



# *FLTA Tallahassee*

## *Report*

**\*Serving Title Professionals Throughout Florida\***

[www.flta.org](http://www.flta.org)

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**Beverly McReynolds, CLC, President**  
**Alan Fields, Esq, Executive Director**

### **PRESIDENT'S MESSAGE**

- by Beverly McReynolds, CLC



For those of you who joined us at our Convention at the PGA Resort in Palm Beach Gardens, I hope you enjoyed it as much as I did. If you were not able to be there, you were missed. We missed you because we had a lively exchange of ideas and your thoughts would have made the experience richer for us all. We need your input if we are to represent you well. I encourage you to be an involved member and make your voice heard!

We have an ambitious agenda for 2012. We are hitting the ground running with the goals we set out during the convention. The theme for this year is "The FLTA is coming to you!" This involves all aspects of our strategic plan. We will be reaching out to our members and potential

members with meetings in all of our Zones so we can hear from you about the challenges you are facing and discuss how we might be of assistance. We understand how difficult it is for agents in our current environment to spend time away from their offices. Therefore, we will be making CE and CLE credits available throughout the State several times during the year

Through our Allied Industries committee, we will be working with the Realtor, builder, and mortgage broker and banker associations in the communities. We need to better understand how we can stand together whenever possible as the combined real estate industry in Tallahassee. We have an open dialog with these associations at the state level and their leaders are encouraging us to reach out to the local boards to start the same dialog. We must get to know the governmental affairs representatives from these associations so that we can be aware of and understand their goals, identify common interests and capitalize on those. There is strength in numbers and the title arm is the smallest of the related industries. Therefore, it is in our best interest to align ourselves with those who have the real estate industry at the center of their world as we do.

We also plan to reach out to our legislators in their home offices. While we have lobby days in Tallahassee, it is better to have a constituent visit his or her respective legislator locally. The legislator has more control over scheduling when not confronted with pressures of session and can allot more time to listen and ask questions.

We will be supporting legislation that will make sure we can perform our jobs correctly and provide better protection for the Florida consumer. Being known as an Association that works for the consumer can help our image in Tallahassee. We hope the Governor will learn that we are as concerned with the welfare of the citizens of Florida as he is.

These goals are ambitious given the small number of members that we currently have. Therefore, our number one focus for 2012 is to increase membership. If each of you were to bring one new member to our Association from your community, we would have twice as many hands to carry the load. I challenge you to do just that. In addition, I invite you to participate in the monthly conference calls held by the Agent Section. The exact dates and times are listed on our Website at [www.flta.org](http://www.flta.org). There you will also find up to the minute reports on proposed legislation and rules and that can affect your daily work. The best way to defend yourself is with knowledge and the FLTA has the information that you need! I hope to see you at a Zone meeting near you in 2012 with a friend! In the meantime, I wish you and yours a safe and Happy Holiday Season!

## Congratulations to the 2011 Scholarship Recipients

Once again we had a great group of very strong; well regarded students apply for the FLTA scholarships. Traditionally, FLTA has granted three Scholarship awards, each named for a luminary in the Florida title industry and a member of the FLTA. These scholarships are funded through the generous support of Old Republic National Title Insurance Company for the Thornton Scholarship, and through our members in the silent auction and prize raffles. Last year, you were especially generous in your support of the silent auction, and we had enough funds to award a fourth Scholarship this year. Being very creative in our naming, we called it the Mansfield, Schwartz, Thornton award.

The recipient of the **Sam D Mansfield** Scholarship is **Adam Fox**, the son of Kathi Christoff-Fox of FidelityNational Title in Maitland. Adam is currently enrolled at the University of Florida with a GPA of 3.48 and is interested in becoming an Architect.

The recipient of the **Marjorie S Schwartz** Scholarship is **Lindsay Ferguson** the daughter of Charles Ferguson, CLS, of Old Republic National Title in Tampa. Lindsay is enrolled at the University of South Florida with a 3.0 GPA and is currently a Health Science Major.

The recipient of the **John S. Thornton, Jr** Scholarship is **Kara Jai Geigle** the daughter of our Past President, Sue Geigle. Kara is enrolled at Saint Leo University and is studying Criminal Justice, specializing in Homeland Security and Global Intelligence.

The recipient of the **Mansfield, Schwartz & Thornton** Scholarship is **Dominick Rapacioli**, the son of Laura Licastro of Old Republic National Title of Tampa. Dominick is also enrolled for his first semester at the University of South Florida, and is working on either an Engineering or Business degree.

