

TITLE WAVE

August, 2011

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“JAZZ IT UP IN JAZZ CITY”



The beautiful, historic City of New Orleans is ready to host the Dixie Land Title Association Annual Convention to be held September 15-17, 2011. New Orleans is more than 300 years old and is located along the Mississippi River. It is known for its genteel lifestyle. The majestic Mississippi provides an urban environment which is unique in the world. The history of New Orleans is composed of French, Spanish, Italian, Mexican, English, and Native American Indian heritage. Louis Armstrong was born there, began his career in New Orleans and brought JAZZ music to the forefront. Preservation Hall is still preserved in the same condition as when Armstrong played there. The abundance of seafood, music history, archeological sites, and cultural diversity makes a visit to New Orleans an experience of a lifetime. So, DLTA members from Mississippi, Alabama and Georgia, get ready for some Southern Hospitality.

Let's Jazz it Up in Jazz City!



Featured Events:

Thursday, September 15th @ 7:00 pm
Icebreaker Reception at Chateau Bourbon

Friday, September 16th @ 11:00 am
Keynote address by Gene Stallings, former Head Coach at University of Alabama

Friday, September 16th @ 6:00 pm
Bourbon Vieux Jazz Party

Saturday, September 17th @ 7:00 pm
Installation Banquet



A MESSAGE FROM THE PRESIDENT

August always seems to be a transitional month. It brings an end to the summer, as school begins. In my part of the world, almost every media is focused on college football, be it radio, print, or internet. For the last decade, my thoughts and plans at this time of year have included the Dixie Land Title Association annual convention. Our wonderful events have taken us all over the south in venues large and small. We dance, we sing, we play cards, we eat, we drink, we roll dice. We travel by plane, car, and boat. We also network and meet new people, while we renew old friendships. We learn new things, and refresh our current skills. This year, we are gather-

ing in New Orleans, a site that is home to many of DLTA's most wonderful convention memories. Our plans for attendees include food and drinks on Thursday, Friday, and Saturday nights, and the crew running the hospitality suite promises to be hospitable almost 24 hours a day. We have door prizes. We have goody bags. Our continuing education program is designed to entertain and enlighten a broad spectrum of attendees. Our list of speakers includes not only top notch industry leaders from around the country, but also noted real property litigators. We have state counsels from five underwriters and all three states.

We have a national championship winning football coach to inspire us. Clearly, our event is tailored to the needs and wants of our members, and it is a great value for the registration fee. There are very few legitimate reasons to stay home. Check out the website at www.dlta.net for details. Call the Chateau Bourbon or the Astor and reserve a room. Make your travel arrangements and plan to enjoy your weekend, in what could be the best tax deductible vacation you've ever had. Please contact me at lrlees@firstam.com or our convention chair, Charlie Gray at charlie@suretyland.com if you have questions.



EXECUTIVE DIRECTOR

As a Louisianan, I want to especially welcome you to our state for the annual convention. New Orleans is a remarkable city, and it has a very special meaning for John and me. I first met the Board of Dixie Land Title Association at their New Orleans convention, which was held in 2004. It has been a wonderful seven years for us to work with your organization. We are thrilled you plan to come back.

Postcard photographers have been trying for a long time to get

the shot that captures New Orleans; but, unless they concoct some way to engage all the other senses at once, it's likely to remain a frustrated pursuit. Sure, there are iconic photos of French Quarter balconies hung with tropical plants and laced in iron filigree, or riverboats paddling the Mississippi River. Evocative images, certainly, but the key to New Orleans is contrast and the alchemy of unlikely combinations—and that's something you have to hear, or taste. New Orleans is, in

part, the thump and wail of a brass band leading a slow moving parade, not for a holiday, but just because. It is the smell of jasmine creeping over a courtyard wall to smother the tailpipe emissions of carriage-pulled mules, or the intensity of Louisiana seafood from a Creole kitchen.

New Orleans is a combination of all these things, and I personally welcome you to our state next month.



