



# TITLE WAVE

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## TREASURING OUR HERITAGE— WHILE CHARTING OUR FUTURE

### HIGHLIGHTS FROM THIS YEAR'S CONVENTION

Dixie Land Title Association held its 41st Annual Convention at the Emerald Pointe Resort in Lake Lanier Islands, Georgia, September 13-15, 2007. All who attended agreed this was one of our best. Participants enjoyed great food, entertainment, a 1960's costume contest, prizes, golf, a luncheon cruise, and a beautiful formal banquet on the last evening.



## A MESSAGE FROM THE PRESIDENT

As president of DLTA for the 2007-2008 term, I look forward to the next year with a great deal of excitement. I would like to thank Diane Calloway again for the outstanding job she did as President last year and for all the hard work she has invested in this organization.

The following are a few of the goals that I would like to see the organization succeed in over the next year:

- \* Continue refining our organizational structure. Last year we spent time with an organizational consultant. As a result we will have some changes introduced at the mid-year meeting in an effort to make our organization more efficient.

- \* Get more in touch with the membership. Push information down to the membership through the "Title Wave", and our web site. Get information about our outstanding organization out to our members and prospective members early and often.

- \* Conduct four board meetings this year; one every quarter.

- \* Provide interesting and informative educational opportunities (with CLE credit) at both our annual convention and the mid-year open meeting.

- \* Conduct a wildly entertaining and hugely successful mid-year "open" meeting and convention during the coming year.



I think all these objectives are easily obtainable by this group over the next year and I eagerly look forward to working with the new officers, committees, and the membership as we strive to make the coming year a success.

Chris S. Bobo, President

*"Get more in touch with the membership"*

## EXECUTIVE DIRECTOR

At the Annual Convention last week, we took time to reflect on the "Treasures of our Heritage". This organization has a rich and fascinating history. As a "newcomer" to the organization, I continually marvel at the stories you share and the deep friendships that have grown over these 40+ years.

You not only nurture relationships and enjoy great fun at your conventions, but you continue to make a positive impact on the title industry. Through the strong leadership of your organization, you have taken positions on legislative issues affecting all three states. In addition, you continue to make your presence known in Washington. You should be proud of your heritage.

Dixie Land Title Association is now looking toward their future to see how we can become even better. Obviously, the membership of DLTA is its life blood. I feel this is one area I can contribute and hopefully help you grow. We need to continually strive to recruit new members to join, who have the same sense of purpose. If you know of someone in your area who would be interested in joining, please let us know.

Member retention is just as important as recruitment. Imagine trying to fill a bucket with water. Every drop you put in should increase its contents, but if there is a leak, then you may end up losing more water than you gain. We need to start our retention efforts immediately after a person joins DLTA. If you



know a new member who has recently joined DLTA, help us welcome them into the organization. We need to make sure they receive all the information they need to understand the benefits of membership from the very start.

I look forward to working with you as we look to the future and plan our next course of action.

Linda Alwood

*"... membership is DLTA's life blood."*

## NEW VISION AND MISSION STATEMENT UNVEILED

The Board of Directors and Strategic Planning Committee of Dixie Land Title Association met in June to consider the future direction of Dixie Land Title Association. During their discussion, it became apparent that the vision and mission of this organization has evolved and should change to meet the needs of the industry we serve today. The following vision and mission statements were announced at the 2007 Annual Convention at the General Membership Meeting on September 15th.

### Vision Statement

Dixie Land Title Association sets the standard for ethics, knowledge and success in the land title industry.

### Mission Statement

The mission of Dixie Land Title Association is to promote the safe and efficient transfer of real property ownership through education, public awareness, and legislative advocacy.

## MEET THE NEW PRESIDENT AND HIS FAMILY



At the 2007 Annual Convention at Emerald Pointe Resort at Lake Lanier, GA., Christopher S. Bobo was installed as the President of Dixie Land Title Association for the 2007-2008 term.

Chris was born and raised (except for a few side trips to different Army Posts) in Florence, AL., where he graduated from the University of North Alabama in 1985. Following graduation he was commissioned an Aviation Second Lieutenant in the Regular Army and spent the next 7 years flying various types of helicopters for the US Army. Chris left the military in 1992, to go to work with his family at Alabama Land Services (known then as Lauderdale

Abstract Company). Chris held various positions and offices within the company and became it's President in 2000.

