Title Association, having served as chairman of various committees, including the important legislative committee. In 1966 he was elected president of the FLTA.

Weatherford also took an active part in the American Land Title Association. For years, he was a member of that organization's prestigious standard forms committee.

Weatherford is survived by his wife, Virginia, his daughter Mary Batman, of Miami; his son John David Weatherford, a lawyer practicing in Eustis, Florida, and his grandson Christopher Batman.

CALENDAR OF MEETINGS

1991

September 25-28 ALTA Annual Convention, The Westin Copley Place, Boston, Massachusetts

1992

March 25-27 ALTA Mid-Year Convention, The Mayflower Hotel, Washington, DC

October 14-17 ALTA Annual Convention, Hyatt Regency and Maui Marriott, Maui, Hawaii

1993

March 24-26 ALTA Mid-Year Convention, The Westin Peachtree Plaza, Atlanta, Georgia

October 13-16 ALTA Annual Convention Marriott's Desert Springs Resort and Spa Palm Desert, California

ALTA and OLTA Sponsor Educational Seminar

On Thursday, July 18, 1991, at the Cleveland Airport Marriott, the ALTA and the Ohio Land Title Association will jointly-sponsor a one-day professional seminar designed for real estate attorneys and title industry owners and managers:

- Learn the latest facts on the new Ohio mechanics' lien law
- Pick up important pointers on dealing effectively with the Resolution Trust Corporation (RTC)
- Gain a clearer understanding of endorsements, fraud and forgery problems, multi-state transactions and the effects of forfeitures, environmental issues, and bankruptcy
- Earn 6.0 Continuing Legal Education credit hours if you are an Ohio attorney

For more information, contact the ALTA office, telephone number: 1-800-787-2582.

NEW ALTA MEMBERS

(The names listed in parentheses are recruiters who have now qualified for membership in the ALTA President's Club.)

ACTIVE

Idaho

Mountain View Title, Inc., Idaho City, ID (Greg Wonacott, Lawyer's Title of Idaho, Boise)

Massachusetts

Southern New England Title Co., Inc., Barre (Charles W. Parker, Chicago Title Co., Boston)

Minnesota

Capital Title Corp., Shorview

Missouri

Mid-West Title Co., Odessa

New Jersey

S & R Title Agency, Inc., Parsippanny

South Dakota

Faulk County Land & Title Co., Faulkton

Tennessee

Security Escrow & Title Co., Smyrna

ASSOCIATE

Arizona

Mr. Paul W. Brown; Prism Enterprises, Inc.,

Tempe (Marty Althoff; First American Title Agency, Chandler, AZ)

California

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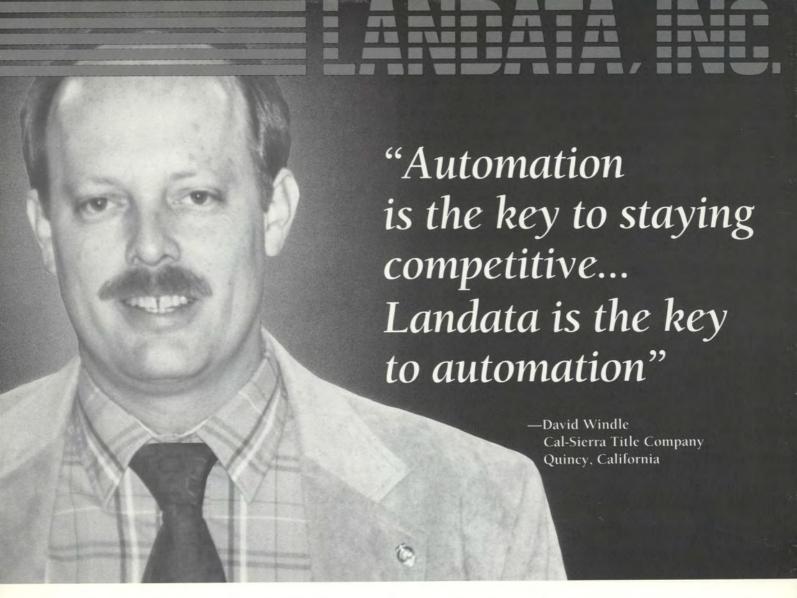
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