2011 DLTA CONVENTION

SCHEDULE OF EVENTS



Dixie Land Title Association invites you to join us at the 45th Annual Convention to be held at the Chateau Bourbon Hotel in Historical New Orleans, LA on September 15-17, 2011. We've planned great food, music and educational opportunities. Attending the DLTA Annual Convention is a great way to network with your peers and get up-to-date information on current trends in the industry.

Thursday, September 15, 2011

1:00—5:00 pm	Convention Registration
3:00—5:00 pm	Nominating Committee meeting/Board Meeting
6:00—7:00 pm	First Time Attendees Reception
7:00—8:30 pm	Icebreaker
8:30 —until...	Hospitality Suite for fun & games

Friday, September 16, 2011

7:30—8:15 am	Continental Breakfast (exhibits open)
8:15—9:15 am	“Underwriter Panel Discussion”
9:15—10:15 am	“Litigation in the Title Industry” by Jesse P. Evans III
10:15—10:45 am	Break with Exhibitors
10:45—11:00 am	General Session & Report of Nominations Committee
11:00—12:00 pm	Keynote Address by Gene Stallings, former Head Football Coach University of Alabama
12:00 pm—6:00 pm	Afternoon Free
6:00 pm—8:00 pm	Bourbon Vieux Jazz Party
8:00 pm—until	Hospitality Suite for more fun & games

Saturday, September 17, 2011

7:30—8:15 am	Past Presidents' Breakfast (invitation only)
7:15—8:15 am	Continental Breakfast (exhibits open)
8:15—9:15 am	“Claims Panel Discussion”
9:15—10:15 am	ALTA Representative Peter Birnbaum —“National Perspective of the Industry”
10:15—10:30 am	Break with Exhibitors
10:30 am—11:30 am	“Legislative & Regulatory Update” by Mary Schuster, Ramquest/Op2
11:30 am—12:00 noon	DLTA Membership Business Meeting
12:00 pm—6:00 pm	Afternoon Free
7:00 pm—9:30 pm	President's Banquet and Installation of Officers

CONVENTION REGISTRATION

Complete the following form and return it with your payment to: DLTA, P O Box 14806, Baton Rouge, LA 70898 by **September 1, 2011** to avoid a late fee.

Name: _____

Member Spouse Guest Exhibitor

Register Today!

**Early Bird Rate extended to
9/1/2011**

Company: _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____

Registration Fee: _____ @ \$295/person on or before 9/1/2011 D:TA Member \$ _____
 _____ @ \$325/person after 9/1/2011 DLTA Member \$ _____
 _____ @ \$395/person on or before 9/1/2011 Non-Member \$ _____
 _____ @ \$425/person after 9/1/2011 Non-Member \$ _____

Registration fee includes:

Icebreaker	Thursday, September 15, 2011
Bourbon Vieux Jazz Party	Friday, September 16, 2011
President's Reception and Banquet	Saturday, September 17, 2011
Hospitality Suite	September 15-17, 2011

If you wish to invite guests to one or more of the social functions, you may purchase extra tickets at this price.

_____ Icebreaker (Thursday Evening)	@ \$90.00
\$ _____	
_____ Bourbon Vieux Jazz Party (Friday Evening)	@ \$95.00
\$ _____	
_____ President's Banquet (Saturday Evening)	@ \$95.00
\$ _____	

TOTAL REGISTRATION FEE \$ _____

Please mail this form and your check to DLTA, P O Box 14806, Baton Rouge, LA 70898

CONVENTION GOODIES & DOOR PRIZES



One of the things that is most fun during meetings at the Annual Convention is the chance to win lots of Door Prizes! This year John Johnson (JATInt6@aol.com) will be handling the collection of door prizes. Contact John directly if you have one to offer.

Also, Rita Paris (Rparis@stewart.com) and Amy Niesen (ARN@land-title.net) are collecting goodies for the convention bags. Please let them know if you have marketing items to be included in the bags.