Chris and his wife Jill met while he was stationed at Ft. Campbell, KY, and she in school at Austin Peay University, in Clarksville, TN. They have two daughters, Caroline (13) and Kathleen (10). Rounding out the Bobo household are their two cats and a Border Collie, named Katie, who tries her best to keep everyone in line and moving in the same direction.

Chris and Jill enjoy camping (if you call a 34 foot motor home camping) with their children

every chance they get, their most recent journey being a trip out to the Grand Canyon last July. Chris is also active in his church (Trinity Episcopal Church) is a member of the Florence Rotary Club, and sits on the YMCA Board of Directors. In his free time Chris enjoys running, swims with the Shoals Sharks Masters swim team, hunting, and tries to play golf at least three times a year (wants to stay in practice for retirement).

Chris' parents, Scotty and Kathy Bobo, joined their son and his family at his installation.

*“Chris Bobo installed as president”*

HENRY ROGERS  
2007 TITLE PERSON OF THE YEAR



Each year, the Dixie Land Title Association recognizes one individual for his or her outstanding contribution to the title insurance industry. The recipient of the Title Person of the Year Award is a person who is identified as a credit to his or her profession and to the industry. This year's recipient, Henry S. Rogers, exemplifies the epitome of these standards.

Since becoming active in Dixie Land Title Association, Henry Rogers has been involved in almost every aspect of our association. He has served on nu-

merous committees and held several offices including that of President. Throughout each assignment, Henry was a beacon of knowledge, integrity, courtesy and dedication. Those traits are part of his daily life.

He has served our industry well, beyond involvement in Dixie Land Title Association. As one of the most able counsels in the industry, Henry is highly regarded and greatly respected by co-workers, customers and competitors alike.

As Anna Batten presented the plaque to Henry Rogers

and announced his award, she said, "I have had the great pleasure and distinct honor of working with Henry Rogers in DLTA. I know that his gentility, his knowledge, his caring, his calm, and his common sense approach to everyday and unique issues are genuine. He is in every sense a True Gentleman, whose values are unwavering and whose character is beyond reproach.

Congratulations, Henry, for a job well done.

NEWLY INSTALLED  
2007-2008 DLT A OFFICERS

- President—Chris S. Bobo
- President-Elect—Kathy M. Stewart
- Vice President—Linda B. Reeves
- Secretary—Don Ogdon
- Treasurer—Rebecca Manasco
- Alabama Director—Jeffrey R. Lees
- Georgia Director—Tracey Webb
- Mississippi Director—Don P. Lacy
- Director at Large—Amy Nieson
- Immediate Past President—Diane S. Calloway

MARGUERITE BRIDGES

Participants at this year's convention took a moment to remember the outstanding contributions of Marguerite Bridges. Marguerite is very ill at this time, but all DLT A members who have known her send their thoughts and prayers for her recovery.

What better way to "remember our heritage".

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Former Recipients of the  
Title Person of the Year  
Award:

- Rowan H. Taylor, Sr.
- Marguerite H. Bridges
- Carl B. Hall
- Robert V. Jones, Jr.
- E. Leon Sanders
- Charles H. Tingle
- Cecil G. Chason
- John R. Johnson
- John T. Cossar
- Bruce S. Bobo
- Howard L. Stillwell
- Judith A. Reiker
- Mary D. Pull
- George K. Williams, Jr.
- J. Larry McDaniel
- Martha B. Ferguson
- Larry Giardina
- Maria A. James
- Dales P. King
- Robert E. Burgess III
- Christopher S. Bobo
- Warren Laird
- Don P. Lacy
- William "Bill" Dillard
- Fred Wilbanks
- Anna Batten

# ALABAMA AND MISSISSIPPI LEGISLATIVE UPDATE

BY: WARREN LAIRD OF CHICAGO TITLE INSURANCE COMPANY

## ALABAMA

The 2007 Regular Session of the Alabama Legislature will not be one upon which history will smile with favor. While the House was quite diligent in its efforts, the Senate stalled and spent the session bickering over the operating rules adopted by the majority. There was a temporary truce that lasted long enough to pass the package of bills authorizing the enticements for a new industry to be located in south Alabama. The truce did not last long. There was, however, a bit of excitement on the final day of the session when a physical altercation between two senators broke out on the floor of the Senate. What's next, duals on the capital lawn?