**CONGRATULATIONS TO ALL OF YOU!!**

## Meet the New FLTA Leaders

FLTA has long been blessed with exceedingly talented and dedicated officers and directors. Those installed at this year's convention continue that tradition. Here are your new officers and directors.

### Moving into New Positions



**Beverly McReynolds**  
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Beverly McReynolds is a Regional President for North American Title Company, a title agency with fifteen offices in the State of Florida. She is a graduate of Rollins College where she received a B.A. in English and Spanish literature. She also completed the course work for an M.A in Spanish Literature through New York University's campus in Madrid, Spain.

She is past president of The Association of Title Agents of Dade County and very active with FLTA. She was appointed by Speaker Marco Rubio to serve on the Title Insurance Study Advisory Council and is currently serving in that position.



**Vincent J. Cassidy**  
**Chair, Agents Section**  
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Vincent J. Cassidy is the CEO and owner of Majesty Title Services, LLC. Prior to forming Majesty, Vince spent 25 years with JPMorgan Chase & Co., in various leadership positions

Vince is a graduate of the State University of New York at Stony Brook with a Bachelor's Degree in Economics, and the University of Virginia's Graduate School of Retail Banking, with honors.

In addition to his service for FLTA, Vince serves on the boards of Tampa Metropolitan YMCA, The Greater Tampa Chamber of Commerce and an organizing Board Member of GulfShore Bank. He resides in Tampa Florida with his wife and two daughters.



**Jeff Stein**  
**Vice Chair, Insurer Section**  
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W. Jeffry Stein is Florida Counsel and Vice President for Alliant National Title Insurance Company, responsible for Florida state underwriting and agent education. Jeff brings to this position over 14 years of industry experience, which includes both underwriting and claims positions. Prior to coming to the title industry, Jeff was in private practice as an attorney-agent and abstract examiner.

When not working as FLTA's Vice Chair of the Insurer Section, Jeff can be found racing cars, taking professional quality pictures and helping with his wife's horses.

### Joining the FLTA Board



**Deborah Boyd**  
**Zone 5 Vice President**  
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Deborah Boyd is Underwriting Counsel with First American Title Insurance Co. and a Florida Board Certified Real Estate Attorney.

Deb created and Chairs FLTA's Fraud Prevention and the Caveat Sharing Committees and is very active with the Florida Bar. She serves on the Real Estate Certification Committee of the Florida Bar, which she chaired in 2010-2011, and is an active member of the Executive Council of Real Property, Probate and Trust Law Section (RPPTL), where she also serves as vice-chair of the Homestead Issues Study Committee and as a member of the Problem Studies, Residential Real Estate, Title Insurance and Condo committees.

She earned a B.S. in theoretical mathematics from The Honors College at Michigan State University and a J.D. from the Thomas M. Cooley School of Law.



**Aaron M. Davis**  
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Aaron Davis is the President and Owner of Hillsborough Title and has been with the company since 1992. He graduated from the University of Florida with a Bachelors degree in Business Administration, with a Major in Finance and Minor in Economics.

When not working with FLTA, Aaron is involved with numerous groups, charities, Chamber of Commerce, and his Rotary Club. Aaron is happily married to his wife Leslie, and they have two boys, Aiden and Jackson.

**Charles L. Ferguson**  
**Chair, Certified Land Title Institute**  
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Charles L. (Chuck) Ferguson is the Tampa and Lakeland Title Plant Manager for Old Republic. A longtime title professional, Chuck earned and holds the highly regarded Certified Land Searcher (CLS) designation. Since that time he has been active with FLTA and was recently selected to chair of Florida's Certified Land Title Institute (which grants the CLC/CLS designations). In that capacity, Chuck intends to expand and build on the recognition of the designations and to explore the possibility of an entry level designation.

Chuck has two very bright and talented daughters, Katie and Lindsay, both of whom have earned FLTA scholarships to further their education.



**Alan McCall**  
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Alan McCall is Vice President and S.E. Regional Underwriting Counsel for First American Title Insurance Company, with more than thirty-five years of experience in the title insurance business.

Alan is a member of the Executive Council of the Real Property Section of the Florida Bar, a past President of the FLTA and a recipient of the prestigious Raymond O. Denham award for extraordinary service to the title industry and is rotating back onto the FLTA Board after a year's absence.

He holds undergraduate and law degrees from the University of Florida



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Jason R. Somers was born into the title insurance business and grew up working in his father's agency in Clearwater. While in College, Jason interned for a national underwriter, learning additional escrow and title components of the business and ultimately joining its internal audit department.

From there, Jason worked his way up the ladder with various insurers in both the title plant and agency sides of the business, and today is the North/Central Florida Area Agency Services Manager for Fidelity National Title Group.