ALABAMA UPDATE BY KATHY MITCHELL

We have seen several changes this year in Alabama. We have new legislation in regards to transfer fee covenants and closing protection coverage; total premiums collected for the first quarter of the year are up from \$15,269,523.00 to \$16,986,538.00; And just posted by Alabama Center for Real Estate, Alabama Residential Sales Increased 11.9% in June from the prior month. Here's to hoping we will have more good news for the remainder of this year. I look forward to seeing you in September.

Kathy Mitchell, Alabama Director

CHICAGO/COMMONWEALTH/FIDELITY ANNOUNCEMENT

Chicago Title Insurance Company, Commonwealth Land Title Insurance Company and Fidelity National Title Insurance Company announce that Joseph E. Powell has been named Alabama State Counsel as well as Area Counsel serving title agents and approved attorneys in Alabama, Mississippi and Arkansas. Joe comes to the company after nine years as the founder and President of Main Avenue Title, Inc. Main Avenue Title is a three-time Castle Club recipient - an honor bestowed upon the top performing Chicago Title agents in Alabama. A graduate of the University of Alabama School of Law, he was admitted to the Alabama State Bar in 1998 and has maintained his general law practice as a partner in the firm Spruell & Powell, LLC in Tuscaloosa and Northport since that time with an emphasis in real property transactions. Joe also served on the Tuscaloosa City Council for eight years and was a working partner and shareholder in his family's business, the famous "Moma Jewel's Country Cookin" restaurant in Tuscaloosa. Joe and his wife, Mikki, have two sons, Jack and Max.



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.

All DLTA members are encouraged to submit a nomination for the 2011 Title Person of the Year Award. All DLTA members are eligible for the award except previous recipients of the award and the current DLTA President.

Please review your nominee's activities and consider the time, thought and energy he or she has devoted to the title insurance industry and to DLTA.

The recipient will be selected based upon the number of nominations received. Supporting letters are not required, but are certainly welcomed.

The award will be presented during the DLTA Convention on Saturday night, September 17th

at the President's Banquet. Please return your nomination form to:

DLTA
P O Box 14806
Baton Rouge, LA 70898
Email: LAlwood@aol.com
FAX: 225-291-2811

Deadline to submit your nomination is:
September 1, 2011



Former Recipients of the Title Person of the Year Award:

- Rowan H. Taylor*
- Marguerite 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*
- J. Larry McDaniel*
- Martha B. Ferguson*
- Larry Giardina*
- Maria A. James*
- Dales P. King*
- Robert E. Burgess*
- Chris Bobo*
- Warren Laird*
- Don P. Lacy*
- William "Bill" Dillard*
- Fred Wilbanks*
- Anna Batten*
- Henry Rogers*
- Walter Davis*
- Jack Miller*
- Rebecca Turner*

I nominate the following person for the 2011 Title Person of the Year:

Nominee _____

Company _____

Accomplishments with the DLTA and the title industry, community activities, general comments about why this person should be chosen (attach additional sheets if necessary):

Nomination Submitted by:

Name _____

Company _____

2011 ALABAMA LEGISLATIVE UPDATE

BY: WARREN LAIRD

During the 2011 Regular Session of the Alabama Legislature, we tracked 49 bills that had an impact on real property and title insurance law in our state. Of those bills, only a handful were enacted. What follows is a synopsis of those which were enacted.

