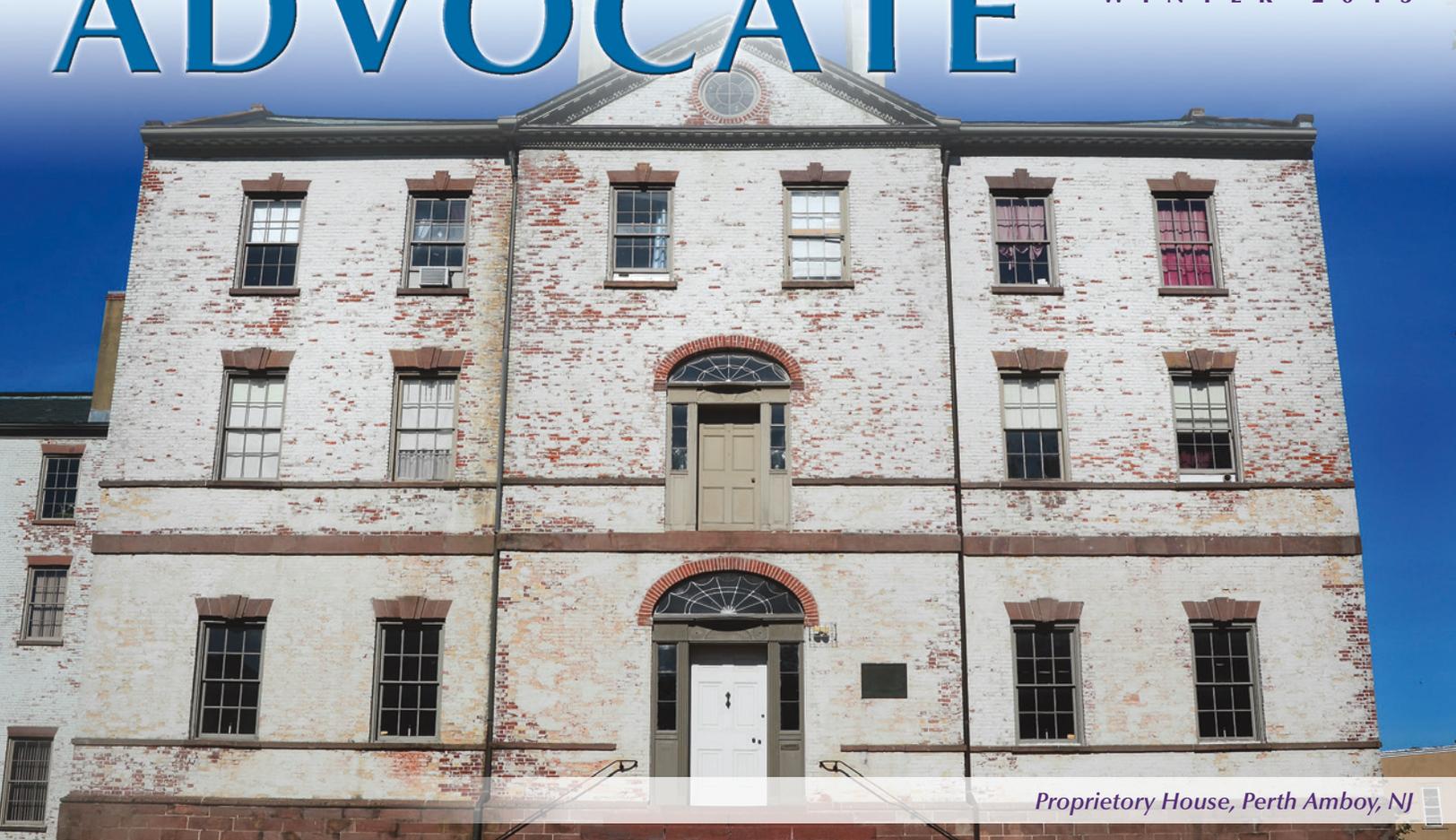


ADVOCATE

WINTER 2013



Proprietary House, Perth Amboy, NJ

It was all Started by a Deed by Joseph A. Grabas, CTP, NTP

As the end of the year rapidly approaches and 2014 looms large on the horizon, the New Jersey Land Title Industry is poised to celebrate a most important occasion; An event, 350 years ago, that defined the boundaries of a new province and established the basis for the real property conveyancing system; An event that would name this peninsula after an island off the coast of France and would set the stage for the greatest land title dispute in the history of New Jersey; that would launch land riots, border wars and plant the seed that would sprout over 200 years later as the Land Title Insurance business.

It was March 12, 1664 when King Charles II strategically conveyed all the land in America between the westerly side of the Connecticut River and the easterly side of the Delaware River to his 27 year old

brother and future king, James Duke of York and Albany, Earl of Ulster, Lord High Admiral of England and Ireland, Constable of Dover Castle, Lord Warden of the Cinque ports, and Governor of Portsmouth. The King's purpose was twofold: To connect the English possessions of the Massachusetts Bay Colony with the Virginia Colony by removing the Dutch enterprises located between them; and, to break the Dutch control of the Seas. This was a global strategy which would drastically realign trade and commerce and thrust these nations into war.

A few months later on **June 24, 1664**, the whimsy of the Lord High

It was all Started by a Deed cont. on page 2

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It was all Started by a Deed cont. from cover

Admiral would give birth to the Garden State. After sending a flotilla of warships across the ocean under the command of Colonel Richard Nicolls, to capture the fort on Manhattan Island, claim all of New Netherlands and proceed to establish permanent English settlements, James the Duke of York chose to convey all the land between the Hudson and Delaware Rivers to John Lord Berkeley, Baron of Stratton and Sir, George Carteret of Saltrum, in the County of Devon, Knight and call it *New Caesarea or New Jersey*.

Nicolls dropped anchor off Manhattan on August 27, 1664 with the firm belief that he had arrived to carry out the Duke's orders and settle what he was referring to as New York in honor of his benefactor. He had no knowledge that title to the land across the river, was no longer under his control. After accepting the surrender of Peter Stuyvesant, Nicolls immediately entertained solicitations to purchase land across the river.

The Dutch had attempted to establish settlements on the west side of the Hudson or North River as early as 1631, in and around what is today Jersey City. They were known by names such as *Bergen, Pavonia* and *Comunipaw*, but failed to survive several wars with the Lenape. The Articles of Capitulation signed by Stuyvesant and Nicolls confirmed the Dutch land titles; and so before a single acre of land was sold in New Jersey by the English, there were already two significant title defects, the mid-ocean conveyance and the confirmed Dutch titles. Soon after, the Elizabethtown (December 1664) and Monmouth (April 1665) Patents granted by Nicolls would be the third and fourth title defects. It would be as if a child directly from the womb, were already encumbered by liens and debts and conflicting parental claims. This is how New Jersey came into this world.

Carteret's cousin Philip Carteret would finally arrive in August of 1665 carrying with him a full set of instructions and authorities from Berkeley & Carteret that significantly contradicted the orders given to Nicolls. A conflict of epic proportions was brewing, a conflict that would end 15 years later with Philip being kidnapped in the middle of the night by New Yorkers, taken across the river, jailed, beaten and put on trial. He was acquitted and returned to Elizabethtown, stripped of his Governorship; two years later he succumbed to his injuries and died in December of 1682.

Today's title disputes, through the assistance of title insurance coverage, are settled reasonably through negotiations and/or the Courts. At the infancy of our State, land title defects resulted in uprisings, land riots, beatings, tar & featherings, lawsuits, political intrigue and even full blown

wars with neighboring colonies. Why should this have occurred? Couldn't they have simply worked it all out?

The answer lies in the differing visions and purposes between the Duke of York and Berkeley & Carteret. The Duke had a global vision of naval supremacy which would bring wealth and power to him as future King. Berkeley and Carteret saw the opportunity to create American Colonies that would provide a steady flow of personal wealth. They were land speculators, with no greater interest in America than the fortune they could amass from it. In addition, despite being two of the seven Proprietors under the Carolina Grant, a conveyance that made them part owners to over 91,477 square miles in the New World, Berkeley & Carteret never set one foot upon American soil.

