November/December 2008

Official Publication of the American Land Title Association

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Inside This Issue: Building Grasstops Advocacy Perspective: First American CEO Park Kennedy

Consumer Education Begins with the Customer ALTA Convention Coverage

ITA President Mike Pryor "I Sell Title Insurance"





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ALTA EVENTS

March 2 - 4	2009 Federal Conference Willard Intercontinental Hotel Washington, DC
April 19 - 21	2009 Business Strategies Conference (Tech Forum 2.0) Grand Hyatt San Antonio, Texas
October 21 - 24	2009 Annual Convention The Breakers Palm Beach, FL

STATE CONVENTIONS

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November 5-7	Florid
December 5-7	Louis

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IMMEDIATE PAST PRESIDENT Gary L. Kermott First American Title Insurance Co. Santa Ana, CA

from the publisher's desk

ith this issue of *Title News* we invite you to meet Mike Pryor, a remarkable man and the new president of the ALTA. As Mike's personal story unfolds on the pages of this issue, you will meet a man whose life experiences have prepared him for the leadership of an industry that is facing incredible challenges. As I have worked with Mike over the past nine months, I have come to know a man of fierce intellect, strong convictions, and deep values. He is the right man for the right time.

And what a time it is. The meltdown of the credit markets is not only producing a profound economic impact, but also producing a profound political impact as the new administration and Congress will likely attempt a major rewrite of the financial services regulatory structure in the New Year. ALTA's challenge going forward will be to remain a constructive voice in the debate over a new regulatory structure, reminding legislators of the value of title insurance while ensuring that Congress in no way hamstrings the ability of the industry to do its job.

To support these efforts, we have initiated a new "grasstops" advocacy program that will enhance our grassroots efforts, which is described on page 7.

Last issue we launched a new section, *The Title Industry Gives Back*, describing the many ways our members give back to their communities. See page 22 for this issue's feature.

We're pleased to announce another new section called *Perspective*, which you can find on page 6. Each issue of *Title News* will feature an essay from an opinion leader in the title industry, and occasionally we'll hear from a leading housing economist or political figure on topics relevant to our industry. We're delighted to kick off Perspective with an essay by First American Chairman and CEO Park Kennedy.

This section also includes letters to the editor about our articles or issues of the day. We want to hear from you! You can email us at: *letters@alta.org*.

Finally, for those who could not join us at ALTA's annual convention, you missed quite an event. We heard from keynote speakers who provided us with key insights on where we're headed politically and economically. And our members were able to learn strategies that will help them run their businesses during these difficult times. See page 16 for a convention summary.

Enjoy this issue.

Kuit Rotenhaun

Kurt Pfotenhauer, CEO



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president's message

elcome to the New American Land Title Association! Can you feel the difference?

No, ALTA is not New because it has a new President . . . ALTA is New because there is a New energy, some New faces, and a Re-Newed responsiveness to our membership.

After a very fine "first year" at ALTA, CEO Kurt Pfotenhauer is having great results transitioning ALTA to a higher profile in the information-hungry beltway. Everywhere you look, ALTA is being quoted as a leading news source on cuttingedge issues. Kurt has also recruited some experienced and energetic professionals to join him on the staff at ALTA. It is amazing to see the think-tank progressiveness as our ALTA staff develops and processes initiatives that serve our industry.

It's an exciting time to be a member of the American Land Title Association. I think immediate past president Gary Kermott summed it up best when he lamented, "This is so exciting, I want to stay on as President!"

Gary, I know how you feel because I am also proud and excited to represent this association for the next year. Just as you and Deb so proudly and capably were the face of our association, Linnette and I will also strive to leave the title industry stronger than when we arrived. Thanks again, Gary, for your dedicated leadership.

As we focus on the year ahead, my job....and the job of your Board of Governors.... is to complete the transition to the New ALTA. That will mean some internal (bylaws) work and also a new approach to our membership. For you to be excited about the New ALTA, we have to find newer and better ways of communicating with you. And not with you alone—our message needs to also reach those who are not members of ALTA. We are the voice of the title industry, and we need to reach out to more of our industry in order to unify our voices. Simply put, we need to expand our connections to every member of the title industry.

To that end, I am trying something completely different. Over the next year I will be writing a weekly travelogue of my year as president, my views on issues related to the title industry, and even an occasional non-industry topic or current event. I am deliberately not using ALTA resources because I want members and nonmembers to feel welcome to join in. Obviously, my messages will be very supportive of membership, and hope-fully many nonmembers will be influenced to join our ranks. Anyone who is interested can sign up at: *www.mikepryor.net*. There is no charge, and yes you may send the signup address to your employees, industry contacts, and state association members. I even hope consumer representatives, legislators, and regulators will subscribe. The broader the reach, the better our opportunity to unify our industry message.

Welcome to the New American Land Title Association. If you ever wanted to make your voice heard . . . now is the time.

The lines are open!

Mike Pryor
 President



perspective

As I write this, the world financial markets are in complete turmoil, and it is clear that the world will end soon. If you're reading this, I guess it didn't. And the title business didn't come to an end either, I'm happy to say. To the contrary, there will always be title business, and there will always be title agents and title underwriters. And there probably will always be the same complaints and concerns about our business.

- 1. Title insurance is too cyclical and, therefore, publicly traded title insurers do not make good investments. Can you think of a business that isn't cyclical, particularly now?
- 2. Title insurance prices are too high and a burden on the consumer. Even state regulators have stopped complaining about rates in light of the current environment.
- Title underwriters never have claims. The industry paid more than \$1.03 billion in title claims during 2007.
- Agents get too big a share of the premium.
 In nearly all cases, the agent earns his or her share and then some.
- Title insurance will be obsolete soon.
 Title insurance is a key component of the U.S. mortgage system, and the product is spreading throughout the world.
- Fannie and Freddie will buy a title company and put the other title companies out of business. Not likely.
- 7. The Internet will make title insurance obsolete. It hasn't yet.
- Mortgage lenders will all become title agents and underwriters and put every one of us out of business.
 It's been tried a few times, but rarely with success.
- The Realtors® will all become title agents and underwriters and put everyone else out of business.
 Maybe a little more likely than number 8 above, but still not likely.
- Someday title plant information for all properties in the United States will fit on a single CD, and it will be available free of charge over the Internet.
 Holy cow . . . I hope not!