Jason is a proud graduate of Florida State University with a B.S.BA and a minor in accounting. Jason and his wife, Ana, have two daughters, Tyler (7) and Nicole (4).

Other officers and board members are continuing their service to FLTA. You can meet them [Here](#).

## Florida's NEW Power of Attorney Act

- By Deborah Boyd, Esq – Zone V Vice President

Florida has drafted an entirely new Power of Attorney (“PoA”) statute which went into effect on October 1, 2011. Although the new act does not drastically change the law regarding powers of attorney used in real estate transactions, there are some new provisions of which you need to be aware. This article will discuss the parts of the new statute which are most relevant to title agents.

Note that the new act only applies to Powers of Attorney by individuals. It does not affect corporate PoAs in any way. If you have any questions about the validity or acceptability of a corporate PoA, ask your underwriter.

**Execution Requirements:** All Powers of Attorney (both durable and non-durable) must be executed in front of two witnesses and be acknowledged by a notary public. *F.S. 709.2105(2)*. HOWEVER, there is a new provision in the statute for acceptance of PoAs executed in other states which do not meet the Florida execution requirements of two witnesses and a notary. *F.S. 709.2106(3)*. This new provision was inserted by the legislature into this statute to assist in making PoAs portable and it applies only to execution requirements – you still need to comply with the Florida law in other respects, such as the specificity requirements discussed below. You will need to check with your underwriter to find out their underwriting guidelines regarding this new portability provision. Remember, however, that **two witnesses are always required on a PoA if it is to be used in a transaction involving homestead property.** *F.S. 689.111*.

**Co-agents can act independently.** This new provision will make your life easier when dealing with more than one attorney in fact. When there are two or more co-agents, each co-agent may now act independently unless the PoA states otherwise. *F.S. 709.2111*. Previously when you had two co-agents, you needed to have both sign the documents, and when there were three or more co-agents, you needed to have a majority execute the documents.

**Termination of agent’s authority upon filing for dissolution of marriage:** An agent’s authority under a PoA automatically terminates upon the filing of an action for dissolution or annulment of the agent’s marriage to the principal, or for their legal separation, unless the PoA provides otherwise. *F.S. 709.2109 (2)*. This is a new provision. So now, when the agent and principal are married, you will need to make sure that neither of the parties has filed for dissolution, legal separation or annulment.

**No delegation of authority.** An agent may not delegate their authority under a PoA. *F.S. 709.2114(1)(b)*. Now there is statutory authority stating that the agent may not delegate their authority under the PoA.

**Authority must be granted with specificity:** New *F.S. 709.2201* requires that an agent “may only exercise authority specifically granted to the agent in the power of attorney and any authority reasonably necessary to give effect to that express grant of specific authority.” The agent’s authority is strictly limited to those powers specifically granted and very broad grants, such as “may perform any act I could perform” grant no authority whatsoever under the new act. A PoA may not be relied upon to perform any action which is not specifically authorized in the PoA.

**Stronger rules on gifting.** The authority to gift must be specifically granted in the PoA and also must be separately approved by the principal by signing their name or initialing next to that

provision. *F.S. 709.2202*. There are also limitations on the ability to gift under the new act, even where the agent is provided that authority.

**Statutory protection for reliance on PoA.** Under this new provision, a PoA will be enforced as if it were valid and the agent had authority, so long as the party relying has no notice of the invalidity of the PoA. *F.S. 709.2119(1)(a)*. Previously there was no statutory protection for reliance on a PoA which appeared to be valid, even in the absence of actual knowledge that it was not valid. Now, if you accept the PoA in good faith, the PoA and the transaction for which it is used will be treated as if the PoA was valid and the agent had authority.

**Statutory authority for requiring a PoA Affidavit.** The new statute specifically provides that you have the right to require an Affidavit of the agent as a condition to acceptance of the PoA.

This new Power of Attorney statute will make your lives as title agents easier in many ways, but, because the law is new and changes the rules we have been living under until now, there will also be questions about how the new statute applies in particular unusual situations. You should contact your underwriter if you have questions regarding the use of any particular power of attorney in any particular transaction.

## Not Logged In?

Our new site has been “Live” since the beginning of June. We’ve discovered that several of our members have still not “logged in” so that they can take full advantage of all the site has to offer. We encourage all of you to do that SOON and update your profile so that your most current information – including your picture and Company Logo -- appears in the FLTA member directory. If you are having trouble logging in, check [here](#).