Governor Richard Nicolls and Governor Philip Carteret were the embodiment of these divergent interests. Nicolls was a military man. He was given orders and he implemented them in the most expeditious manner possible. His initial appeal to settlers in 1664 offered confirmatory grants for lands purchased from the "Indians" and would be free from "all manner of Assessments or Rates for five Years" and "shall remain free Lands to dispose of as they please." These are the conditions from a man of action. Settlement, without causing problems with the Natives, was his pure and simple goal,

Conversely, Philip was sent to make money. On behalf of the Proprietors he offered free land to entice those who would settle under the Concession and Agreements, but they would have to buy the land from the Lenape, buy a confirmatory grant from the Proprietors and would have to pay QuitRents forever in addition to the local "Assessments and Rates." Quit Rents are: "A yearly payment



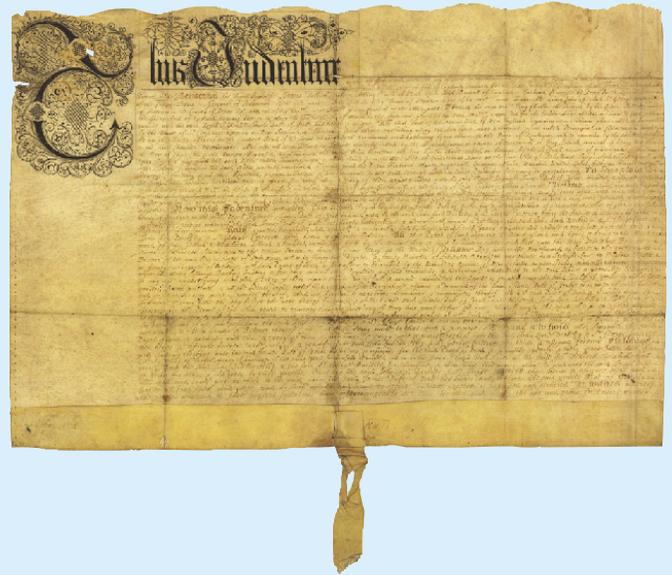
Surveyor General's Office, Perth Amboy

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of rent having its origin in the feudal services due by the copyholder or freeholder of an English Manor to its lord, acquitting the tenant of all dues and obligations. It was a custom based on immemorial usage." Simply put the Proprietors wanted to continue the feudal concept of perpetual indebtedness to the manorial lord. They also stood as a permanent mortgage on all lands. Non-payment of the quitrents would allow the Proprietors to distrain the owners' property and sell it to recover the rents.

This would not stand amongst the new settlers. The idea of self government and taxation without representation was firmly entrenched in the anti-quitrent movement. They had come chiefly from other parts of America, not directly from Europe and they had already tasted the freedom and the oppression that different colonies offered their citizens. They wanted to be Fee Simple Absolute in their lives and in their lands

These desires would explode into "revolutions" in 1672 and 1699 and Land riots in 1742 and 1746 and a monumental lawsuit in 1745, The Elizabethtown Bill in Chancery, which would never be resolved. These events would lead inexorably throughout the years to the undeniable need for title searchers and title insurance. A modern title might often lead back to a major subdivision in 1965 or 1974 with a common back title, yet a title search in 1801 could run back into the midst of a land title quagmire. Even the venerable Sixty Year search today only goes back to 1953 and the post war land boom, nothing as spicy as competing Royal Grants, Indian Deeds or boundary lines decided with cudgels and torches. *(For more information see This Land is My Land, Fall 2010 and In Defense of Our Title, Summer 2011)*



This Deed in June of 1664, whose ill conceived execution with ships at sea, not only created the State we call home, it also created the manner in which we make our living and the need for our profession. Our livelihood and for many our identity, is deeply ensconced in the historic beginnings of this State. So Happy 350th Birthday New Jersey! To paraphrase the great Walt Disney, "I only hope that we don't lose sight of one thing - that it was all started by a Deed." ♦

As another year passes we reflect upon how fortunate we are to have been supported by our wonderful clients and friends. All of us at Priority Search thank you for your continued support and wish you and your family a Joyful Holiday Season and a Happy, Healthy and Prosperous New Year.

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From The President's Desk

by Andrew Pitman

This past October I had the good fortune to attend my first ALTA Convention. As I prepared to depart for Florida I felt a little bit of trepidation since my only point of reference was our annual meeting. While hopeful that like the NJ convention, a sense of esprit de corps would exist, I had some doubts because title insurance is often a very local practice. By way of example, the county search we are accustomed to in New Jersey does not exist in western states. Instead there is a "Title Plant" where records of deeds and mortgages are maintained. Similarly the concept of who can be an agent differs, with some states requiring that you must also be an attorney to insure title.

Upon arrival I could not help but be overwhelmed by the tremendous participation. There were over 850 attendees from across the country. Naturally all of the major underwriters had staff in attendance as did dozens of vendors offering a host of support services to our industry. Most impressive though was the large number of agents in attendance. Their operations ran the gamut from the small local shop to the large multi-state operation. In fact I was in a CE program with an escrow officer from an agency in Wasilla Alaska! Talk about dedication.

Despite the differences in size or geographic market, the talk was all about the coming changes resulting from the CFPB final rule and how ALTA's Best Practices offer a road map to compliance. I had the opportunity to sit in on a very interesting panel discussion focused on how implementation of the Best Practices both enhances the consumer experience and can serve as a tool for generating business. Chris Black, Shonna Cardello and Craig Haskins each representing their respective title agencies, shared their experiences in adopting Best Practices within their operations. Mr. Haskins of Knight Barry Title Agency has produced a series of informative YouTube videos on best practices. They are also available on their company website: www.knightbarry.com. The panel generated a lively discussion within the room while answering questions from agency principals and staff. There's no doubt that the substantive information was useful, but what was particularly refreshing was the enthusiastic collaborative spirit shared by the participants. All too often there is a reluctance to share information about what works within a company for fear of assisting a "competitor". That sentiment was clearly absent among this group.

The concept of collaboration seemed to be something of a theme at the convention. President Frank Pellegrini made reference to the need for agents and underwriters to work together in facing the new regulations and forms out of Washington in his comments during the Underwriter Section meeting. Subsequent to the meeting I had an opportunity to speak with the President and he pointed out that there will be added pressure on lenders to be compliant with the CFPB requirements and that this will additionally impact on our industry as we too struggle with compliance. He commented that if agents and underwriters participate in the process (through ALTA), the industry can have an effective voice. During the discussion I noted that the

concept of collaboration resonated with me and asked what suggestions he might have toward furthering this goal during my term as president. Mr. Pellegrini acknowledged that agents and their underwriters will disagree from time to time over various business issues, but at the end of the day we are very much part of the same industry and interdependent on one another. He quipped, "We need to keep talking with one another toward resolving the conflicts, but remain focused on the big picture. As long as we are still communicating, we can sort our way through the issues."

I think that the ALTA President has it right. Communication and involvement as a group can provide a larger voice to our relatively small industry. There are other trade organizations within the land title industry who routinely publish various papers that take an inflammatory "us versus them" position with respect to the underwriter/agent relationship. Similarly there are many who resist involvement within the NJLTA for fear of assisting a competitor. In the final analysis it would seem that the bigger picture is being missed here. In order for our industry to survive the upcoming changes and remain relevant we have to pull together so as to create a stronger, smarter and ultimately more resilient industry with a true consumer focus.

Participation in the NJLTA not only provides a voice on local issues, but allows for our concerns to be heard on a national level. Agency Section Chairman Al Santoro would be delighted to speak with you about the upcoming ALTA Federal Conference where we will have a chance to speak with our NJ Legislators in Washington D.C.

I would encourage you to not only join the NJLTA, but to be active. Beyond the education and the political advocacy, the Association provides you with the opportunity to shape what our industry will be. I hope to welcome you aboard! ♦



ADVOCATE

NEW CFPB RULE TO TAKE EFFECT AUGUST 1, 2015

On November 20, 2013, the Consumer Financial Protection Bureau (CFPB) released its regulation to combine federal disclosure forms required by the Truth in Lending Act (TILA) and Real Estate Settlement Procedures Act (RESPA).