- 11. Our product will become strictly informational and the insurance component will be dropped and prices will decline drastically.
 I worry about this one a little.
- 12. Title insurance will be offered as part of a lender-controlled "bundle," and the price will decline drastically and smaller agents and underwriters will all be put out of business.



This concept is not a part of the new RESPA regulations . . . I'm glad to say.

13. I wish Parker Kennedy would shut up. Hard to argue with this one.

We'll probably face these issues and arguments for years to come. My dad, Don Kennedy, recently showed me an agenda from an ALTA meeting that took place in 1970. This agenda included issues like pricing, controlled business, rebates, confusing regulations, and weak enforcement. Isn't it interesting how relevant those same topics are today!

I guess we'll never solve all the problems of the industry, nor will we do away with the many misconceptions about title insurance. But we should keep trying.

And speaking of trying to solve our problems, I couldn't be happier with the efforts of Kurt Pfotenhauer and his team. He knows everybody on "the hill" and is a very effective advocate. We're lucky to have one of the truly potent trade associations in Washington. Keep up the good work. Let's help Kurt in every way we can. If we do, maybe we can address some of these age-old issues and solve them once and for all. That is, assuming the world doesn't come to an end first.

- Park Kennedy is Chairman and CEO of First American Corporation

perspective

Letters to the Editor

This month's issue, with the article on Hernando de Soto, was very enlightening. It's interesting to find out about the lack of property rights in other parts of the world, and how citizens in our country take it for granted. It forces us to think about what we do in a broader way, and the important role we play in our economy.

- Dan Mennenoh, HB Wilkinson Title Co., Galena, IL I have been a big fan of de Soto since the 2006 ALTA Convention in San Francisco, where I received a copy of his book. I've given copies to regulators, court clerks and others who need to understand the value of what we do and the important role our industry plays in our economy.

- Mark Bennett, Ohio Land Title Association, I'm very familiar with Hernando de Soto and pleased that ALTA featured him in the current issue of Title News. His message about the lack of property rights in developing nations, and their relation to capital formation and economic development, is one we all need to hear.

- Joe Drum, United General Title Insurance Company, Montecito, CA

Please submit your letters to *letters@alta.org*



ALTA 2009 Federal Conference Willard Intercontinental Hotel March 2 - 4, 2009 | Washington, DC Visit www.alta.org for more information





perspective

Grassroots Building Grasstops Advocacy

When the financial crisis began to take root in September, who did U.S. Senator Gordon Smith (R-Oregon) call for advice? The title industry.

Senator Smith's office contacted ALTA to invite a leader of the title industry in Oregon to attend an economic summit in his Portland, Oregon, office with 20 other business, banking, real estate, financial services, and economic leaders to discuss economic instability, its impact on Oregon, and what steps the senator should take to address the crisis in Washington, DC.

As part of ALTA's Grasstops effort, the association called Oregon Land Title Association President Mike DeRochier and asked him to attend the summit on behalf of the industry.

A moment to explain the term "grasstops." We are all familiar with the term grassroots. These individuals are members of an industry that call, email, write, or meet with their elected officials when the trade association asks its members to communicate with their elected officials about their position on a particular issue.

Grasstops are those individuals who have a relationship with their local, state, or federally elected officials and who can mobilize to advocate on behalf of the industry more effectively than even the best lobbyists. Lawmakers want to be responsive to their constituents, especially those who support their election campaigns. They look to business leaders in their community, district, or state to provide important on-the-ground information about the concerns of their constituents.

Every person elected to office has hundreds or even thousands of relationships with people whom they have known for years, whose counsel they listen to, and to whom they turn for advice.

Title agents, abstracters, and underwriters are among these people. They are ALTA's grasstops. Many grasstops activists may know staff members of elected officials as well.

"Oregon Land Title Association had Senator Smith's staff member Kerry Tymchuk as a keynote speaker at an earlier state convention," said DeRochier.

While all the world's economic problems were not solved that afternoon, Senator Smith thought the meeting was helpful and voted to support the government rescue plan.

"I appreciated the invitation. It was good to be there. We have a strong operation in Pendleton, Oregon, where [the Senator] is from," said DeRochier.

Fortunately, ALTA knew about Mike DeRochier's relationship.



Justin Ailes is ALTA's Director of Government Affairs.

Grasstops

The word "grasstops" is a play on the word grassroots, a term used since the early 1900s to refer to the rank and file of an electorate, political party, trade group, or other political organization. While grassroots advocacy is effective and important, increasingly members of Congress and their staffs are becoming overwhelmed by emails, letters, faxes, and phone calls from constituents contacting them about thousands of issues and concerns. As such, it can be difficult to garner support and attention from elected officials.

Grasstops refers to the engagement of high-ranking, influential individuals who are in personal contact with a federal lawmaker. This personal contact is especially effective in reaching legislators with a specific "ask." If the grassroots form the base of the political pyramid, the grasstops form the apex. When you combine grassroots and grasstops lobbying, the result is an integrated effort that can achieve maximum impact.

ALTA is identifying and growing its grasstops advocacy efforts, with plans to have representatives from every state at the ALTA Federal Conference, March 2-4, in Washington, D.C. If you have a relationship with a local, state, or federally elected official, please contact Justin Ailes at justin@alta.org or (202) 261-2937.

news 🕻

Government Update

Congress returned for the final weeks of the session after Labor Day, facing the financial crisis and market turmoil. Congress failed to complete appropriations for FY 2009 and passed a short term continuing resolution to fund the government through next spring. The financial bailout bill moved all other issues off the table and kept Congress in beyond its adjournment date of September 26.

RESPA remained front and center on the ALTA federal advocacy agenda as the congressional session wound down. We continue to lead other industry groups in a coalition strategy to either substantially reduce the contents and reach of the rule or prohibit its implementation. Our efforts during the final days of the session were focused on adding a prohibition amendment to an appropriations or continuing resolution in Congress. This provision would prohibit HUD from finalizing or implementing its current rule and instruct HUD to work with the Federal Reserve to jointly issue one standard set of Good Faith Estimate and HUD 1 forms. It



also would require an additional public comment period on the amended proposal. Due to the attention the bailout bill required, congressional leaders postponed this type of action until Congress returns.

ALTA's Mortgage Impairment lawsuit in California was dismissed with leave to file an amended complaint. The judge reasoned that ALTA did not have standing to use the courts to perform what he considered to be an administrative function. He stated that the Insurance Commissioner should issue a cease and desist order against the defendants. ALTA filed an amended complaint on September 19 stating causes of action under alternate theories alleging unfair business practices and interference with perspective economic advantage. It is expected that the defendants will once again seek dismissal. If the judge upholds the ALTA complaint, discovery will proceed.

