



New York State Land Title Association, Inc.
Tradition. Excellence. Knowledge and Vision

THE Bulletin

Title Insurance: Protecting Your Piece of the Planet

WINTER 2006 THE JOURNAL OF THE NEW YORK STATE LAND TITLE ASSOCIATION, INC. VOLUME 85, NUMBER 1

MARK YOUR CALENDAR

NYSLTA Abstracters and Agents Section Legislative Day
State Capitol
Albany, New York
March 21, 2006

ALTA Tech Forum
Las Vegas, Nevada
April 30-May 2, 2006

NYSLTA 85th Annual Convention
Kingsmill Resort
Williamsburg, Virginia
August 20-23, 2006

ALTA Annual Convention
San Francisco, California
October 11-14, 2006

NYSLTA 86th Annual Convention
Halifax, Nova Scotia
August 12-14, 2007

QUARTERLY QUOTE

“Our efforts produced a measure that will establish rules applicable to the practices in our industry, rules that are both understandable and enforceable.”

—JONATHAN A. RICHARDS
NYSLTA President
(See On My Mind, Page 2)

TABLE OF CONTENTS

On My Mind (Richards, Sabol) 2
Agents Licensing Bill 3
Legislative News 4
News/NYSACC Survey..... 5
Convention 2006 7, 8
Membership Report..... 10

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*Please Join
New York State
Land Title Association
Officers, Executive Committee,
and Members*

85th Annual Convention

August 20-23, 2006

Williamsburg, Virginia

Please see article on pages 7-8.



JONATHAN A. RICHARDS
President

On My Mind



SHARON SABOL
Executive Vice President

Agents Licensing Bill

After almost three and a half years of writing, refining, negotiation, and compromise, NYSLTA produced a licensing bill. Our efforts produced a measure that will establish rules applicable to the practices in our industry, rules that are both understandable and enforceable. I applaud all the members of our committee and those who contributed, ex-officio, for their perseverance, their toil and their dedication to this mission. Our lobbyists also added professionalism required to make the draft proposal eligible and deserving of immediate legislative attention.

The current regulatory environment cries out for this measure and our agent members for the most part have expressed their support. While I recognize that this support is not uniform, nor is it unanimous by any means, most of the agents with whom I have spoken acknowledge the need for such a measure and its value to our industry and the public we serve.

Last month, representatives of the Licensing Committee sat with the Insurance Department to discuss our measure, to educate them on our process and our result. Clearly, the Insurance Department itself has a keen interest in licensing title insurance agents and this was made clear to the representatives of the Licensing Committee. Many if not all of us on the committee realize that the Insurance Department needs to focus on issues that our bill addressed. While the Insurance Department agrees with the idea of licensing, we need to demonstrate the significant differences between our industry and other insurance agents. We will communicate our perception of the deficiencies in the current regulatory scheme.

We hope that the initial dialogue will continue and bear fruit, as we are dedicated to the challenge of continuing our advocacy.

As always, we need to use our voice.

Please e-mail:

Jonathan A. Richards at JRichards@fnf.com.

85th Annual Convention

In just six short months, we will meet in historic Williamsburg, Va for our 85th Annual Convention. Please join us from August 20-23 for another memorable NYSLTA event. The convention offers so much: industry insights, an opportunity to meet and exchange information with colleagues, and an array of activities, including golf and several unique optional events. For our golf aficionados—and there are many—the River Course at Kingsmill Resort was a PGA tour site for 22 years. Arnold Palmer designed the Plantation Course, with its serene water views.

Williamsburg, steeped in history amidst its scenic beauty, had the recent opportunity to role out the red carpet, too. In December 2005, Colonial Williamsburg's Kimball Theatre was site of the East Coast premiere of "The New World," the \$30 million Jamestown epic written and directed by Terrence Malick.