A new Closing Disclosure will replace the HUD-1 and final TIL disclosure, while a Loan Estimate will replace the GFE and early TIL. The CFPB announced an implementation date of August 1, 2015, which gives the industry 21 months to prepare for the new disclosures.

THE ANNOUNCEMENT:

<http://www.consumerfinance.gov/newsroom/cfpb-finalizes-know-before-you-owe-mortgage-forms>

THE FORMS:

http://files.consumerfinance.gov/f/201311_cfpb_kbyo_loan-estimate.pdf

http://files.consumerfinance.gov/f/201311_cfpb_kbyo_closing-disclosure.pdf

FACTSHEET:

http://files.consumerfinance.gov/f/201311_cfpb_factsheet_kbyo_mortgage-disclosures.pdf

The RULE:

http://files.consumerfinance.gov/f/201311_cfpb_final-rule_integrated-mortgage-disclosures.pdf



COMING SOON!!! Business Development and Education Expo Fall 2014

The New Jersey Land Title Association is proud to sponsor a Business Development and Education Expo in the Fall of 2014.

Details to follow!

http://files.consumerfinance.gov/f/201311_cfpb_final-rule_integrated-mortgage-disclosures.pdf



W I N T E R 2 0 1 3

2013 ALTA Convention

by Alfred D. Santoro, Esq., CTP



Let's just start by saying that West Palm Beach is not a bad place to be any time of the year. When you add in that you get to stay at The Breakers, it just keeps getting better.

The 2013 American Land Title Convention was held October 9-12 and boasted a record turnout of over 950 attendees from around the country. It does not do this meeting justice to call it a convention. The word "convention" conjures the image of partying by people in funny hats. Okay, so there may have been some of that but it belies the huge amount of work done and information disseminated throughout the meeting.

Committees actually began work as early as Monday the 7th with the Title Counsel and Forms committees meetings. The author attended the State Leaders dinner Tuesday evening and the Technology Committee meeting Wednesday afternoon.

Wednesday began with the State Leadership breakfast round table discussion. Brian Webster of the Consumer Financial Protection Bureau spoke about the cost of compliance with new federal mandates for real estate closings and how the CFPB is trying to assist small businesses in meeting those demands.

Aaron Brandenburg of the National Association of Insurance Commissioners also spoke and noted that the focus of that group is now on how to educate consumers about title insurance products and service. He also noted that while the NAIC is not moving forward with risk based capital requirements at this time, they are developing a best practice for Title insurance cost comparisons.

At the State Legislative and Regulatory Affairs committee meeting, Attendees heard from Alfred Pollard, General Counsel for the Federal Housing Administration who expressed concern over state attempts to seize non-performing mortgages by eminent domain.

Also at the meeting, Matt Gaul of the New York State Dept. of Financial Services mentioned concerns over "Affiliate Businesses" noting that a reverse competition can exist when

title agents are picked by lenders and not consumers. There is no incentive to lower price or increase services when a third party pays the bill.

The General Session on Thursday opened with **Tommy Spaulding**, Former CEO of Up with People explaining the value of building lasting and genuine business (and personal) relationships and how to build those relationships throughout your organization

The majority of the conference centered on Best Practices in light of the upcoming CFPB regulations and new requirements on lenders to oversee the actions of title insurance and settlement vendors. Along with the general session speakers and expanded vendor area, 21 separate educational programs, most offering both CE and CLE credit were held over the next three days.

Another highlight of the meeting was the panel discussion of what to expect from the CFPB by former CFPB counsel Ben Olsen, Current CFPB Counsel Rich Horn and Leslie Wyatt of Softpro. Also honored was the inaugural class of *National Title Professionals* including New Jersey's own Joe Grabas and Isadore Teitelbaum.

The ALTA annual conference also allows ample time to both enjoy the area as well as network with others from around the country. We often realize that others across the nation may have solved problems we are facing or we can help them with challenges they are facing. This is old fashioned "social media."

In the coming months the ALTA will be holding their Business Strategies conference in March in Nashville and most importantly the Federal Conference in May. The NJLTA Agency Section is exploring ways to encourage participation, especially at the Federal Conference. These meetings present opportunities for you to improve your business and our industry.

For more information on the ALTA and these meetings, please go to www.ALTA.org. ♦

Eight Truths About the Title Industry You Can Learn by Watching Movies by Dolores Dios

Those of us who spend our days working in title are well aware of how important our industry is. Clear title, and the underlying concept of property rights, form the cornerstone of our economic system. In fact, the consequences when things go wrong when it comes to matters of title can be so dramatic that title issues are often used as a plot device in Hollywood movies. Those plots often dramatize essential aspects of the title business. Check out these basic truths I've discovered about our industry, as illustrated in some classic movies over the years.

Truth # 1: Title is Very, Very, Very Important.

(Did I Mention that Title is Important?)

House of Sand and Fog (2004)

Anyone who gripes that title insurance is a racket and title searches are a waste of time and money should be tied to a chair forced to watch this movie before making *any* real estate transaction.

House of Sand and Fog tells the story of Kathy (played by Jennifer Connelly), a recovering alcoholic who neglects a series of notices dunning her for back taxes. Before long, sheriffs evict Kathy from her home, which is purchased at auction by Massoud Behrani (Ben Kingsley), an exiled former Colonel in the Iranian army who plans to fix up the house and flip it for a profit. Each of the two main characters has a powerful need to own the house. For Kathy, it represents a link to her dead parents, and her last shred of self respect. Behrani desperately needs the house in order to maintain his status in his family's eyes.

Unfortunately for all concerned, it turns out that the county jumped the gun in evicting Kathy and selling the house, which means that Behrani has poured the last of his life savings into renovating a house without having a clear chain of title to the property. What follows is a tremendous battle of wills between Kathy and Behrani, that leads to...well, I don't want to give away the ending, but suffice to say they could have added the word "blood" to the title, along with the sand and the fog.

The truth revealed here? Outside of our loved ones, nothing is more important than the homes we own. Clear title to the property is essential for peace of mind.

Truth # 2: Never Sign Anything Till Your Lawyer Looks at the Title Report

Mr. Blandings Builds his Dream House (1948)

In this classic comedy, Cary Grant plays Jim Blandings, a successful Manhattan ad executive who wants to move his family from a cramped midtown apartment to the Connecticut countryside. He finds a charming colonial farmhouse on 50 acres – "more or less" – and promptly falls in love. Jim signs a sales agreement, only to discover some rude facts when he goes to close on the property. For starters, Jim learns that his 50 acres, more or less, fall on the "less" side of the ledger, actually totaling 31 acres. (There go his tennis courts!) Jim manages

to shrug off that news, but then learns...well, let's look at the screenplay's description of the closing, which is presided over by a character named Judge Quarles:

JUDGE QUARLES

(with ministerial resonance)

"...to have and to hold to him, the said Grantee, his heirs and assigns to his and their own proper use and benefit forever."

During this, and as a shaft of sunlight hits Jim and Muriel, a beatific look comes across their faces. For a moment it has become their wedding day. After a momentary pause:

JUDGE QUARLES

(very businesslike)

Subject to a six thousand dollar mortgage held by Ephemus Whittaker Hackett...

And the Blandings are startled back to grim reality...

Mr. Blandings Builds His Dream House is based on a book by Eric Hodgins, an executive at Time Magazine who built his own Connecticut dream house in the 1930s, only to have construction costs go over budget six-fold. In the movie, the Blandings' story ends happily, despite Jim's sloppy management of his own money. In real life, though, the ending wasn't so happy: Hodgins was forced to sell his dream house once it was built in order to avoid bankruptcy.