A meeting was held in late August with representatives of ALTA and Mo Chavez, New Mexico Superintendent of Insurance and Chairman of the NAIC Title Insurance Issues Working Group. Chavez expressed his understanding of the pressure on title companies and agents due to the financial crisis, and indicated his desire to work with the industry to develop a set of datacollection standards.

ALTA and the Minnesota and Colorado state associations teamed up to host TIPAC-sponsored cocktail parties at both the Democratic and Republican national conventions. To date, TIPAC has raised \$126,170 from 454 contributors toward a 2008 goal of \$200,000 and has disbursed \$115,600 to members of



ALTA's Chief Counsel and Vice President of Public Policy.

Title Industry Financial Results for First Half of 2008

The title industry financial results for the first half of 2008 reported an operating loss of \$204.7 million, which compares to an operating gain of \$64.1 million for the same period in 2007. Losses were offset by a reduction in income taxes, resulting in a net income of \$33.9 million, an 87% decrease over the same period in 2007. Losses were attributed to the continued decline in the housing market and a sharp drop in title insurance transactions.

The title industry, however, remains financially strong, with admitted assets of \$10 billion, including \$8.5 billion in cash and invested assets. Statutory reserves were in excess of \$5.4 billion and statutory surplus up more than \$2.8 billion, \$130 million over 2007 year-end.

Title Insurance Industry Market Share and Financial Statement compilations for the first/second quarter of 2008 are available on the ALTA web site (www.alta. org/industry/financial.cfm).

"I Sell Title Insurance"

"I Sell Title Insurance" is a threeminute video written and narrated by Mike Pryor, which can be viewed on ALTA's Web site and You Tube. As he looks into the camera, Mike's passion for the title industry is unmistakable.

Mike Pryor is President and CEO of Lenders Title and the 2008-09 President of ALTA. He was an Arkansas Business Executive of Year finalist in 2007 and 2008, and the Arkansas Land Title Association's Title Man of the Year in 2006. Despite the titles, Mike considers himself an everyday man. His phone is always turned on, his door always open.

Shunning the ivory tower image, he prefers direct and informal communication with his employees, whom he refers to as "associates." The first thing he does every morning is send a thought for the day to his associates. To keep it personal, he doesn't use canned material. Rather, he reflects on his personal experiences, waits for his muse, then types a message of inspiration.

by Michelle Sweet





Mike visits with his associates at Lenders Title.

Mike has been in the title industry for more than 20 years, and his passion for the industry is evident to all who know him. His father was the one-man sales force of the local Chevrolet dealership, where Mike hung out when he wasn't at the courthouse or library. He lived an uncomplicated

Mike has been in the title industry for more than 20 years, and his passion for the industry is evident to all who know him.

A Small Town Beginning

Mike grew up in Morrilton, Arknsas, a small town and county seat of 6,000 people. His mother was the county health nurse, whose office was on the third floor of the courthouse. Mike hung out there and had free run of the place. He worked in just about every courthouse office, doing everything from stacking papers to running errands.

"I like to say I grew up in a courthouse," Mike says.

small-town life—playing baseball, fishing, going to church on Sundays.

As he grew older, he worked summers for the local sheriff's department, occasionally driving a patrol car around the rural parts of the county.

"I wasn't old enough to carry a gun or enforce the law or anything—it was really more of a presence to make people feel safer, to know we were on the job." Mike attended Ouachita Baptist University, majoring in Political Science, and worked as an aide to Lt. Governor Bob Riley. His growing interest in politics led to his becoming the youngest member of the State Democratic Executive Committee. He also served as president of colleges for the Arkansas Young Democrats.

After graduating from college, Mike married his college sweetheart, Linnette, and took a job as a county management analyst for the state of Arkansas. He later accepted a position as administrative assistant to the county judge, moving with Linnette to her home town of Jonesboro, AR.

At age 27, Mike ran for Craighead County Treasurer and became the youngest person ever sworn in to that position. After six years in office he decided to seek new challenges and opportunities in the private sector.

Mike learned that a struggling local abstract company might be for sale. Drawing on the time he spent at the courthouse and his experience buying and selling property, he thought it was a natural fit. He purchased the company in 1988 for



Mike and Linnette at the 2007 Convention in Chicago

\$115,000, when he was 34 years old. It was the smallest of three abstract companies in town, and within three years he took the company from a one-percent market share to 20 percent.

"It was a terrible time in the housing market, and I wore out a lot of shoe leather in those days," Mike says.

"Because of my experience in politics, I knew a lot of people. I had proven that I could perform, so I was able to bring a lot of business in the door."

In 1994 he bought out the second abstract company, increasing his market share to 75 percent. The third and remaining abstract company had been purchased in 1993 by a statewide title company, Lenders Title. He sold both of his companies to Lenders Title in 1995 and stayed in Jonesboro to manage the combined companies. He became Chief Operating Officer (COO) in 1998, and in 2000 he assumed his current position as President and CEO.

A Tragic Turn

Just after Mike became COO of Lenders Title, the Pryor family (Mike, Linnette, and son Dan, 17 at the time) adopted a newborn baby girl they named Katy. Three months later they received the tragic news that Katy suffered from a rare congenital condition. Tests revealed that she was missing part of her brain.

"There was nothing they could do for Katy," said Mike. "They wanted to institutionalize her so they could study her disorder, but there was no hope for a cure and no way to prevent the condition. Their tests and procedures would have caused terrible pain because the part of her brain that was missing was the part that responded to anesthetics and painkillers. We didn't want to put her through it, especially since there would be no benefit to anyone."

Mike and Linnette spent the next five months with Katy, until she eventually died in Linnette's arms, with Mike at her side, in August of 1998.

"Katy changed us forever in a way that is still with me today," Mike says. "I gained clarity about life and its purpose. So many of the things we sometimes treat as important don't really matter."

These lessons are reflected in the man Mike is today—passionate, straightforward, and outspoken. He has strong convictions and isn't afraid to stir things up or buck a system, especially if he feels that system is broken.



Mike Pryor and Mark Bilbrey

dent 2000-01) and Mark Bilbrey (ALTA President 2004-05).

"Cara was a caring but tough taskmaster who pulled me up short if I failed to see the big picture she has really helped me broaden my industry perspective," says Mike. "Mark is someone I instantly felt in tune with, and we've become very good friends."