We greatly encourage new members to attend the Williamsburg convention. Our NYSLTA membership continues to grow; in 2005 we welcomed 37 new members to our association. The annual convention is always an excellent opportunity to meet NYSLTA officers, executive committee members, and of course, association members. For more convention information, please see pages 7 and 8 of this *Bulletin*.



Effective March 1, 2006, our NYSLTA office and staff will have new e-mails. We will notify you of these new e-mail addresses. Rather than broadcast fax information to members, we will send via member e-mails.

Have a safe and healthy winter!

Please e-mail:

Sharon Sabol at ssabol@nyslta.org.

BY STANLEY J. LACHER

Co-Chair, Agents Licensing Committee

NYSLTA Agents Licensing Bill Background, Review and Update

A few weeks ago, driving to Baltimore to visit my granddaughter Tori (as well as her parents Tammi and Greg), those monotonous stretches of the Jersey Turnpike and I-95 seemed to whiz by as I reminisced while listening to some classic music contained on the 25th Anniversary CD Edition of the legendary Woodstock Concert. It occurred to me that no matter how much things have changed in the past 35 years, so much is still the same. For instance, the perceived threat of worldwide communism has been replaced by the imminent threat of worldwide terrorism; the United States is engaged in a war which, depending upon your politics, is popular/unpopular and will/will not effectively curb that threat; and, not to make light of the prior two examples, many of us still prefer to listen to that same “old” music. On a more personal level, I thought about how many of us who are probably now considered part of the establishment, were, during that time, ready to rail against anything, or anyone, even remotely considered part of the establishment.

It was with that same vigor and emotion that, in the early 90s, many of us (agents at least) traveled to Albany to confront a different type of perceived threat—agent licensing. Arriving in Albany with geographic, economic and philosophical differences, we ultimately left, not only with a newfound camaraderie amongst the New York title agents, but also with the knowledge that the passing of the Insurance Department’s proposed Title Agent Licensing Bill, patterned after the NAIC Model Act, had been thwarted.

Moving ahead, almost ten years after our initial opposition to agent licensing, both agent and underwriter members of the NYSLTA recognized a need to not only raise the standard of professionalism amongst title agents, but also to “level” the playing field between the agents. Thus, almost three years ago, the Licensing Committee began its initial foray into drafting our version of an Agent’s Licensing Bill. After numerous meetings, much debate, a little dissension, a lot of compromising and constant drafting and re-drafting, the result was the NYSLTA’s proposed “Act to amend the insurance law in relation to licensing of agents of title insurance corporations” a copy of which was circulated to association members and the Insurance Department last Fall for review.

As an aid toward a better understanding of the proposed bill, NYSLTA also scheduled a series of meetings, beginning in Buffalo in early November, and after crisscrossing the state, ending in Rochester in early December. It was both my privilege, as well as my pleasure, to have chaired those meetings. I would like to take this opportunity to thank those members of the Licensing and

Executive Committees—Bill Collins, Larry Litwack and Nancy Farrell—who joined me as panelists in fielding the questions, comments and concerns which were raised by both our members and non-members in attendance.

My only regret throughout the series of meetings was attendance. Unfortunately, the total number of agents in attendance was less than 50 percent of our membership. For those of you who did attend, the discussions centered upon the following “hot” topics:

1. Who has to be licensed;
2. The relationship between a business entity and its sub-licensees;
3. The role of the underwriter in granting a certificate of appointment;
4. The definition of originator;
5. The role of an originator in determining controlled business;
6. Determination of who might be “grandfathered” in obtaining a license;
7. The impact and parameters for pre- and post-licensing education; and
8. The effects of licensing on an attorney engaged in the business of title insurance.

At this juncture, I probably would have expounded upon those discussions and concluded with my thoughts as to where the draft was headed, legislatively speaking. However, on Jan. 12, 2006, a subcommittee of the Licensing Committee, as well as the association’s lobbyists, met with a group from the Insurance Department to discuss, as we had hoped, the Department’s comments, criticism, concerns, re-drafting suggestions, and perhaps even a roadmap to help move the draft through the Legislature.