Truth # 3: Property Rights are Complicated

There Will Be Blood (2007)

This modern classic tells the story of Daniel Plainview, a pioneer of the American oil industry played with scary intensity by Oscar-winner Daniel Day-Lewis. An early scene of the movie shows us who Plainview is and how he operates. In the scene, Plainview addresses a group of small landowners in Long Beach, where oil has been discovered beneath a nearby field. Plainview bluntly tells the folks who he is and what he intends to do, making them a take-it-or-leave-it offer for a royalty to the rights to the oil that might be under their property. The screenplay describes the reaction he gets:

HOLD ON THE ROOM. Everyone has taken this in, then: **THE ROOM ERUPTS AS EACH FAMILY SCREAMS AND YELLS AND UNLEASHES WRATH AT EACH OTHER ABOUT HOW THEIR LOTS SHOULD BE DIVIDED AND ROYALTIES SHARED AND MEASUREMENTS OF "SMALL LOTS" "BIG LOTS" "LITTLE BIG LOTS" "LITTLE SMALL LOTS"...**

We witness human dignity go completely out the window.

Daniel stands, slowly turns and walks out the door without being noticed.

Eight Truths... cont. on page 9

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Eight Truths... cont. from page 7

Plainview doesn't understand much about human relationships... but he does understand that, when it comes to negotiations, the person with the greatest focus and purpose can control the debate. This is memorably shown near the end of the movie, when Plainview use the metaphor of a milkshake to explain how he grabs what he wants:

DANIEL

DRAINAGE! DRAINAGE, ELI! DRAINED DRY, YOU BOY. If you have a milkshake and I have a milkshake and I have a straw and my straw reaches ACCCRROSSSSSSSSSSSS the room and starts to drink your milkshake: I DRINK YOUR MILKSHAKE! I DRINK IT UP.

"They'll drink your milkshake!" – that's a great warning to anyone who decides they don't want or need aggressive legal representation in a property rights transaction.

Truth # 4: Technology Has Changed the Title Search Industry *Chinatown* (1974)

This is one of my favorites – a harrowing film noir starring Jack Nicholson and Faye Dunaway in their prime. In addition to being one of the most powerful films of the 1970s, *Chinatown* is also a meticulous recreation of Los Angeles in the 1930s... right down to the county record room!

A key scene in the movie has private eye Jack Gittes, played by Nicholson, pay a visit to the record room to, yes, perform a title search. Anyone who has spent time in the prewar courthouses in New Jersey's cities will instantly recognize the record room shown in the movie...the vaulted ceilings, marble columns, the hardwood stacks of bookshelves. What's more notable is what's missing from the scene. No smartphones, no photocopier, not even a payphone, for Pete's sake. The pages of the deed book Gittes inspects are all handwritten, with the names of new owners written on slips of paper and pasted over the old names in the ledger. When he wants to keep the data he has found, Gittes borrows a ruler, sneaks the book to a shadowy corner, and tears the page from the book!

Today, of course, Gittes would have made a photocopy of the page. He may even have been able to access the information over the Internet. There are still many times when you have to put on your reading glasses and head into a dusty old record room and pore over ancient handwritten pages...but thank goodness, technology is making all aspects of the title search industry more "user friendly"....

Truth # 5: ...Well, Not Everything is "User Friendly"

Chinatown (again)

When Gittes asks the clerk manning the desk in the record room if it would be possible to check out one of the volumes, the clerk snaps that the hall or records is not a lending library, assuming a tone that the screenwriter describes as "quietly snotty." It's reassuring to know that, despite the march of technology, human nature stays the same, and county employees still have

the same attitude they showed our grandparents!

Truth # 6: Every Title Search Tells a Thousand Stories

Ghostbusters (1984)

A throw-away line in this classic comedy captures what, for me, is one of the most fascinating parts of working in title. Every property being searched has in its records dozens of names. Each of those people had their own life story to tell. What amazing things did those people achieve? What weird skeletons are in their closet? What secrets of theirs will never be discovered?...

In *Ghostbusters*, chief ghostbuster Ray Stanz (Dan Ackroyd) visits the "hall of records" to research the address 55 Central Park West, where strange apparitions haunt the residents. He discovers that the first owner and architect of the building was one Ivo Shandor, a spiritualist and worshipper of ancient Sumerian gods, making that address the corner penthouse of "spook central." I've encountered some exotic names in the record books that have captured my imagination over the

years, still, I doubt that I have ever researched a property owned by worshippers of the ancient desert god Gozer the Destructor. But if I do ever run across the name "Ivo Shandor?"...

Well, I know who I'm gonna call!

Truth # 7: Developers Can Be Unscrupulous

The Baron of Arizona (1950)

The Cocoanuts (1929)

The Baron of Arizona is a great underappreciated gem of a movie from 1950, with title and property rights at its core. It stars Vincent Price as James Reavis, a swindler and con artist in frontier America, who

tries to lay claim to the entire territory of Arizona by producing colonial-era deeds from the Kingdom of Spain which appear to grant him ownership of the territory. Reavis turns down an offer of \$25 million from the United States government to buy the land from him, and plans to develop Arizona into his own private kingdom. Supported by powerful political interests back east, Reavis finally gets his comeuppance when the surveyor general is able to prove that his deeds and other proofs of title are forgeries. It's an offbeat, sly western with a memorable performance by Vincent Price. It also has the advantage of being based on a true story – there really was a Jim Reavis, and he did almost pull off the largest title swindle in history!





Of course, not every unscrupulous developer has the brass of a James Reavis. That's why I also want to mention one of my favorite comedies – the Marx Brothers' classic *The Cocoanuts*. It's about the 1920s real estate boom in Florida, and was actually made at the tail-end of that financial free-for-all. Groucho plays Mr. Hammer, proprietor of the Hotel de Coconut, where he tries to sell any and all of his guests one of the properties he has parceled out of the neighboring swamps. His sales patter is a hilarious parody of the not-quite-lying but definitely-not-entirely-honest approach of many developers to this day:

HAMMER

Why it's the most exclusive residential district in Florida. Nobody lives there...You can have any kind of home you want. You can even get stucco. Oh, how you can get stucco....

Still, it's important to recognize that the Reavises and the Hammers of the world are the exception, not the rule. Which brings me to the last truth about title I've learned at the movies....

Truth # 8: It's All About Human Dignity

It's A Wonderful Life (1949)

We've all seen Frank Capra's holiday classic, starring James Stewart as small-town savings-and-loan owner George Bailey. We all know that it's a celebration of family, love, and American values. It's also, of course, a statement about what it is to be human. This is most clearly shown in George's passionate defense of his father's legacy, which he makes to old Mr. Potter, the greedy banker eager to shut down the Bailey Savings and Loan:

GEORGE

[My father]did help a few people get out of your slums, Mr. Potter. And what's wrong with that?... Here, you're all businessmen here. Doesn't it make them better citizens? Doesn't it make them better customers?... Just remember this Potter, that this rabble you're talking about... they do most of the working and paying and living and dying in this community. Well, is it too much to have them work and pay and live and die in a couple of decent rooms and a bath? Anyway, my father didn't think so....

And in the end, that's what it's all about, isn't it? Title is important for what it protects – the right of anyone willing to work hard and show responsibility to lay claim to a property they can call their home. ♦



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Tidelands Claims and Property Rights by Lawrence J. Fineberg

Identifying and addressing tidelands claims have become an integral part of the title insurance underwriting process in New Jersey. Many underwriters require agents and branch offices to obtain tidelands searches on a routine basis, even as to properties which are not located in coastal areas. If a search reveals that the State of New Jersey has asserted a claim, it must be addressed in the commitment and policy. How did we get here, and where are we going?

The common law of England recognized the monarch as having dominion over all navigable waters, through a concept was known as the royal prerogative. (Because the rivers of England are navigable only insofar as they are tidal, tidal-flow was often substituted for navigability as a means of determining the extent of the Crown's dominion.) After the Revolution, the citizens of New Jersey, acting through their elected officials, succeeded to the rights of the Crown. Over the years, the courts gradually refined the royal prerogative concept into the public trust doctrine; i.e., the State holds title to waters and other public lands (the trust corpus) as a trustee for the benefit of the people (the trust beneficiaries).