Mark says he's flattered Mike considered him a mentor.

"Mike is very intense and has tremendous passion for our indus-

Mike is very intense and has tremendous passion for our industry. When I first got to know him, I told him that he is exactly what ALTA needs. He really took the bull by the horns.

Early Days at ALTA

Mike became president of the Arkansas Land Title Association in 2000. It was about that time he also got involved in ALTA. He cites two people who were early mentors: Cara Detring (ALTA Presitry. When I first got to know him, I told him that he is exactly what ALTA needs. He really took the bull by the horns."

Mark related this story about Mike:

"I had the opportunity to represent ALTA at the Arkansas convention, where Mike hosted my family. One night we were all out together, and my daughter Kaci beat me at a game of air hockey nine times in a row. Mike was pacing back and forth the entire time until he finally said, 'Mark, you're an embarrassment to old people.' He muscled his way in and rolled up his sleeves, confident he was going to show me up. Seconds later the puck was moving so fast it was a blur—Kaci beat him before he knew what hit him. Needless to say, he apologized."

During those early days, he also became good friends with Mike Wille.

"Mike Wille and I both had very passionate views, similar and opposite, and we spent many hours talking about how things could or should change. There are times when someone comes along with before he was to assume the presidency. Greg Kosin, chairman of the Agents and Abstracters Section, stepped in as president. Mike then took over Greg's chair, falling next in line for the presidency after Gary Kermott.

"If Mike Wille had lived, I would probably not have become president," said Mike. "We were too much alike, and I always figured one of us was enough."

As president-elect, Mike has spread his passion for the industry during his talks at state conventions. Even though a prepared script is available for such engagements, he prefers to speak from his heart.

Dallys Novarina, immediate past president of the Pennsylvania Land Title Association, was excited about Mike's speech at their state convention in June.

■ We have the opportunity to raise important questions, and facilitating those discussions will be an important part of my role. I don't have a ten-point plan—I just want to bring us back to recognizing what's important.

passion and vision and others catch it and buy in—Mike had that kind of passion and vision."

Mike Pryor never planned on being president of ALTA. But everything changed when Mike Wille died suddenly in 2006, just months "Mike's love of the title industry is infectious, and his words to our group were both stirring and passionate," said Dallys. "When he recited his message, 'I Sell Title Insurance,' it brought us all home."



Taking the Reins

As president of what Mike calls the New ALTA, he sees a stronger organizational structure and a staff that is focused and committed under the leadership of new CEO Kurt Pfotenhauer.

"We have the opportunity to reexamine everything we've done in the past," said Mike. "And it's an opportunity for members to speak out and be heard in a different way."

During the last eight years Mike has been a vocal advocate for the independent title agent. He wants to address the perceived chasm between underwriters and independent agents during his presidency, and try to get everyone focused on their shared mission.

"We're one industry, and we're all in this together," Mike says. "We need to send a unified message and speak with one voice. That's the only way we can combat the negative perceptions about the industry."

Mike doesn't see his role as changing the industry as much as being a facilitator for change.

"We have the opportunity to raise important questions, and facilitating those discussions will be an important part of my role. I don't have a ten-point plan—I just want to bring us back to recognizing what's important."

Mike takes the reins during one of the worst economic recessions in recent memory, and he understands the struggle people are going through.

"It's a very difficult time," said Mike. "But membership in ALTA, and our collective strength, will ensure our voice continues to be heard in Washington."



of stupid things. We've focused on short-term gains instead of keeping our eyes on the traditional things that our industry was founded upon, like helping people to own and enjoy their property. We pro-

"It's a very difficult time," said Mike. "But membership in ALTA, and our collective strength, will ensure our voice continues to be heard in Washington."

Getting Back to Our Roots

In the face of overwhelming scrutiny and criticism of the title industry, Mike believes we've become reactive and defensive.

"We've had a problem with our credibility. Agents and underwriters alike have been equal opportunity offenders. There's been a race to the bottom, where we've left our values in the dust and done a lot vide a real value to our neighbors, our communities, and the American way of life. If we focus on getting back to our roots, we will go a long way toward repairing our credibility."

Mike says that for too many years the prevalent attitude in the industry has been if it's not illegal, it's OK. "Whether the topic is agentunderwriter relations, affiliated business arrangements, regulatory issues, pricing, or whatever, our industry must get its priorities right. It has to be ethical behavior before profits—every time."

Mike sees the "New ALTA" as a catalyst for change.

"I'm proud to be associated with ALTA, and believe we are well on our way to becoming a more unified industry. I'm also proud to see the industry interested in reclaiming its good name. But there is still much work to be done. That work is not just my job as president of ALTA, but the responsibility of every title person, every state association, and every title company in America."



Michelle Sweet is Editor-in-Chief of Title News.

inside alta

2008 ANNUAL CONVENTION

"Innovative Strategies in Today's Market"

The 2008 Annual Convention held Oct. 15-18 in Hawaii was a tremendous success, drawing more than 400 participants including 50 first-time attendees.

he convention kicked off Wednesday night with a special reception to welcome new members, followed by the Ice Breaker Reception for attendees to get acquainted.



ALTA President Gary Kermott welcomed everyone Thursday morning, the first full-day of the convention. Sharing words of inspiration, he said, "Our industry survived the Great Depression, the inflation of

the early 1970s, the recessions of the 1980s, 90s and 2000. We are going to survive this economic downturn."

Kermott said ALTA is poised to lead the industry forward with an energetic and committed staff under the leadership of CEO Kurt Pfotenhauer, "a brilliant public policy strategist."

"We are all part of a great industry. Our members are honest, hardworking individuals. I'm proud to be a part of this industry, and it's been a privilege to serve as your president."



In his opening remarks Thursday, ALTA CEO Kurt Pfotenhauer stressed the importance of explaining the title industry's value to federal policymakers, state regulators and legislators, the media, our customers and consumers, and to the industry itself.

"People keep talking about price. How do you talk about price when you haven't established the value? That's the problem. People don't understand what we do."

Pfotenhauer described new initiatives and changes taking place at ALTA, including a more actively role on Capitol Hill, strengthening the association's grassroots efforts, a more proactive and focused communications strategy, and a full-time person to work with state affiliates on legislative issues.

"We have a saying in Washington, and that is, you're either a shooter or a target. You either wake up and read what has happened to you, or you are shaping events."