DLTA followed 83 bills this year. Of those bills, 7 have been enacted and 12 are, as of this writing, awaiting the Governor's signature. Most of these bills are local in nature and, therefore, have no general application. Of the others, the most notable is HB 426, the Environmental Covenants Act (ECA). This bill was widely promoted. It is anticipated that it will receive favorable treatment by the Governor.

It is not uncommon to see attempts to restore contaminated real estate, also known as "brownfields," to commerce. When a brownfield is in fact restored to commerce, there are generally covenants

and conditions as to the land's future use. The covenants and conditions are generally recorded and, like any other restrictive covenant, attach to the land.

The ECA specifically authorizes environmental covenants for the purpose of regulating the use of brownfields when they are transferred from one owner to another. It also provides mechanisms for amendment, termination, and enforcement.

## MISSISSIPPI

The Mississippi legislature passed, and the governor has signed, three bills during the month of March that directly impact the body of real property law in Mississippi. They became effective upon being signed by the governor.

### House Bill 921—Powers of Attorney and Homestead

HB 921 probably has the most far reaching impact of any of the three bills about which I write. This bill, signed into law on March 20 and which took effect the same day, amends Miss. Code Ann. Section 89-1-29 to specifically permit the homestead interest of a spouse to be conveyed and/or encumbered by an attorney-in-fact, *so long as the attorney-in-fact is not*

*the spouse of the principal.*

### House Bill 947 - Recorded Affidavits Concerning Heirship and Other Matters

You might recall that in early 2006, the Mississippi Supreme Court threw the real property bar and title insurance industry in Mississippi a curve ball when, in Ferrara v. Walters, 919 So. 2d 876 (Miss. 2006), it opined that "(u)nder Mississippi law, there are two recognized ways of finally adjudicating the rightful heirship to property. One is to open an estate, and the other is to file a petition to establish heirship." This language signaled that the court would not accept statements of heirship in conveyances and recorded heirship affidavits as evidence of heirship.

This bill, signed on March 16 and effective the same day, makes it clear that heirship affidavits, for instance, "are prima facie evidence of the facts stated therein and the marketability of the title to real estate." Self serving statements in conveyances relating to heirship do not enjoy the same treatment as affidavits will, however.

HB 947 provides in its

entirety as follows:

(1) *Any affidavit relating to the identification, the marital status, the heirship, the relation, the death, or the time of death, of any person who is a party to any instrument affecting the title to real estate, or any affidavit relating to the identification of any corporation or other legal entity which is a party to any instrument affecting the title to real estate, duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state, shall be recordable in the land records in the office of the chancery clerk in the county where the real estate is situated.*

(2) *Any affidavit so recorded, or a certified copy thereof, shall be admissible as evidence in any action involving the instrument to which it relates or the title to the real estate affected by the instrument and shall be prima facie evidence of the facts stated therein and the marketability of the title to real estate.*

### House Bill 1006—Appointment and Substitution of Trustees in Deeds of Trust

This bill amends Mississippi Code (1972) Section 89-1-63 to clarify that the beneficiary or holder of a deed of trust can appoint a trustee or a substitute trustee without the consent of the borrower(s). It was signed and became effective March 15, 2007.

**Dixie Land Title  
Association**

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**We're on the Web!**  
**WWW.DLTA.net**

## DLTA EDUCATIONAL OPPORTUNITIES

### Georgia Residential Seminar

October 8, 2007

Cobb Galleria Centre

Two Galleria Pkwy.

Atlanta, GA 30339

Opportunity to earn 6.0 CLE

#### Topics:

- An Adequate Legal Description
- Your Escrow Account From Reconciliation to Audit
- The 2006 New ALTA Policy Forms
- Foreclosures
- Preventing Foreclosure Title Problems

### Alabama Title School

November 14, 2007

The Club

Birmingham, AL

Opportunity to earn CLE credits

#### Topics:

- Regulatory Update
- Implementation of 2006 ALTA Policy and Commitment Forms
- Uniform Trust Act and Insuring Conveyances Involving IRA Accounts
- Escrow Accounting, Defalcations and Litigation
- Closing Protection Letters and Lenders Closing Instructions

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