What we encountered however was a concept for Agent Licensing which varied significantly from ours both in approach as well as substance. As to the former, the Department was proposing that our concept of a separate and distinct Agent’s Licensing Bill be scrapped in favor of incorporating Title Agents in existing Article 21 of the Insurance Law, which currently provides for the licensing of all Insurance Agents other than Title Agents; and, as to the latter, the Department wanted to go beyond mere Agent Licensing, and provide for licensing of closers, salespeople and attorneys. Unfortunately, we did not receive the Department’s written proposal until Jan. 23, 2006, which, given the time frame (4 days), was insufficient to digest its content and draw any conclusions. Therefore, as abrupt as this may sound, the only logical conclusion to this article is:

To be continued!

Please e-mail: Stan Lacher at SJLGLOBE@aol.com.

BY SHAWN P. ABRAMS

NYSLTA Immediate Past President

11th Annual NYSLTA Abstracters and Agents Section Legislative Day—March 21, 2006

New York State Land Title Association Abstracters and Title Insurance Agents Section members will hold their 11th Annual Legislative Day March 21, 2006. Members will visit the offices of state legislators and key staff members at the state Capitol in Albany. A planning dinner will be held on March 20, 2006 to discuss issues and finalize appointment schedules.

Last year, 13 NYSLTA members met with over 34 Senate and Assembly members or key staff to discuss personal privacy concerns and other issues. Several concerned legislators followed up with continued discussions after Legislative Day.

Many NYSLTA members will be staying again at the Holiday Inn Express in Rensselaer. The hotel features shuttle service to the state Capitol and Empire Plaza, a great alternative to limited parking at the Capitol. A room block and special rate will be held for NYSLTA members until March 1, 2006.

Legislative Day has become a tradition allowing Agent Section members to maintain working relationships with state legislators. Appointments with legislators are being scheduled for Legislative Day. Abstracter or Agent Section members are encouraged to participate. Those planning to participate or having questions should contact Shawn Abrams, scheduling coordinator, at 518-465-6776 or e-mail: titleguy@nycap.rr.com.

Mortgage Satisfaction In 30 Days—or Else!

Section 275 of the Real Property Law was amended by chapter 467 of the laws of 2005. Effective Nov. 7, 2005, the new law expands upon the requirement for lenders to satisfy mortgages within 30 days. Under chapter 467 “Failure by a mortgagee to present a certificate of discharge for recording shall result in the mortgagee being liable to the mortgagor in the amount of” \$500 for failing to present the discharge within 30 days, \$1,000 within 60 days and \$1,500 within 90 days. Lenders previously ignored the 30 day discharge deadline. Now there is a financial incentive for lenders to comply with RPL section 275.

I am including a copy of the new law, printed on bright yellow paper, in all mortgage payoffs as of Nov. 7. I urge fellow NYSLTA members to follow suit. Some federally chartered lenders may argue they are “exempt” from the new state law. Many—it is hoped—will comply rather than expose themselves to the potential penalty provisions. Paid—but unsatisfied—mortgages are an enormous bane of our industry. I support all efforts to accelerate the discharge process.



Postscript: I tracked the status of mortgage payoffs my company sent after Nov. 7, 2005 and found to my happy amazement that virtually all lenders were in compliance with chapter 467 of the laws of 2005. I do not know if inclusion of a copy of the new law in all mortgage payoffs made a difference. The result could be due to reduced lending activity. Either way I welcome the change. Copies of chapter 467 of the laws of 2005 are available on New York State’s legislative Web sites:

New York State Assembly:
www.assembly.state.ny.us
click “Bill Search & Legislative Info”

New York State Senate:
www.senate.state.ny.us
click “Bills & Laws”

I also prepared a one-page version that I would be happy to e-mail to members.