Thursday's General Session, "What Our Industry Means for the Free Enterprise System," was a panel discussion with Dr. Jolyne Sanjak, managing director, implementation support, of the Millennium Challenge Corporation (MCC), and Mark Winter, Chair of ALTA's International Development Committee. Kurt Pfotenhauer served as the moderator.

MCC is a bi-partisan government agency that is working on land registry efforts in 27 developing countries,

inside alta 📰



with five new countries pending. Sanjak discussed the connections between property rights, land titles, capital creation and rule of law.

"MCC is synchronizing and collaborating on private sector initiatives by assisting with upfront legal reform to pave the way for land titling. The ultimate goal is a more connected global marketplace."



Friday's General Session, "How We Face Our Business Challenges," kicked off with Fannie Mae Chief Economist Doug Duncan, who presented some sobering economic statistics. The good news is that household formation rates are proceeding faster than new home construction, and housing starts are the lowest they've been in 26 years. Meanwhile, the U.S. work force is growing and projected to increase through the year 2050.

Former CEO of Continental Airlines, Gordon Bethune, shared how he turned around the troubled airline in 2005. When he took the helm in late 2004, he developed a comprehensive strategy that included a market plan, finance plan, and a product plan. But the real challenge was getting 50,000 employees to buy in. So he developed a people plan.

Drawing a parallel to fishing, something he likes to do on his 70acre lake, he said, "If you want to motivate the fish, you have to figure out what's in it for the fish. What do they like?"



Bethune initiated a bonus program and profit sharing plan, and initiated a proactive communications program to keep employees informed. He established goals that, when reached,



would put money directly into the pockets of employees.

Saturday's General Session featured a spirited, pre-election political debate, sponsored by TIPAC, between Republican strategist Grover Norquist, president of Americans for Tax Reform; and Democrat strategist Richard Goodstein, Goodstein & Associates. The panel was moderated by ALTA Board of Governor, Chris Abbinante, Fidelity National Title Group.

The 2009 Board of Governors was sworn in on Saturday morning by past president Rande Yeager. Pictured (from left): Gary Kermott,

⁶⁶The topics were very timely based on the current economic crisis. It's helpful to learn what's driving the industry, and how our industry is going to move forward. I also get a lot from networking with other members and discussing our shared concerns."

> - Joanne Tiffany Closing.com, La Jolla, CA

🗾 inside alta



First American Title Insurance Company; Anne Anastasi, Genesis Abstract, Inc.; Christopher Abbinante, Fidelity National Title Group; Mark Winter, Stewart Title Guaranty Company; Mike Pryor, Lenders Title Company; Diane Evans, Land Title Guarantee Co.; Jack Rattikin III, Rattikin Title Company; Frank Pelligrini, Prairie Title Inc., Mark Bilbrey, Old Republic National Title Insurance Company; Mike Nichols, The Jones Abstract and Title Company; Rande Yeager, Old Republic National Title Insurance Company.

Not shown: Ted Chandler, LandAmerica Financial Group; Ted Rogers, The Security Title Guarantee Corp. of Baltimore.

Incoming president Mike Pryor presented a plaque to outgoing president Gary Kermott. During his passionate inaugural speech, Mike talked about the "New" ALTA, with an exciting new energy and stronger focus on what we can accomplish together as an industry.



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Seventeen educational sessions were held on Thursday and Friday, covering such topics as RESPA reform, fraud prevention, ethics, defalcation, technology, and strategies for surviving in today's market.



Bilbrey, Mike Currier, Barry Schmulbach and Terry Detring. The final event was a luau held Saturday night, where guests were

⁴⁴I appreciated the opportunity to get together with other state leaders to talk about what's going on legislatively, what threats we're facing, and sharing best practices."

- Scott Stevenson President, Ohio Land Title Association

The Third Annual Michael F. Wille Memorial TIPAC Golf Tournament was held Friday on the spectacular Poipu Bay Championship Golf Course, with breathtaking views from every hole. Ten foursomes participated in the tournament. The winning foursome included Mark



treated to Hawaiian entertainment next to the ocean and under the stars.



HOLD FOR LTI AD on DVD Set

inside the industry

Pennsylvania Land Title Association Educates State Regulators

On September 10, the Pennsylvania Land Title Association (PLTA) conducted the second of four sessions on title insurance with the Pennsylvania Insurance Department. The first session, held earlier this year, was entitled "A Day in the Life of a Title," and PLTA representatives explained the processes used from the day an order is received to the day a policy is issued.

ixty-one members of the Insurance Department sat for more than two hours and learned what it means when we say we are a "risk-avoidance" industry.

The second session was designed to dispel the nationwide misconception that technology now allows our industry to "push a button" to get the results of a title search. Seasoned searcher/examiner Holly Kelly with Liberty Land Transfer in Harrisburg, PA, walked department officials Randy Rohrbaugh, Ron Gallagher, and Chuck Romberger from office to office, dusty book to dusty book, searching a property that contained twists and turns in its title history. While Dauphine County is technologically advanced, Holly brilliantly showed that even though we may find documents via a computer program, an experienced title person still needs to read the documents, map the legal description, find the hidden exceptions, and so on.

Joining the group that day were Kurt Pfotenhauer and Justin Ailes from ALTA, who wanted to see how the PLTA program was working and possibly clone it for use in other states. PLTA President-elect Len Shatz and Executive Officer Pam Croke also participated. Everyone in the Department came away with a better understanding and, more importantly, greater respect for this very important aspect of our business.

After a great morning, Randy Rohrbaugh, Deputy Insurance Commissioner for Rate and Policy Regulation, said, "I had no idea."

Sessions three and four will be conducted later this year. For more information, contact Justin Ailes, ALTA director of government affairs, at (202) 261-2937, or *justin@alta.org*. -Anne Anastasi



(left to right) Randy Rohrbaugh, Deputy Insurance Commissioner for Rate & Policy Regulation; Anne Anastasi, ALTA Board Member; Ron Gallagher, Deputy Insurance Commissioner for Consumer Services & Enforcement; and Len Shatz, President-Elect, Pennsylvania Land Title Association



You can't automate dedication.

There's no button on your keyboard for instant dependability. There's no software program that can give you sound advice on real estate transactions. It's true that automation has taken our industry to a new level. But behind the computers, you still need real people.