1. HB0028: Adopts the Uniform Statutory Rule Against Perpetuities; adds Chapter 4A to Title 35, Code of Alabama 1975, to enact the Alabama Uniform Statutory Rule Against Perpetuities; to provide for the vesting period of interests in real and personal property and for the duration of trusts; and to repeal Section 35-4-4 of the Code of Alabama 1975. This Act becomes effective January 1, 2012.
2. HB0029: Adopts the Uniform Unsworn Foreign Declarations Act; adds Subdivision 3.5 to Division 1 of Article 1 of Chapter 21 of Title 12, Code of Alabama 1975, to provide for the validity under certain conditions of an unsworn declaration if the declarant is outside the territorial limits of the United States and the declaration is signed under penalty of perjury. This Act becomes effective January 1, 2012.
3. HB0179: Amends Section 40-8-1, Code of Alabama 1975, relating to classification of property for ad valorem tax purposes, to expand and clarify the definition of residential property to include single family dwellings and lots under construction for a period of time.
4. HB0184: Transfer Fee Covenant Prohibition: related to private transfer fees; prohibiting the creation of private transfer fee obligations; and requiring certain procedures for notice and disclosure relative to private transfer fee obligations imposed prior to the effective date of this act in order for the obligations to be valid. This Act became effective on May 25, 2011, when it was signed by the Governor.
5. HB0267: Relates to title insurance; permits title insurers to issue closing or settlement protection; to require closing or settlement protection forms to be approved by the Commissioner of Insurance; to specify the fees that may be charged by title insurers for issuing closing or settlement protection; to require notice to real estate purchasers of the availability of closing or settlement protection; and for this purpose to add Section 27-3-6.1 to the Code of Alabama 1975.
6. SB0048: Relates to the administration of an estate or a guardianship or conservatorship in probate court; to add Sections 12-11-41.1 and 26-2-2.1 to the Code of Alabama 1975, to provide that in any county where the judge of probate is required to be learned in the law, the administration of an estate or a guardianship or conservatorship may be transferred to circuit court at any time before the proceeding on final settlement commences and to provide for the remand of the administration of the estate or a guardianship or conservatorship to probate court under certain circumstances.
7. SB0053: Uniform Power of Attorney Act - adds a new Chapter 1A of Title 26 of the Code of Alabama 1975; to provide for the Alabama Uniform Power of Attorney Act; to generally provide for definitions and applicability; to provide for when a power of attorney is durable; to provide for the execution, validity, meaning, effect, and termination of a power of attorney; to provide for the nomination of a conservator or guardian; to provide for an agent, co-agents, and successor agents and duties of the agent; to provide for the authority of a power of attorney; to provide for an agent's liability to the principal; to provide a power of attorney form and a form of an agent's certification; to provide for the effect on existing powers of attorney; to provide for health care powers of attorney executed after the effective date of this act; and to amend Section 26-1-2 of the Code of Alabama 1975, relating to a durable power of attorney. This Act becomes effective January 1, 2012.

“ . . . we tracked 49 bills that had an impact on real property and the title insurance law . . .

Continued on Page 8

BIRMINGHAM TITLE MERGED WITH THE TITLE GROUP



Ed Covington of The Title Group

The Title Group Incorporated is proud to announce that Ed Covington and Fran Aldridge of Birmingham Title have merged with The Title Group. Ed has over forty years of experience in the commercial and residential title industry and brings a tremendous amount of knowledge and experience. He is past President of Dixie Land Title and current member. Also, Ed is past President of Birmingham Mortgage Bankers of Birmingham, and a member Homebuilders of Birmingham, former Associate of the Year for Birmingham Association of Realtors and a founder of Title Insurance School.

Fran has ten years experience in successful sales and is very active in the Birmingham Association of Realtors. Together, they are a team that will bring a new dimension and expertise to The Title Group.

*Send us your
announcements for
the next TitleWave.*

2011 ALABAMA LEGISLATIVE REPORT—CONT'D

8. SB0054: Relates to notaries public; to add Article 4, commencing with Section 36-20-70, to Chapter 20, Title 36, Code of Alabama 1975, to eliminate the distinction between county and at-large notaries public; to preserve the functions, powers, and commissions of existing notaries public; to repeal Article 1, commencing with Section 36-20-1, Chapter 20, Title 36, Code of Alabama 1975, relating to the employment of notaries public by counties, and Article 2, commencing with Section 36-20-30, Chapter 20, Title 36, Code of Alabama 1975, relating to the employment of notaries public for the state at large; and in connection therewith to have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 62 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended. This Act is effective January 1, 2012.
9. SB0207: Amends Section 8-8-10, Code of Alabama 1975, relating to the interest on money judgments, to provide that judgments, other than judgments based on a contract action, would bear interest from the date of entry of the judgment at a rate equal to 7.5 percent; and to provide that post-judgment interest would be computed daily to the date of payment, and compounded annually. This measure is effective August 1, 2011.