*Please e-mail:
Shawn P. Abrams at titleguy@nycap.rr.com.*

The Bulletin

EDITOR IN CHIEF: SHARON SABOL

The Bulletin is published quarterly by the New York State Land Title Association, Inc., Two Rector Street, Suite 901, New York, NY 10006-1819.

NYSLTA members are invited to contribute articles and reports regarding title industry issues. NYSLTA reserves the right to edit all materials submitted.

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NYSACC Installs Officers for 2006

The New York State Association of County Clerks (NYSACC) convened in Albany Feb. 5-6, 2006 for their annual meeting, dinner banquet and installation of officers. NYSACC members held a reception for legislators at the Sign of the Tree restaurant in the Empire Plaza, sponsored in part by NYSLTA. Following the legislative reception the County Clerks gathered for their dinner banquet and installation of officers at the Holiday Inn in Colonie. NYSLTA sponsored wine and after dinner drinks during the banquet. Representing NYSLTA at the event were NYSLTA Executive Vice President Sharon Sabol and NYSLTA Immediate Past President Shawn P. Abrams.

Hon. Wayne F. Jagow (*Niagara County*) welcomed those present and thanked his fellow clerks for their efforts during his term as president. Special mention was made of deceased County Clerks: Edward Gorman (*Rockland County*) and Gary Cady (*Delaware County*). Hon. John K. McGuirk (*Supreme Court Judge 9th Judicial District*) conducted the installation ceremony. Installed as officers for 2006 were:

President:

Hon. Donna Benson (*Orange County*)

1st Vice President:

Hon. Kathleen Marchione (*Saratoga County*)

2nd Vice President:

Hon. James A. Culbertson (*Livingston County*)

3rd Vice President:

Hon. Patricia A. Ritchie (*St. Lawrence County*)

Recording Secretary:

Hon. Joseph A. Provoncha (*Essex County*)

Corresponding Secretary:

Hon. Sylvia M. Rowan (*Herkimer County*)

Treasurer:

Hon. Thomas G. Clingan (*Albany County*)



NYSACC Survey Updates Pending

By Shawn P. Abrams

NYSACC Immediate Past President

The New York State Association of County Clerks (NYSACC) Survey of cover page charges and mortgage tax rates throughout New York State's 63 counties has proven a challenge to keep updated, but stands as a valuable service to NYSLTA members. Most challenging has been tracking changes in locally enacted cover page charges. I have asked Hon. Thomas G. Clingan, Albany County Clerk, to forward the most current version of our NYSACC Survey to all county clerks for changes or corrections.

There was a minor delay as we waited for names of nine new county clerks filling vacancies resulting from recent deaths, election returns or governor's appointments. The survey has now been sent to the county clerks. To access the most recent changes to the NYSACC survey, go to the NYSLTA Web site: www.NYSLTA.org (Member News).

My next survey project is a statewide registry of county clerk Web sites and online records availability. Many county clerks post contact information, recording and filing fees on their Web sites.

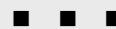
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NYSLTA 85th Annual Convention



**Kingsmill Resort
Williamsburg, Virginia
August 20-23, 2006**



**More details to follow
in coming months.**

Rande K. Yeager Named President of American Land Title Association

Rande K. Yeager, President and Chief Executive Officer of the Old Republic Title Insurance Group in Minneapolis, has been named president of the Board of Governors for the American Land Title Association. Yeager will serve as ALTA president until October, 2006.

Yeager is responsible for the operations of the Old Republic Title Insurance Group, which includes Old Republic National Title Insurance Company, Mississippi Valley Title Insurance Company, American Guaranty Title Insurance Company and Old Republic General Title Insurance Corporation. He joined Old Republic Title in 1987 after spending 12 years with TICOR Title in Denver, Co. Yeager holds an undergraduate degree in psychology from Westminster College in Fulton, Missouri and an MBA in finance from Regis University in Denver, Co.