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Our dedication can't be duplicated.



the title industry gives back

Title Professionals Paint the Town

Right and early on Saturday, Sept. 13, some of the staff from Title Professionals and Abstract Company in St. Cloud, MN, participated in the "Paint the Town" program sponsored by the Housing and Redevelopment Authority. The program, now in its second year, helps neighbors who are less fortunate, elderly, or handicapped and needing help with home maintenance.

Armed with paint brushes, rollers, ladders, and paint, our early birds rose to the occasion and climbed up on the roof of their designated house to begin painting. By the time the noon bell rang for lunch, our motley group had painted a full two-story house, trim, garage, and storage shed for our designated "neighbor."

This project not only helps our neighbors, it also is good for the community by helping to maintain houses in good condition in these economically trying times. Many crews from other organizations turned out to lend a hand and assist in this worthy cause.

Thanks Dick, Sharon, Emily, Paul, Amber, and Mary Ann! Nice work!! -Mary Ann Nunes, CEO Title Professionals and Abstract Co.

Bernard Granor: A Heart of Gold

Bernard Granor turned 80 this year, but he still goes in to the office in Horsham, PA, everyday and continues to find time for his community.



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Sharon Thyse, Dick Thyse, Mary Ann Nunes, Emily Morris, Bruce Thielman (St. Cloud HRA Executive Director), and Paul Mielke. Not pictured: Amber Mielke. In fact, Bernard has always found ways to give something back.

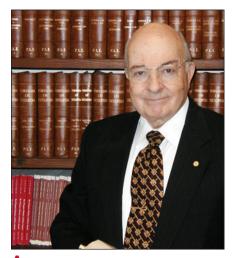
Bernard became a licensed title insurance agent in Pennsylvania in 1982, and he founded Attorneys' and Brokers' Abstract Company with his son Marshal, also a licensed title agent. It was around that time that Bernard and his wife, Marie, helped establish the Hebrew Free Loan (HFL) Society of Greater Philadelphia, a nonprofit organization that gives interest- and cost-free loans to people in need. Bernard served as President of HFL for 20 years until he turned the reins over to Marshal and his wife, Tamar, four years ago.

"These loans are a huge help to people who have run into hard times," said Marshal. "The idea behind the HFL that my dad started with a small group of supporters is that it's important to preserve a person's dignity in a time of financial hardship by offering a loan and not a handout."

Bernard also played a key role in helping the Home Builders Association of Bucks and Montgomery Counties build the homeless shelter in Lower Bucks County. He also served for ten years as a member of the Board of Directors of the Lower Bucks County Chapter of the American Red Cross. For his service to this organization, which operates the shelter, he was named Man of the Year in 2004.

Bernard's lifelong passion has been to help those that others turn away from. He serves on the Board of

the title industry gives back



Bernard Granor at his office.

Directors of the Pennsylvania Prison Society, an organization founded by Benjamin Franklin, Benjamin Rush, and other patriots, about 220 years ago, to assist people who are incarcerated. He got involved in this work because, after he was admitted to the bar, he worked in criminal law and part of his job was to interview prisoners. He was appalled by the conditions he encountered.

"They were like dungeons, and I had to do something" said Bernard.

To this day, the Pennsylvania Prison Society continues to monitor the state's prisons throughout the Commonwealth to make sure they are obeying the legislative mandate for the fair treatment of prisoners. The funds he helps raise also provide much needed assistance to families who find themselves without the physical and financial support of their family member in prison.

Bernard also serves on the Board of Directors of the Joseph J. Peters Institute in Philadelphia, a 50-year-old psychiatric facility that treats both the victims and perpetrators of sexually related crimes.

"Causes like these are not very popular, but life is about balance," says Bernard. "Most of these people can be rehabilitated. And since they will be released into society at some point, we need to help integrate them as best we can."

Bernard says his dedication to his community was inspired by his parents.

"In our home, helping people in need was a given," he says. "I grew up during the Great Depression, and no one who came to our door for a meal Bernard turned 80 years old last Valentine's Day, and the connection is not lost on anyone. Bernard Granor was truly born with a heart of gold.

Angels of Love

It's a tradition at ALTA's Annual Convention for the spouse of the current president to host a "spouses' event" to explore some aspect of the local area. Debra Kermott knew for some time what she wanted to do dur-

In our home, helping people in need was a given . . . We're only here for a short time. If we don't lend a helping hand, has it been a life well lived?

was ever turned away. We're only here for a short time. If we don't lend a helping hand, has it been a life well lived?" ing the 2008 Convention in Hawaii. Gary's executive assistant, Sally Cryder, and her husband, Rick, founded a non-profit organization in 1997 called Angels of Love, which brings



ALTA Spouses making leis for Wilcox Memorial Hospital in Kauai

the title industry gives back

comfort to cancer patients and those grieving the loss of a family member to cancer. Debra had made several visits to Southern California hospitals with Rick and Sally, and wanted to carry their message to local cancer patients in Kauai.

This year, spouses visited the cancer ward of Wilcox Memorial Hospital in Kauai. Rick and Sally brought 40 angels to give to patients. Before departing for the hospital, spouses gathered to make leis for hospital nurses for their tireless dedication to their patients who need treatment beyond the physical—they also need that special touch of human kindness.

About Angels of Love

Angels of Love volunteers make beautiful, gold-plated angels that

serve as a symbol of encouragement, love, hope, peace and comfort to cancer patients.

In addition to a team of community volunteers, Angels of Love partners with the Orange County Sheriff's Department in Southern California to teach men and women inmatevolunteers to make the beautiful, handcrafted stained-glass Angels. Detainees from the James A. Musick Jail and the Youth Guidance Center in Santa Ana, California, enthusiastically make Angels that bring hope and inspiration to the community. By volunteering, the inmates and juveniles build self-esteem and become more optimistic about their future. As of December 2007, approximately 1,500 inmates from the Orange

County jail system have participated in the Angels of Love program.

This column is dedicated to Debra and the other spouses for giving comfort and hope to local cancer patients during the convention, and to Rick and Sally Cryder for their tireless efforts year-round.

For more information, go to www. *angelsoflove.com*

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running your business

Consumer Education Begins With the Customer

Day Title Services is helping to educate consumers one customer at a time.

s a member of ALTA, I've seen a much stronger focus on consumer education. Last fall ALTA launched The Title Industry Consumer Initiative and created a consumer web site, *www.homeclosing101.org*, which is an excellent resource for homebuyers and those who want to learn more about title insurance.