It was apparent at a very early date that the State asserted some interest in tidal waters and the lands under those waters, but the extent of the State's interest was unclear for many years. It is now well-settled that, subject to certain exceptions, the State holds title in fee simple to all lands currently or formerly flowed by the tide, whether or not part of or connected with a navigable waterway. *O'Neill v. State Highway Dept.*, 50 N.J. 307 (1967); *City of Newark v. Natural Resource Council*, 82 N.J. 530 (1980). One of the exceptions to the general rule relates to an amendment to the New Jersey State Constitution. N.J. Const., Art. VIII, §5 (effective November 3, 1981). Under the amendment, the State is barred from asserting claims to lands which had ceased being tide-flowed on November 3, 1941 (or prior thereto), unless the State had established its claim by November 3, 1982.

How was the State to establish its claim to the formerly tide-flowed lands? The amendment itself merely requires that the State "define and assert" its claims before the cut-off date (November 3, 1982). However, litigation challenging the constitutional amendment had been filed, and while the case was working its way to the New Jersey Supreme Court, the parties entered into a consent order which provided that "define and assert" (as used in the amendment) required the State to file tidelands claims maps by November 3, 1982 in three different places: (1) each affected municipality; (2) each affected county; and (3) the Secretary of State in Trenton. The Supreme Court eventually upheld the amendment in *Dickinson v. Fund for Support of Free Public Schools*, 95 N.J. 65 (1983), and seemed to accept (without actually deciding) that the State had properly filed the maps.

In 1950, William Lisowski and Vincent Tumas purchased property located at 246 57th Street in Avalon [the "PQ"], and in 1955 title was transferred to William and Clara Lisowski. The

Borough of Avalon, which had previously owned the PQ, had conveyed its interest by warranty deed in 1949. Although the PQ was tide-flowed at one time, it is undisputed that it had been dry since the 1930s. In 1982 the State prepared and filed numerous tidelands maps in an effort to comply with the deadline imposed by the 1981 constitutional amendment. The Oldmans Creek Map, which includes the Lisowski property, reflects a claim of almost 100%. Nevertheless, the State never filed the Oldmans Creek Map with the Avalon Borough Clerk, and did not file it with the Cape May County Clerk until after November 3, 1982.

In December 2005, faced with a tidelands claim of almost 100%, the Lisowskis applied to the Tidelands Resource Council ["TRC"] for a Statement of No Interest, but in February 2007 the TRC denied their application. The TRC contended that the Lisowskis must file an application for a tidelands grant and pay such consideration as may be fixed by the TRC. It is likely that the cost of such a grant would be close to \$900,000. In response, Mr. and Mrs. Lisowski filed suit in the Superior Court, Chancery Division, against the Borough of Avalon (for breach of its deed warranty) and the TRC.

The parties filed cross-motions for summary judgment. The court initially denied the Lisowskis' motion, but later reconsidered and granted it. Judge Batten accepted the argument made by the Lisowskis that since the State had not (a) filed the tidelands claim map with the county clerk in a timely fashion, and (b) had failed to file it at all with the borough clerk, it had failed to meet the constitutional amendment's mandate to "define and assert" its claim by November 3, 1982. Hence, the court found that the Lisowskis hold title to the PQ free of the State's tidelands claim.

It should come as no surprise that the State has appealed the Chancery Division's decision to the Appellate Division. NJLTA will be filing an application to intervene as *amicus curiae* in support of the Lisowskis. It is unknown how many other parcels will be affected if the lower court's decision is affirmed by the appellate division. Nevertheless, the State's continued assertion of ownership interests (by way of tidelands maps) in properties for which it has not perfected its claims may be seen as an unconstitutional taking in contravention of the New Jersey and United States Constitutions.

In the meantime, NJLTA has been active in seeking a legislative solution to the tidelands problems which continue to plague New Jersey homeowners. A1551/S2946 has passed the Assembly and is currently awaiting further action by the Senate Judiciary Committee. The proposed legislation, which is intended to modernize New Jersey's archaic, inconsistent and overlapping statutory scheme governing adverse possession, addresses tidelands from the same perspective. Thus, under Section 4 of the bill:

If a person, for 40 years, has possessed real estate that was tidal-flowed prior to that period and not tidal-flowed at any time



thereafter, the State shall be barred from any claim of riparian rights and the person shall have good title in the real estate, provided that:

- a. the possession is actual, open and notorious, of a kind that would notify others of the claim to the property;
- b. the possession is inconsistent with ownership of the property by others;
- c. the possession has continued uninterruptedly for the requisite period by the person and the person's predecessors by occupancy, descent, conveyance or otherwise;
- d. the possession has been based on an instrument or instruments recorded as provided by law that describe the property; and
- e. all real estate taxes and other assessments on the property have been paid.

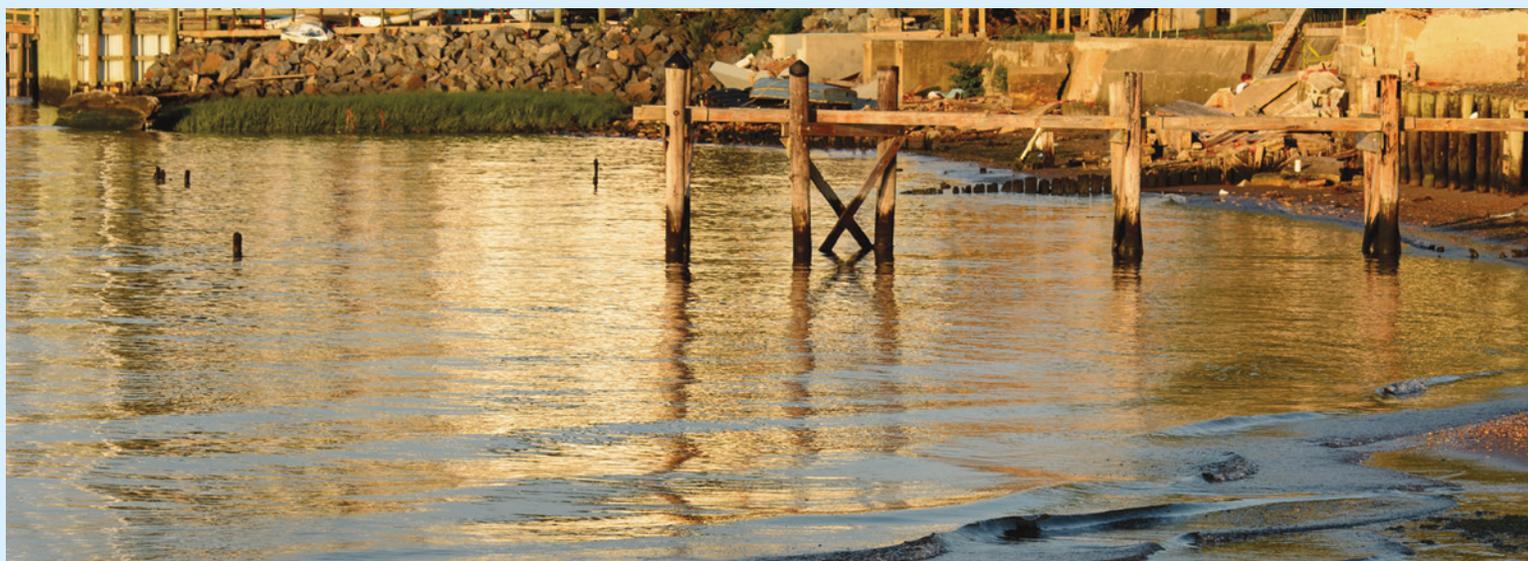
In other words, property owners whose land has not been tide-flowed for at least 40 years (and who meet the other criteria listed above) would be entitled to relief from the State's tidelands claims on an adverse possession basis, regardless of whether the State's claims maps had been timely or properly filed. The New Jersey State Bar Association ["NJSBA"] also strongly supports A1551 / S2946, and both NJLTA and NJSBA are working to assure the bill's passage before the end of the current legislative session in January 2014. ♦

Lawrence J. Fineberg is Senior Vice President and Regional Counsel for Fidelity National Title Group in East Brunswick. This article was prepared for Title Talk and appears in the Advocate with permission.