To make your company’s FLTA membership even more valuable, some of our more useful online resources are restricted to “members only” and we’ll be adding more as a benefit just for our members. To access the “Members Only” portions of the site, all of your employees will need to register as employees of an FLTA member. There is no charge for registering additional employees – and it only takes a few minutes. Here’s how to [create a new Employee Registration](#).

So Log-In, update your profile, and then have all of your employees do the same!

## They Deserve Our Support!

While many of our elected officials have been strong supporters of preserving the sanctity of real estate ownership in Florida, two members of the Florida House have been recognized by the FLTA Board of Directors as meriting our special thanks and support.



**Dorothy Hukill** (R-Port Orange) has been a strong and consistent supporter of the title and real estate industries as the powerful chair of the House Economic Affairs Committee.

She worked with FLTA extensively in developing last year's title insurance bill, and then served as our house sponsor. Perhaps more importantly, as an attorney with extensive experience in real estate, probate and estate planning matters, she understands the legal significance of what we do, how we do it, and the importance of Florida law in preserving the sanctity of our real estate conveyancing system. Dorothy is a candidate for State Senate District 7, an open seat in 2012.



**Will Weatherford** (R-Wesley Chapel) has literally spent hours discussing title related issues and FLTA's legislative agenda with our own Jeannie Germaine and Jim Russick. What we do and its importance to a functioning real estate economy is not intuitively obvious. To say that Will understands our business and our contribution to Florida's economy is an understatement. He "Gets Us!" And he gets us so well that he was willing to co-sponsor (with Rep. Kevin Ambler, our 2010 Legislator of the Year) FLTA's first attempt to codify the recommendations of the Title Insurance Study Advisory Council.

When not discussing title and real estate issues (or the myriad other topics expected of any elected representative), Will has been designated by his fellow Republicans to serve as Speaker of the House during the 2012-2014 term.

The Title Industry greatly appreciates the hard work and dedication of both Rep. Hukill and Rep. Weatherford. The FLTA Board is actively soliciting contributions of any amount to both Candidates. These will be bundled by TIFPAC and presented to both at an appropriate ceremony. Please send separate checks payable to the "Dorothy Hukill Campaign" and to the "Will Weatherford Campaign" to the FLTA offices, 249 East Virginia Street, Tallahassee, FL 32302.

# No one is immune to the cost of title clean-up...not even title rock stars!



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36% of all real estate transactions have some type of lien release clean up that must be done prior to closing.

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## What a Year!

- by Alan Fields, Executive Director



It's hard to believe that I've had this role for a year already! And what a year it's been. From the very beginning, my predecessor, Lee Huszagh has been a guide, a mentor, a friend – and a tremendous help. I had no idea the amount of time it took to schedule and coordinate all of the details for our events, or the myriad other things Lee did every day just to keep the doors open. Lee was tremendous to work with during the transition – and continues to be a great source of guidance and assistance – and of funny stories about this year's Denham Award recipient, Barry Scholnik.

My first mission was to get to know Tallahassee. Lee is well known up here, (half a dozen people – including the Lieutenant Governor -- came over to greet Lee at one of our first lunches) and I knew that to be effective, I had to quickly become the public face of FLTA and to do it in time for the legislative committee meetings which started last January. I wasn't a total novice, but I had a whole lot to learn. But, by the middle of last year's session, legislators and their staff were actively reaching out to FLTA to provide comments and thoughts on their proposals.

### Legislative

Personally, it was not an easy session for me. We had all of the “usual” projects – the Government Affairs committee reviewed every bill that might remotely impact real estate, we offered technical tweaks on 8-10, opposed some, and supported others. With the exception of our own bill to restructure the title industry under a single regulator – which frankly may have been a bit too ambitious – we had a pretty good session.

- We kept the surveyors from being totally deregulated and preserved the minimum technical standards.
- We worked with several Bar Sections to reverse the ruling in the Olmstead case that allowed a judgment against an individual member to reach real estate owned by an LLC
- With the help of the RPPTL section, we fixed a dangerous glitch in the electronic recording act
- We worked with Rep. George Moraitis to support his bill to fix a court's misinterpretation of the mechanics lien statute as regards tenant improvements.
- We came within a hair of fixing a problem with transferee liability for sales tax (potentially a significant E&O risk for title agents). The bill passed in the house, but died on the last day in the Senate. That bill has already been filed for the 2012 session, and
- We helped make certain a number of “bad” bills didn't become law.

The learning curve for me was steep and there were a couple of issues in our own title insurance bill about which the industry was strongly divided. The way the title insurer liquidation bill came out of the “Legislative Sausage Grinder” was so controversial that FLTA ultimately stayed on the sidelines and didn't offer support for our own bill.