The Old Republic Title Insurance Group is one of the nation's largest title insurance groups, operating in 49 states, the District of Columbia and, Puerto Rico, through a network of company-owned offices, subsidiaries, authorized agents and approved attorneys. Since 1978, the company has been a wholly owned subsidiary of Old Republic International Corporation, a Chicago-based, multi-line insurance holding company consisting of specialized insurance lines in major segments of the industry. Its assets exceed \$11 billion, with capitalization totaling \$4.2 billion.



New York State Land Title Association

86th Annual Convention

Halifax, Nova Scotia, August 12-14, 2007

NYSLTA 85th Annual Convention— Join us in Williamsburg, Virginia

Come See Where America Began: Established in 1607, Jamestown was the site of the first permanent English settlement in the “New World.” The year 2007 will mark the 400th anniversary of this, our nation’s birthplace. During the NYSLTA Convention, Virginia’s Historic Triangle: Williamsburg, Jamestown and Yorktown will be gearing up for an 18-month long slate of events to commemorate this milestone in our nation’s history. The region will be brimming with excitement and national pride in anticipation of this momentous year of celebration. However, Williamsburg is not just about history. A fabulous spa, challenging golf, wonderful shopping and outlet malls are just a few of the experiences awaiting you at the NYSLTA convention.

Your home base in historic Williamsburg, Virginia will be the fabulous Kingsmill Resort & Spa nestled on the banks of the James River. In 1736, an English colonist named Richard Kingsmill was lured to this three-mile expanse along the James River by breathtaking landscapes, pristine woodlands and abundant wildlife. Centuries later, the legacy of this land continues as guests from all over the world come to Kingsmill Resort & Spa to find a peaceful, comfortable escape.

Kingsmill Resort & Spa, Virginia’s largest golf resort, boasts 63 holes of championship golf located on 2,900 acres. There are top notch Golf Clinics and an excellent pro shop. The resort features 425 all new guest villas and suites, a full-service spa, 15-court tennis center, a full-service marina, six restaurants and a state-of-the-art fitness center that includes a lap pool, racquetball courts and wet suites. Only a short shuttle ride away is Colonial Williamsburg, but the journey will take you back in time to the very seed of what would become America.

Discover Colonial Williamsburg: In 1699, the leaders of the Virginia Colony established a new capi-

tal, named for the reigning King William of Orange. It was to be a perfectly planned community—gardens for each residence, a lively mercantile center, and the most elegant public buildings in the New World—a model colonial city. During your visit, you will have the opportunity to stroll along Duke of Gloucester Street to several historic trade shops and take the pulse of mercantile life, humming now as it did more than 200 years ago. The reconstructed Capitol, still rings with the echoes of Patrick Henry’s defiant speeches and the fiery debates leading to the American Revolution. You will begin to understand the courage of the Virginia planters and tradesmen who risked all for principle, to triumph or perish together. Stand where they did in the Hall of the House of Burgesses or in the taverns where much of the real ferment of the Revolution occurred. You will find such artisans as the blacksmith, shoemaker, gunsmith, printer, cabinet-maker, and wigmaker plying their trades and handicrafts just as they did in colonial times.

Amidst the hustle and bustle of Duke of Gloucester Street, gardens grow gloriously, and reflect characteristics of the 18th-century penchant for order, practicality, and beauty. Arbors and shaded walks will serve as cool outdoor retreats on a hot August afternoon.

Golf Program: Once again we have planned a fantastic Golf Program for your golfing pleasure.

The beautiful River Course at Kingsmill served as a popular PGA Tour site for 22 years and is currently home to the LPGA Tour’s Michelob ULTRA Open. Golf fans are familiar with the course’s signature 17th hole—a par 3 perched on the edge of the James River.

In 2004, original architect Pete Dye returned to Kingsmill to oversee changes to the River Course layout and green complexes. The renovation included the addition of



tees from which golfers of all abilities can enjoy the course. The redesigned fairway bunkering on several holes presents new and exciting challenges, and resurfaced greens allow for faster and smoother putting on the re-contoured surfaces. The River Course takes ample advantage of everything the Kingsmill property has to offer—serene wooded glades, deep ravines, the banks of the James River and some serious historical significance to produce a magnificent and memorable golf course.