Editor's Farewell

It has been my distinct pleasure and honor to serve as the Editor in Chief over these past five years. Our publication has certainly grown from the original 4 page newsletter (including an 8 page Legislative Section) that first came out in September of 1988 as the *Agent's Advocate* under the stewardship of Michael Grant. I had the benefit of 20 years worth of hard work by my predecessors, Mike Grant, Mike Kehoe and Lydia Fowler, to build upon. These individuals all served voluntarily and with distinction. With a committee of dedicated Editors, we expanded the publication, went to an all color format and reduced the overall cost of the publication. I am very proud of them all. All volunteers, all dedicated to excellent in education and information. I also need to thank all the contributing writers who make this publication possible and successful. There are three specific individuals that I wish to take particular note of. Larry Bell, who anchored our staff by writing fresh, interesting and pithy articles to grace the Front Page; Nancy Koch who proof reads every issue, correcting our spelling, grammar and literary mediocrity; and Amy Holder, who not only insured that we had sufficient advertising revenue to keep the publication afloat, but was a major influence in our transition to the new format. Amy is a consistent asset and more particularly a good friend. Finally, I walk away confident in the abilities of our new Editor in Chief, Elissa Buonarota. I look forward to seeing many more outstanding issues of *The NJLTA Advocate*. I thank you all, the readers, for doing just that. Keep up the good work!

Joe Grabas



Consumer Financial Protection Bureau (CFPB) Regulations and ALTA Best Practices Demand End-to-End Review of All Production Partners

by Lee Howlett

The emergence, and importance, of Consumer Financial Protection Bureau (CFPB) regulations coupled with the title industry's American Land Title Association (ALTA) efforts to drive a common understanding of best practices enforces all participants in the settlement chain for loan origination or foreclosure/REO transactions to be specifically responsible and accountable, now more than ever. Whether in executing foreclosure/REO activity or in support of a loan origination settlement, every firm that provides an aspect of the process must be vigilant in supporting the new standards of care. In a very real sense, the "weakest link" in every transaction represents risk to the entire team associated with the experience, quality and integrity of the end client or consumer experience.

As these rules are directly applicable to the lender or servicer as the prime party, it is natural that demands are growing for audit reviews and compliance assessments from downstream vendors of all types. From these reviews, there is an obvious realization that the quality and capability of supply chain partners to respond with substantive policies and procedures is dependent on the scale, structure and experience of the enterprise. Whereas in the past, it may have been acceptable to rely on individuals as suppliers, that approach is not sustainable when traditional risk assessment practices are applied for business continuity, quality assurance, and financial stability as thresholds for qualification. As shown below, ALTA's best practices can provide a roadmap for assessing the attributes of title data, search and commitment ready providers that match the compliance needs of agents supporting lenders and servicers for transactions.

1. Best Practice: Establish and maintain current License(s) as required to conduct the business of title insurance and settlement services.

The title search provider should be qualified with applicable business licenses and well-versed in the rules affecting title practices in each state for Practice of Law statutes. In addition, the firm should offer demonstrable knowledge of local business practices and industry standards forming the basis for unique title search practices that will be incorporated into the product delivery.

2. Best Practice: Adopt and maintain appropriate written procedures and controls for Escrow Trust Accounts allowing for electronic verification of reconciliation.

While the title search provider does not have a direct role in the escrow function, the quality and comprehensive nature of the data supplied in the reporting is critical to informing the agent's completion of the escrow function. The integrity of reported amounts due for outstanding voluntary liens, judgments, taxes and ancillary municipal liens is vital.

3. Best Practice: Adopt and maintain a written privacy and information security program to protect Non-public Personal Information (NPI) as required by local, state and federal law.

Given the complexity of our digital world ranging from eFax, to email and xml data transmissions, the risk of exposing Non-public Personal Information (NPI) unless well-protected and secure is significant. This risk demands an enterprise-wide business intelligence that can address physical security, restricted access, regular employee screening, network security and disposal of NPI. Other imperative policies should address a disaster management plan, compliance with the company's information security program as well as oversight and audit plans.

4. Best Practice: Adopt standard real estate settlement procedures and policies that help ensure compliance with Federal and State Consumer Financial Laws as applicable to the Settlement process.

Training in the specific components of title production via well-documented learning management systems which can incorporate any applicable laws or regulations should be standard protocol. Ensuring that staff has timely access to geo-specific regulatory changes is critical to delivering the expected results for risk mitigation.

5. Best Practice: Adopt and maintain written procedures related to title policy production, delivery, reporting and premium remittance.

The well-organized and capable title information supplier should be able to demonstrate appropriate procedures for production, delivery, and quality to ensure title companies can meet their legal and contractual obligations to lenders and servicers. This is best accomplished by state-of-the-art workflow technology able to manage custom operational demands and to insert micro-task based routines which reflect unique expectations of the end user. The ability to conduct forensic audits on orders, implement track-able corrective action programs or offer custom reporting should be established capabilities.

6. Best Practice: Maintain appropriate professional liability insurance and fidelity coverage.

An enterprise-level title information provider should offer at least \$1 Million in Errors and Omission coverage ensuring the financial capacity to stand behind their professional services. Beyond base level E&O coverage, the most progressive title data providers may offer supplemental liability programs which run with the search product for extended terms providing a unique indemnity program. Often, this extra coverage is evidence of a much higher level of diligence and quality assurance.

7. Best Practice: Adopt and maintain written procedures for resolving consumer complaints.

Addressing client or end-consumer complaints must be viewed as a "gift" enabling the title information enterprise to constantly assess superior delivery options and provide corrective action steps for improving the integrity of the



finished product. Tracking the frequency, type and origin of any service gaps helps to inform the organization of emerging weaknesses and focus resolution efforts efficiently.

Applying these broad ALTA Best Practices standards to each component and supplier in the default or origination process is a vital process to assessing the end-to-end risks that might otherwise go undetected when applied only to the prime supplier. Partnering with downstream title data and report suppliers who align their compliance and risk procedures with the client has become far more critical in the new regulatory environment. These CFPB and ALTA guidelines will only become more definitive and established over the next few years.

Embracing and clearly documenting these concepts today will serve as true differentiators for enterprise-level providers in the future. ♦



The Author: Lee Howlett is EVP-Managing Director of RedVision. RedVision® an independent national title data, search and preliminary commitment provider for local and national clients. RedVision utilizes its proprietary technology to connect U.S. county records and an expert workforce to provide its customers with reliable property data, abstracts and examined title reports. RedVision has delivered over 7.5 million title reports since 2006.

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David Ewan Elected President of PRIA by Nancy L. Koch, Esq., CTP



David Ewan, underwriting counsel for Westcor, was elected President of the Property Records Industry Association (PRIA,) at their annual meeting in August. As is befitting for the NJLTA's original Technology Consultant, I "sat down" with David at the end of October for a virtual interview.

Are you a NJ native? Tell us about yourself.

I am a New Jersey resident, and have been all of my life. New Jersey's public school system provided my primary and secondary education, and despite some of the negative publicity surrounding public schools, did a pretty good job. I have a Bachelor of Arts degree from Dickinson College in Carlisle, PA. My major was History and my minor was Computer Science. I attended Rutgers School of Law in Camden, NJ and was graduated with High Honors in May of 1991.

Did you study computers in college? How did you become interested in things electronic?

Computers did have an impact on me while in college. Since I was a Computer Science minor, while an undergraduate, I worked for the Computer Science Department as a programmer/consultant and teaching assistant. Part of my job at the college was to assist in both hardware and software maintenance of the college's computer systems. After graduation from college and a brief stint with the New Jersey Department of Environmental Protection, I worked for Public Service Electric and Gas Company where I was an Instrumentation and Control Technician at Salem Nuclear Generating Station. My certifications there involved various electronic systems, but notably I calibrated, maintained and repaired radiation monitoring computer systems.

How did you get into title insurance?

My work after being admitted to practice in New Jersey was with a private law firm. There, I developed a penchant for real estate law, and eventually confined myself to that area of practice alone. I practiced real estate law for ten years. Real estate law necessarily entails some portions of title insurance law and regulation. After ceasing private practice, I was lucky enough to be hired by the NJLTA as the Technology Consultant for the Recording Practices Committee. From that position, a love of title insurance developed.

Is there anyone whom you would count as your important career influence(s)?