As a proud member of the title industry, I am sometimes frustrated by the public's lack of understanding about what we do and the value we provide. That's why I am so excited about ALTA's commitment to consumer education.

To be truly effective, we need to do our part at the grassroots level. How? By educating our customers! Most consumers have purchased or will purchase a home at least once in their lifetime. If we educate our customers, our collective efforts can have a tremendous impact. And consider this: legislators, regulators, and members of the media buy homes, so they are our customers too!

Our mission at Day Title Services is to go above and beyond what's expected of us. Not only do we want our customers to understand the value of the work we do on their behalf, we also want to provide a rewarding homebuying experience.

This article describes some of the things we've implemented to accomplish that mission. I realize that these activities won't apply to everyone, particularly those who work through a third party such as an attorney or real estate professional. But perhaps you will be inspired to come up with your own creative ideas!

Meeting the Customer

One of the things I learned early on was that most homebuyers, especially first-time homebuyers, experience trepidation about the closing process because they don't know what to expect. Even for the seasoned homebuyer, there are many things that can go wrong, such as a problem with their loan or a failed inspection after finding a home they love. The last thing they need to worry about is having a problem with their title or having something go wrong with their closing.

When a title order comes in, we immediately call the buyer to introduce ourselves, answer any initial questions they have, and try to alleviate uncertainty about the process. We want them to know they are in good hands. They are usually relieved that we don't ask for money. They've probably already paid for their loan application, a good faith deposit, appraisal, and inspection. We let them know that our fee comes out of their settlement.

We follow up our initial phone call by sending them an introductory package. This package contains a welcome letter, a brochure about title insurance with frequently asked questions, a brochure about the closing process with frequently asked questions, a pamphlet that explains the different kinds of title insurance policies, required federal privacy notices, a checklist of what to bring to their closing, and the address of where their closing will take place. We feel it is especially important for us to let our customers know about the three types of title insurance policies—the Loan Policy (explaining why this is usually required by lenders), the standard Owner's Policy, and expanded Owner's Policy. We use a comparison chart so they can easily see the costs, coverages, and benefits of the standard and expanded owner's policies so they can make an informed decision.

Sometimes our customers ask why

their information is available 24/7. As we process their file and receive documents, we record the information in their file and notify them by email that their file has been updated. If at 10 p.m. on a Sunday night the buyer or real estate agent is wondering if the termite, well, or septic inspections have been completed or if we've received the deed or homeowner's insurance policy, a quick check on our web site will let them know.

A huge benefit of this system is

We're always happy to work up additional amortization schedules at no cost if the customer is interested in seeing how an additional \$50 a month would shorten the term of their loan.

they need title insurance if we do a proper search. We explain that any number of things might be wrong with their title that aren't discoverable, such as forgery or fraud, a mistake in the public record, a lien that hasn't been recorded, an error in a subdivision plat, or someone later coming forward to claim a financial interest in their property. Once we explain that this protection is provided for a onetime premium, they realize it's a good investment.

Keeping Our Customers Informed

One of the things we've received the most positive feedback about is our online system where our customers can go to check the status of their file. With a user ID and password, that it provides a clear picture of the many steps that are involved for the settlement agent from the time the file was opened to preparing the final HUD Settlement Statement. It demonstrates that we do more than push a few buttons on a computer—a common misperception about our industry.

Responding to Our Customers

Another decision I made was to provide more personalized service by not using an automated system to answer our phones. I feel it's important for our customers to be able to talk to a live person. I'm sure we've all had the experience of leaving a message in a general mailbox and wondering if anyone received it. Or having some electronic voice direct us through an endless maze of options before we can leave a message. Having someone answer our phones represents a larger business expense, but to me it's worth it.

The Closing/Settlement

I personally conduct a large number of the closings done by my company. As settlement agents, there's so much information we can provide that is useful.

First, we bind all of our customers' paperwork, such as loan documents, inspections, title work, and amortization schedules, so that they have everything in one place for easy reference.

We provide the online address of five government web sites with important consumer information:

www.mymoney.gov – U.S. Financial Literacy and Education Commission provides financial education resources

- *www.ftc.gov/spam* provides tips to reduce spam email
- www.annualcreditreport.com provides free credit reports
- *www.optoutprescreen.com* a joint venture among the major credit reporting agencies for consumers to opt in or out of firm offers of credit or insurance
- *www.consumer.gov* a one-stop link to a broad range of federal information resources available online Giving homebuyers, real estate

agents, and lenders the information on these web sites is where I get the most "thank-you's," especially with buyers who come back and close their refinances with me.

Another "extra" we provide is an amortization schedule so they can see how the "total of payments" on the federal Truth in Lending was calculated, and how a small payment towards their "principal only" can save months or years on the term of their loan. We're always happy to work up additional amortization schedules at no cost if the customer is interested in seeing how an additional \$50 a month would shorten the term of their loan. Or perhaps they want to know how much extra it would cost each month if they wanted to pay a 30-year loan in 20 or 25 years. We also check the terms of the loan see if there's a prepayment penalty.

We explain the escrow account analysis they will receive from their lender showing the disbursements that were made out of escrow for real estate taxes, mortgage insurance, and homeowner's insurance. I advise them that if their analysis ever comes with a refund, they should check to make sure everything was paid. I've seen instances where the homeowner's insurance premium wasn't paid, or, worse, their property taxes weren't paid. Meanwhile, the customer already spent the refund by the time they receive a cancellation notice on their homeowner's policy or a delinquent tax bill.

With so many papers to go through at closing, we want our customers to know certain things they might overlook. For instance, for our borrowers who have private mortgage insurance in their monthly mortgage payment, we highlight the information explaining how to request termination of the PMI (rather than waiting 10 or more years for the lender to automatically terminate it). With a good payment history and the cost of a new appraisal, PMI can be dropped years early, saving the homeowner thousands of dollars.

We also alert our customers about scams, such as the phony transfer of lender. Scammers notify a borrower that their loan has been transferred to another institution. The borrower starts making payments to the new (phony) lender, unaware of the scam until they receive a delinquency notice from their real lender. Meanwhile, they're out thousands of dollars.

Finally, we thank our customers for their business. This is so simple, yet many overlook it. We also give our customers a gift. It doesn't have to be expensive. For example, one of our gifts is an insulated cooler with food and drinks. Another gift we've given

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running your business

is a combination tape measure and leveler. We also give something to hide an extra house key in. My favorite is a fake rock with a secret compartment that we found in a vendor booth at an ALTA's convention.