We have a number of exciting activities to enjoy including:

Play at Busch Gardens: There are more reasons than ever to visit the 17th-century European-themed park Busch Gardens Williamsburg.

Situated on 100 action-packed acres, Busch Gardens boasts more than 50 exhilarating rides and attractions, ten main stage shows, a wide variety of award-winning cuisine and world-class shops chock full of European goods.

The park's newest attraction is "Curse of DarKastle: The Ride". This hair-raising experience integrates dizzying drops, fog, shattering ice and special effects. Curse of DarKastle smashes the limits of theme park technology. This five-minute adventure takes you on a terrifying sleigh ride through a Bavarian castle frozen in time. Absolutely unforgettable!

Off Site Monday Evening:

NYSLTA Recreates the First Thanksgiving at Historic Berkeley Plantation: On Dec. 4, 1619, early settlers from England came ashore at Berkeley Plantation and observed the first official Thanksgiving in America. On this evening, we will break bread together under the stars and enjoy a traditional Thanksgiving Feast surrounded by the stunning grounds of this historic place.

Costumed guides will conduct tours of the 1726 Georgian mansion. This architectural gem is furnished with rare period antiques. The grounds boast five terraces of

restored boxwood and flower gardens and offer breathtaking vistas of the James River.

Berkeley Plantation is birthplace of William Henry Harrison, 9th U.S. President and Benjamin Harrison V, signer of the Declaration of Independence. It is also the ancestral Home of Benjamin Harrison, 23rd U.S. president.

The plantation served as headquarters and supply base for McClellan's 140,000 Union Army troops in 1862. It was there that the famous "Taps Bugle Call" was composed. Of all the military bugle calls, none is so easily recognized or more apt to render emotion than the call Taps. We will close this memorable evening with a performance of this eloquent and haunting melody.

Recall America's Beginnings at the Jamestown Settlement: Your visit to Jamestown Settlement starts with Jamestown: The Beginning, a 15-minute dramatic documentary film narrated by an actor portraying one of the settlers who arrived in 1607. The film chronicles Jamestown's origins in England, the colonists' struggle to survive and thrive in Virginia, and their interaction with the Powhatan Indians.

Next, explore the gallery exhibits that describe world events and social and economic conditions that led to the English colonization of America. You will learn about the formation of the Virginia Company that sponsored Jamestown with a goal of earning its investors a profit and follow the development of the Virginia colony from a humble outpost in 1607 to a politically and economically secure entity. Find out about the cultivation of tobacco, the cash crop that ensured the colony's survival, and the evolution of social and government institutions throughout the 17th century, while Jamestown served as Virginia's capital.

In the outdoor living history areas and recreated Indian village, historical interpreters discuss and demonstrate the early way of life. You will gain insight as to how the Powhatans farmed, hunted, fished and gathered to obtain materials needed for housing, clothing and food. Wander through reed-covered houses and watch or participate in tool making, gardening and hide processing.

See you in Williamsburg!



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Land Title Association.

Contact Regina Capone
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Please forward members news or updates to New York State Land Title Association via e-mail to info@nyslta.org or fax to 212-964-7185. Visit our Web site: www.NYSLTA.org for updated member listings, New York State Land Title Association news, services and information.

**UPCOMING
ALTA MEETINGS**

Tech Forum 2006

April 30 to May 2, 2006

Las Vegas, Nevada

Hotel Deadline: March 27, 2006

2006 Annual Convention

October 11 to 14, 2006

San Francisco, California

For more information,
please visit ALTA's Web site:

www.alta.org

BY MEMBERSHIP COMMITTEE CONTRIBUTORS

New York State Land Title Association

Proudly Welcomes New Members

We welcome our
newest NYSLTA members:

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