I would count two particular individuals as important influences: Frank Melchior and Larry Fineberg. During my tenure as the NJLTA Consultant, I got to know both of them very well. In working on the various NJLTA projects, especially the title recording project with the New Jersey Law Revision Commission, I enjoyed exchanging ideas and opinions with both of them, usually with me learning a lot along the way.

Besides vast amounts of title insurance knowledge, from Frank I learned that it's always a good idea to have your radar detector on. From Larry I learned that when it's Friday, there are only two more work days until Monday.

When did you join Westcor? What is your position there?

I joined Westcor in September, 2011. My position is Underwriting Counsel, and I handle underwriting issues in both New Jersey and Pennsylvania.

How did you get involved with PRIA?

My involvement in PRIA was precipitated by my position as the NJLTA Consultant. One of the items that the NJLTA wanted me to investigate was how other areas of the country handled analogous functions, in particular electronic recording. With that in mind, the NJLTA joined PRIA and I was the NJLTA's designated representative for PRIA.

Tell us about PRIA.

The Property Records Industry Association (PRIA) is an idea: the idea that, within the property records industry, government and business can work together, with mutual respect, to address issues of common concern in the world of property transactions.

PRIA was created based on the concept of "round table" discussions, where participants from all industry segments come together as equals to openly discuss issues relevant to the property records industry and develop best practices and standards for the industry.

PRIA strives to achieve its mission by:

- Identifying opportunities for the industry to work together to improve the trustworthiness and effectiveness of the property ownership principles and financing methods that are the foundation of market capitalism in the United States and abroad.
- Acknowledging diversity of viewpoints on industry issues so as to identify areas of consensus within the industry leading to recommendations for and support of best standards and practices.
- Encouraging adoption of such model standards and practices.
- Providing a clearinghouse for information about property-records-related principles, practices, systems, protocols and legislation.
- Educating industry participants, legislators, law enforcement agencies and the public about the organization, role and function of the property records industry.

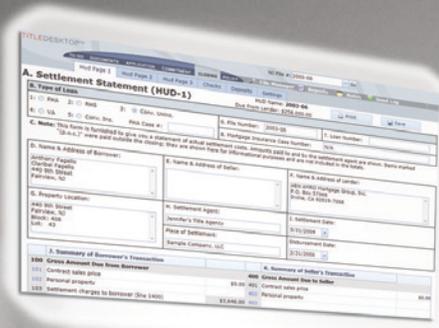
When did you become president of PRIA? Is there a process or path to that position?

David Ewan Elected President... cont. on page 17

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ADVOCATE

David Ewan Elected President... cont. from page 15

I was elected president at the August, 2013 Annual Meeting in Minneapolis, MN. Under the Bylaws, the president is elected by the Board for a one year term, but is eligible for successive terms. There is no pre-defined path, other than you must be a member of PRIA and be elected to the Board.

As president of PRIA, what are your responsibilities? Who do/ will you work closely with at PRIA during your presidency?

My responsibilities are to oversee the operation of the association, and to encourage all sectors of the property records industry to join PRIA and participate in our standard setting initiatives. We have various projects underway, ranging from uniform indexing standards for land records to PRIA/MISMO XML Version 3 implementation.

Do you think NJ is on the right track electronically? If you look into your crystal ball, what do you see for the state of NJ Recording Practice in the future?

I do, indeed think we're on the right track. While some states have enacted the Uniform Real Property Electronic Recording Act (URPERA), New Jersey substantially revised the title Recording Act with P.L. 2011 c. 217 which was effective May 1, 2012. Our revisions not only permit electronic recording, but require that it be available. Regulations implementing the statutory revisions vis-à-vis eRecording have been drafted (with the NJLTA's assistance) and the regulations, I'm proud to say, incorporate the PRIA eRecording standards. When available in all our counties, we'll be in a position that presently only three other states enjoy: Colorado, Hawaii, and Arizona. Once all our counties have eRecording available, mortgage lenders can focus on that technology to increase efficiency and accuracy.

The NJLTA and the whole title insurance industry in NJ congratulate David and wish him the best with this endeavor! ♦

Ask the Expert

Dear Expert

I am doing a commitment for a refinance for property owned by John and Jennifer Jamison since 2012. The lender asked me to run the maiden name of the borrower, Jennifer Deams. A judgment search shows one judgment return vs. Jennifer Deams, it was filed in 2011, right before they were married. Does the judgment have to be paid and satisfied at the refinance closing?

- Refiaway Title

Dear Refiaway

As we all know, a judgment against a person is not a lien against that person's New Jersey real property unless, and until, it is docketed against the owner with the same name that appears in the chain of title. So, presumably, the judgment would not have to be paid "from a title standpoint". However, the lender will presumably (for credit or other purposes) require the payment and satisfaction of the judgment. In any event, as usual, consult with your underwriter who may view this matter differently.

- Your Expert

Dear Expert

A builder subdivided a parcel into two lots in 1970. Even though both lots front on a public street, the builder created an easement of 50 feet deep over a portion of Lot 2 for the benefit of Lot 1, so that the owner of Lot 1 can more easily drive into his garage. Both Lots were sold in 1971 and the owner of Lot 1 has been using not only the 50 feet but another 20 feet more (for a total of 70 feet) to get into his garage. The owner of Lot 2 never complained. If Lot 1 now wants to change his driveway to use only the (original) 50 feet, will he give up any rights he may have acquired to use the full 70 feet again in the future?

- Curious

Dear Curious

Are you planning to give legal advice to your customer? If so, the answer is simple: DON'T do it! If, on the other hand, you are merely curious, then the answer is "let a court decide". You may have either a license or a prescriptive easement and the answer to that is fact sensitive and, unless the parties can agree and do so in the appropriate writing, it is a matter for judicial determination.

- Your Expert

Dear Expert

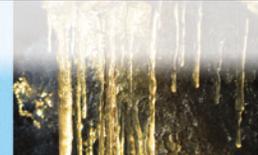
My search shows a first mortgage on the property which should have been cancelled when the owners refinanced in 2010. The current bank is starting foreclosure proceedings and wants to know what they can do so that this first mortgage doesn't appear on my policy, which is insuring the foreclosing mortgagee. Any quick suggestions?

- ProblemsRUs Agency

Dear ProblemsRUs Agency

Whether the prior mortgage should have been cancelled or not is a fact question which you (unless you closed, not just insured, the prior refi) don't have the answer to. In any event, the currently foreclosing lender should name the prior lender as a defendant. If you also did the closing on the refi, you could use the statutory proceeding to satisfy the prior mortgage. See Fineberg, Handbook of New Jersey Title Practice, § 8105A. Finally, as usual, be sure to consult with your underwriter who might take a different view.

- Your Expert



The NJLTA wants to Meet You in Montauk in 2014

by Lisa J. Aubrey, 2014 Convention Chair



As many of us have already experienced our first flurry of the season, it's difficult to imagine putting our toes in the sand or taking a swim or building sand castles or horseback riding, but that's exactly what I want you to think about, because between June 8, 2014 and June 10, 2014 you will have the opportunity to do all that and so much more.

Next year our convention travels out to "The Last Resort" or "The Living End" as we spend time in this quaint town located at the tip of Long Island, N.Y. When it comes to opening minds and creating possibilities, nothing sets the stage better than sea breezes, a relaxed environment and comfortable surroundings, all available to us at our resort, Gurney's Inn Resort Spa & Conference Center. We will be able to meet, greet and eat all while observing beautiful ocean views; and since Gurney's is also a world-class spa, you will be able to kick back and relax in style. Take advantage of the Olympic-size indoor heated sea water pool and Roman baths or 'steam' the day away. And for those go-getters, don't miss the state-of-the-art Fitness Center. Of course since about 70% of Montauk is parkland, there are miles and miles of trails and roads you can explore either hiking or biking. Please don't miss a trip to the Montauk Point Light, which was the first lighthouse in New York State, and is the fourth oldest active lighthouse in the United States. If however, you are more sea and less land, Montauk is quickly becoming the East Coast's premier surfing destination. If you don't know how and want to learn, there are plenty of surf shops that offer lessons. For those of you who would like to hit the links, Montauk is host to one of the top rated public courses, Montauk Downs.