Of significance is one bill that was not successful this session, specifically HB0343. This bill, along with its Senate companion, would have reduced the period within which property could be redeemed from a foreclosure sale from one year to ninety days. Originally, it excluded forest lands and agricultural lands, leaving the redemption period at one year for lands that fall into these two categories. A substitute bill expanded the exclusion from the 90 day period to include unimproved subdivided lots. The substitute measure had the support of the banking, builder and land title lobbies. Even with all of the support, it failed to generate enough steam to overcome the opposition that similar measures have encountered in the past.

Work has already begun as we prepare for the 2012 Regular Session. A task force has been created to work on some of the lingering issues involving residency and licensing. The task force met on August 17 and organized. Amy Niesen was elected chair of the task-force. She will also be presiding over the subcommittee endeavors of the task force. Other task force members are: Anna Batten (FNTG), Chris Bobo (Florence), Bo Brown (Montgomery), Bart Crawford (Birmingham), Ken Davis (Tuscaloosa), Bill Kahalley (Mobile), Warren Laird (DLTA - Alabama Legislative Chair), Robert Lane (Phenix City), Jeff Lees (First American), Tom Marvin (Mississippi Valley), Kathy Mitchell (DLTA - Alabama Board Member), Brian Monroe (Huntsville), John Plunk (Athens), Joe Powell (FNTG), Rebecca Turner (Birmingham), and Michael Webber (Stewart Title Guaranty).

MISSISSIPPI UPDATE BY ROY PERILLOUX

In a recent telephone conversation with DLTA President, Jeff Lees, Esq., I inquired, “how is business over your way.” Jeff replied, “some weeks it yings and some weeks it yangs, but we just can’t seem to get two good weeks back to back.” Jeff’s poetic assessment of business in

Alabama certainly applies to the title business here in Mississippi.

Foreclosed properties have been a burden on our market for some time now. The intangible effect has been to dampen the refinance business. With mortgage rates at or near record lows, there are many willing and qualified homeowners unable to refinance due to their appraised values being driven down by the flood of distressed, foreclosed, and short sale properties in the market place.

Despite the realities of the market, total premium dollars generated in Mississippi for the first quarter of 2011, are up from \$6,938,896.00 to \$7,186,023.00. Both the Mississippi Mortgage Bankers Association and the Mississippi Mortgage Brokers Association are reporting impressive numbers of applications at this time.

*“ . . . some weeks it yings
and some weeks it yangs,
but we just can’t seem to
get two good weeks back
to back”*

SECURITY TITLE GUARANTEE CORPORATION OF BALTIMORE ANNOUNCEMENT

As you know, Roy J. Perilloux, Esq., DLTA’s President-Elect, is the Mississippi State Manager for The Security Title Guarantee Corporation of Baltimore. One of his “go to guys” for excessive coverage issues and unique underwriting issues is John Kosogof, Esq. John joined the Security Title Guarantee Corporation of Baltimore in August 2006 as Vice President, Underwriting and Claims. He has twenty-eight years of experience in various facets of the real estate industry most of which have been with title insurance underwriters and agents. Prior to joining Security Title, John spent five years with another national company as state manager and regional counsel. John has worked as branch counsel, plant manager, underwriter, closer and in the national commercial division of one company underwriting and closing multi-site/multi-state commercial transactions around the country and internationally. John has served on the Board of Directors of RESPRO and a member of its committee on RESPA reform. John has also been active with the matters in front of the Maryland General Assembly and assisted in the presentation of testimony to the United States Congress.



DLTA VISION STATEMENT:

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

DLTA 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.

DLTA COMMITTEES:

- Finance Committee
- Nominating Committee
- Education Committee
- Convention Committee
- Governmental/Legislative Committee
- Membership Committee

If you wish to participate as a member of one of these committees, please notify the Executive Director at 225-291-2806, or LAlwood@hipoint.net.

Dixie Land Title
Association

P O Box 14806
Baton Rouge, LA 70898

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