These activities may seem like a lot of extra work to some. But we've had such positive feedback, especially from real estate agents and lenders who appreciate the time we take with their customers and the added value we bring to the closing process. This sets us apart from our competitors and brings us additional business.

Conclusion

I am ever mindful that for most of my customers, this is the largest financial transaction they'll ever make. I want them to know we're there for them every step of the way, from inception to settlement. The greatest satisfaction I get is when a customer tells us we made the process easy for them, that we helped them understand what to expect and why certain things are necessary or handled in a particular way. Instead of worrying about the process, we were able to help them focus on the joys of homeownership. The way I see it, THAT is our job! ALTA's efforts and online resources available to members. Korsmo will provide next week.



Pam Day is owner of Day Title Services, LC, in Richmond, VA. She has assisted consumers with residential and commercial

real estate purchase and refinance transactions for more than 35 years. Her reputation has been built on quality service at a reasonable cost to the consumer. Pam can be reached at *pamday@daytitle.net*.

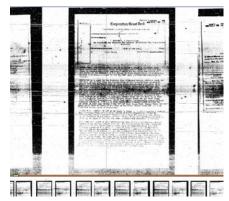
technology corner

Migrating Film Records in Title Plants

Enhancing Quality and Preserving Record Context After Conversion

the insurance companies continue to pursue the model of a comprehensive, computerized database of title information for all properties. The goal of this data collection is to provide rapid access to a complete chain of title with reliable and insurable information, increasing service levels to clients and mitigating losses due to errors and omissions.

While in the process of creating these databases, companies are con-



Grayscale enables the user to adjust the brightness and contrast of the image until each section is legible. verting their old film back plant data (e.g. lot books, geographic folders) to be accessible by their computerized plant software. As companies continue their film-based conversion projects, consideration should be given to maintaining the true value of the archival film data by presenting it as it was originally created, with all the detail intact.

The Challenges With Film Are Well Known

Microforms (microfilm, fiche, aperture cards) are all well-known technologies that have been used to archive title records for over 50 years. As an alternative to paper, film-based media has proven more compact, less costly, and more stable for long-term archival purposes. While film has well-known disadvantages when compared to digital imaging, including access time and cost, some of the advantages of the film records should not be lost in the conversion to digital.

Two Important Benefits of Film

Despite the challenges with film records, there are two qualities that film records possess:

They are the complete records. All too often traditional film-to-digital solutions eliminate much of the context of the records that film provides.

They are high-quality records. The microfilm images themselves are analog with a detail that equates to a 1200 dpi jpg image. By converting these film rolls to single-page 200 or 300 dpi bi-tonal tiffs, much of the quality of the images can be lost.

New Solutions

Title insurance companies in the process of searching for film-to-digital solutions are finding solutions on the market that are specifically designed to convert these film archives. Recognizing that the complete migration of data is necessary, these solutions offer near-100 percent conversion accuracy, preservation of the context of information after conversion, and greatly enhanced image quality of the entire archive. Providing the examiner all of the original record quality can only enhance the accuracy of the search results.

Conversion Accuracy & Quality

During the film-to-digital conversion process, traditional content management image detection software searches the output for detectable images. In many cases, historical information is stored on old film that

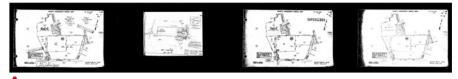
technology corner

is in a condition that negatively affects this output. As a result, images are often missed as part of the conversion process. Most importantly, as part of the conventional scanning process, the individual images are disassociated from their context in the microfilm roll. The indexing process, which is a manual operation, introduces an additional process that often leads to misnamed and therefore lost images. No multilevel data entry process can assure absolute fidelity of the original microfilm sequence or document completeness. Even results of 99.5 percent accuracy can lead to thousands of errors, resulting in hundreds of lost documents, or worse, lost pages of documents.

Products now on the market can create a digital replica of microfilm records, including the look and feel of the original lot book or geo folder, along with providing adjustable grayscale images for image enhancement. No images are dissociated from the original pagination of the record, and no keying is required after conversion to reassemble these records. As a result, the risk of losing documents during conversion is greatly reduced. Moreover, having the records appear in their original form can provide valuable reference during examination.

When evaluating film-based back plant conversion solutions, consider the following:

- Conversion Accuracy
- Preservation of Information Context After Conversion
- Image Enhancement
- Affordability
- Integration with Current Systems



In the above example of a typical lot book account, there are three maps, each with posting information, following a general account page. Keeping the pages in sequence can assist the examiner, who might frequently jump back and forth between the images.

Scanning the film to grayscale and having a software program that allows for adjusting the image quality at the end user's workstation makes the images usable when they otherwise are not. With adjustable gray scale images, difficult to read postings from folders can be enhanced and made readable. What would otherwise appear as a scratched or faded tiff image can be enhanced and adjusted in grayscale to deal with the specific image problem, too light, too dark, not enough contrast—problems all too frequent with film-to-image conversion solutions.

Affordability

In some cases, traditional film-to-digital solutions may have been considered but in the end determined to be too expensive.

Newer solutions on the market take into account that much of the historical information is infrequently accessed. As a result, affordability is a must to justify the conversion of these records. These new solutions have incorporated new technologies within their offerings that have enabled service bureaus to bring film-to-digital conversion solutions to market at previously unheard of prices.

Integration with Current Systems

New solutions are offering tight integration with current digital systems. For example, users can easily import historical documents into current systems with a touch of a button. To prevent users from having to learn a new interface, current system interfaces can be updated with functionality that enables easy record recall from the new archive.

Conclusion

The overall goal for title data migration is to provide rapid, in-plant and Internet-based access to a complete set of title information with reliable and insurable information, increasing both service levels to clients and mitigating losses due to errors. Successfully migrating old film back plant data is a key part of this strategy. As title insurance companies continue film-based conversion projects, consideration is now being focused on new technologies in the market that bring historical information out of physical film archives and into the digital world. As a result of modern products that take advantage of increased storage capacity and processing speed, all the information can be captured-not just a snapshot.



Andy Wenger works for BMI Imaging Systems (*www.bmiimaging.com*). BMI Imaging Systems is based in northern California and has

provided conversion services to the Title Industry since 1958. Products include EMC, Canon/Kodak, and Digital ReeL microform replacement systems.

Title Industry Political Action Committee

TIPAC would like to thank all our 2008 Club Level Contributors. Thank You!

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