But if it's fine food and drinks that you are interested in, then what better way to add even more delight to your visit to Montauk than by indulging in the variety of international foods and dining styles available. And since next year's convention is being held in the fishing capital of the world you can expect to savor morning-caught, locally harvested shellfish such as Montauk

Peel Oysters, as well as locally-grown organic produce and regional specialties such as the famous Long Island duck. Or if it's Italian that you crave, then Gurney's has that too. All of these fine foods are enjoyed, by the way, with spectacular ocean views at every table.



Of course the NJLTA Conventions are not just about great resorts and fabulous food and drinks.....or are they? Of course not, they are also about the networking opportunities with those in the title insurance industry, and related industries. It's about the educational seminars and knowledgeable guest speakers that keep you up abreast of the latest regulatory updates, as well as general industry related news. Moreover, it's about the opportunity to formulate new ideas, plans and strategies so you can go back to your office and make those ideas grow.

The convention committee looks forward to Meeting up with you in Montauk, and who knows.....we might just run in to a friend or relative of Frank Mundus, a shark hunter from Montauk who the character "Quint" from the movie Jaws was based on. I think we're going to need a bigger boat! ♦

Editor's Note: It is fitting that we travel to Montauk on the 350th Anniversary of the founding of New Jersey. The first English settlers in our State, later to be known as the Elizabethtown Associates led by John Ogden, emigrated from Eastern Long Island in 1665 after acquiring title from the Indians in October of 1664 and from Governor Nicolls in December 1664. Our return will be a Pilgrimage of sorts to the lands of our fore fathers.



ADVOCATE

An Agents Perspective: Webizzare

by George A. Stickel, Esq., C.T.P.

I empathize with the Secretary of Health and Human Services, Kathleen Sebelius. She and I are about the same age and both apparently have the same comfort level with regard to tech issues, like, for example, operating web sites. Now we've both been thrown, kicking and screaming, into situations requiring our involvement, she due to the Affordable Care Act, and me as Chairman of the NJLTA Web Committee (a position held by each NJLTA First Vice President regardless of knowledge or interest in all things webtastic). Then there are matters we don't have in common. For example, she's getting paid for her exceptional efforts, while I'm messing with our website for free. Keep in mind it's not easy running a website. Just ask President Obama.

There are many similarities between our website and Healthcare.gov. For example, you can't get a quote on our site either. Both sites include pictures of people with party hats (we call them convention pictures; they call them Tuesday at the IRS). Outages on our respective sites are certainly not due to overuse. And whether government site or NJLTA, you just can't include enough kitten videos. Am I right, Kathleen?

My duty as NJLTA Web Committee Chair required me to take a look at all 41 Land Title Association websites currently up and running across the nation. I've still not recovered from that intoxicating weekend. (Two sites, the Dixie LTA and the New England LTA represent multiple states. Hawaii and West Virginia, much like me, apparently just don't care.) Regrettably, my mission was not noble. I was sure I could find something, anything, an idea or solution I could steal from some other State and put on our website. It's only fair I came up empty.

Some state's websites are sorely in need of an update. Utah's last posted newsletter is from Fall 2008 and Alaska's from 2007. Iowa has a "jobs" board, which, of course, is empty. Did you know that the 2011 Wyoming LTA Convention Banquet was held at the Wyoming Territorial Prison in Laramie? (No, I did not make that up, and, yes, insert your own joke here.) Arkansas lists its Past-Presidents all the way back to 1908. Does anyone really care who the President of the Arkansas Land Title Association was in 1908? (Do you think anyone in 2120 will care who the President of the NJLTA was in 2014-2015? Heck, nobody cares now.)

Would any of you have thought to check-out Wisconsin to obtain New Jersey title news? Me either. That's why I was surprised to find that Wisconsin's site includes a slideshow from their Spring 2012 conference containing the following nugget: "New Jersey Title Insurance Company, established in 1888, ceased operations in 2011 after incurring large losses on CPLs". Thank you, you Cheeseheads.

And, finally, I encourage you, no, I insist, that you immediately check out VLTA.org where you first go to "members", then to "photo gallery", then to "2013 convention". Hurry, please, before they come to their senses and take the page down. (I'm definitely moving to Virginia where their title people are obviously having more fun).

My unscientific research of other state's websites indicated that our site is actually very good, and, fortunately, not in need of major revision; just a matter of a tweak here or there. Like, for example the message over the summer on our site that asked members to check back after September 9, 2013 for notification of the location of the 2014 NJLTA Convention. I checked back every day awaiting the big announcement and still kept checking even after I realized that, as Web Chairman, I was the person responsible for posting that news. (You can reach me at www.stickel.putz)

I feared I may be in trouble when, at our first Board of Governors meeting this season I asked how many members had visited NJLTA.org in the last 30 days. I expected the answer to be "What website?" and was truly surprised by how many hands were raised. (Thanks for stepping on my punch line, boys and girls.)

Certain states, like California, provide the ability to pay dues online. I figured that might be an added benefit for our members. But, when I asked at the September Agency Section meeting how many would be interested, I saw only one hand go up, and he was apparently just stretching (and yawning). And this was before I mentioned the \$8.00 convenience fee. I then asked if any agents were concerned that our site includes a PDF listing of all agents which could easily be accessed by telemarketers. The loudest sound in the room was my sigh of resignation.

I proposed at a web committee meeting that we track the number of hits received on our site. But I was told that would provide no meaningful information without the ability to track what people do when they reach our site. For example, they may leave immediately when they realize NJLTA.org is not the site for New Jersey's Latvian Transgender Atheists.

Remember, the person running your industry's website (me) is the same guy who relegated LinkedIn to his spam folder years ago, where it remains to this day. He (me) desperately needs your help. Without your advice and suggestions I may have no choice but to add links to truly useful sites like "how to fold a fitted sheet". ♦

George A. Stickel, Esq., CTP, is a Third Generation, 40 year veteran of the title industry. He is President of Stickel Title Agency in Pennington, New Jersey. George is First Vice-President of the NJLTA Board of Governors and a contributing writer to *The Advocate*. George would like to know, just what is a Hashtag?

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Advocate in the News

- After 5 years of exemplary issues of *The Advocate*, this issue marks the end of Joe Grabas' tenure as its Editor. Among his many accomplishments as Editor is a re-design of the publication, including providing full color issues. Thank you, Joe!
- Congratulations to the new Editor of *The Advocate*, Elissa Buonarota, Co-President, Esquire Title Services LLC. Welcome!
- Fortune Title Agency in Roseland has been honored with the 2013 Alfred P. Sloan Award for Excellence in Workplace Effectiveness and Flexibility. The award is part of the national *When Work Works* project administered by the Families and Work Institute (FWI) and the Society for Human Resource Management (SHRM), and recognizes employers throughout his country. For additional information, please visit <http://www.pr-inside.com/print3813683.htm>. Congratulations!

Dates to Remember

DECEMBER 2013

10th

- Continuing Education – Searching for Dead People: Estates and Genealogy
Grabas Institute for Continuing Education
Roseland, New Jersey

JANUARY 2014

15th

- Board of Governors Meeting
New Jersey Land Title Association
NJLTA – 100 Willowbrook Road, Freehold, New Jersey

22nd

- NJLTA Agency Section Meeting & Free CE Seminar
The New CFPB Rule: Consumer Demands
Holiday Inn
West Windsor, New Jersey

MARCH 2014

12th – 14th

- ALTA Business Strategies Conference
Omni Nashville
Nashville, Tennessee

19th

- Board of Governors Meeting
New Jersey Land Title Association
NJLTA – 100 Willowbrook Road, Freehold, New Jersey

20th

- NJLTA Agency Section Meeting
Holiday Inn
West Windsor, New Jersey

MAY 2014

5th – 7th

- ALTA Federal Conference
Grand Hyatt Washington
Washington, DC

14th

- Board of Governors Meeting
New Jersey Land Title Association
NJLTA – 100 Willowbrook Road, Freehold, New Jersey

JUNE 2014

8th – 10th

- NJLTA Annual Convention
Gurneys
Montauk, New York





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