But through it all, and in spite of some strong differences of opinion, everyone remained professional, courteous and kept the lines of communication open. And I count maintaining good, open communication among the underwriters and agents as a huge success, even if we don't always agree.

## **Regulatory**

The Legislature isn't the only group that we have to watch. Title insurance is a highly regulated industry, so FLTA is actively involved with each of the regulators who might impact us. And the past year has been busy on a number of fronts.

- We finally got approval for a Florida version of the 2006 ALTA forms.
- We worked with DFS on an Unlawful Inducements Rule. We've all been frustrated when we see a competitor doing something we consider illegal or unethical – and losing business over it. Almost two years ago, FLTA began working with DFS to clarify what is and what is not permitted in the way of inducements. We are hopeful that this project will be resurrected in the coming months – as we all welcome clear guidance.
- We raised concerns about the FHFA proposal to bar Fannie and Freddie from buying any mortgage where the underlying property was affected by a private transfer fee covenant. While the concept is correct, the drafting would have “red-lined” many Florida condominium projects.
- We offered a number of fixes to the well-intentioned proposed rule on designations which may be used by an insurance agent. Unfortunately, the rule didn't take our advice, so we all have some issues to consider in our own operations.
- We offered extensive comment and input when the Florida Bar UPL committee was evaluating whether short sale negotiation constituted the unlicensed practice of law; and
- FLTA is currently working closely with both OIR and DFS on a major rewrite of the title insurance rule which we expect will ultimately include rate simplification, a streamlined procedure for approving new policy forms and the mechanisms for the required data call – and of course, cleaning up the rule so it actually matches our statutes.

Advocacy is and continues to be the number one role for FLTA. As a regulated industry, great damage could be done by even well intentioned proposals, so we have to be ever vigilant.

## **FLTA Programs and Activities**

Along with all of this government advocacy, we had other balls to keep in the air. We continued the tradition of a mid-winter meeting in Tallahassee, coupled with legislative advocacy by our members. This year's was held in the old Senate Chambers, where we coupled continuing education, briefings by our regulators and elected officials with a big dose of history.

In April, we held our annual, and always popular, Claims Round-table where inside and outside claims counsel could be updated on the latest claims trends, discuss strategies for dealing with them, and get better acquainted.

The first week of November, we had our annual convention in Palm Beach Gardens, but that is the subject of another article.

And we started laying the groundwork for Beverly's vision of more local FLTA programs and activities. This goal is embodied in the theme for this year's Convention – “FLTA, is Coming to You!”

Since we didn't have time to create all of our own programs, we imposed on the generosity of our underwriter members to provide us a few minutes to make our pitches at their education events around the state. Some decided “I should sing for my supper” – and made me teach an hour or two of CE/CLE class as the price of borrowing their stage. It was great fun, and helped increase our presence around the state – and I greatly appreciate the courtesy and support of those underwriters.

We have dramatically increased the frequency and content of our Zone Meetings around the state. Many are now including an hour or two of CE/CLE credit. In September alone, we had 5 zone meetings, each

with CE/CLE credit available, and two more are already scheduled for November. For next year, we are already planning a different format, which we hope will be especially valuable to our members, but more on that, later.

### **Building Our Infrastructure and Communication with Our Members**

And during this same period, we have been building the tools at FLTA to let us better communicate with our members.

- We rearranged the office so we can actually have productive committee meetings here, with Wi-Fi, a big computer screen on one wall of the conference room for those complex drafting projects, and a whiteboard on the other.
- We added blast-email capabilities, which made it much easier to get the word out. We have used that new tool to greatly increase the frequency of our bulletins and messages to our members.
- We moved to an all electronic format for our newsletters. This saved money, made the information more timely, and since making that move, we have added more color and more substantive articles in each newsletter.
- We added a new conference call service to facilitate telephonic committee meetings, and use that service for our monthly (and ever growing) Agent Section Calls. The service has already become so popular that we had to get a second subscription. We had so many calls going, they were starting to run into each other!
- We have totally redone our website at [www.flta.org](http://www.flta.org). It is now integrated directly into our back-office software, so that you can update your information online and have it immediately updated in the online membership directory. You can check the master calendar online and immediately register for events – just as you did for the convention.
- The new website gives us a powerful tool for communicating with our members. We have added a wealth of references and resources. You can pull up past bulletins as a quick reference. We have a new Government Affairs Blog and a Title Forum on which our members can exchange ideas; we've added working areas where our committees can share drafts and information; and MUCH, MUCH MORE. If you haven't checked out the new website lately, go explore! I think you'll be surprised how much is there for you. And we continue to add more and more to it.

### **What's Next?**

It sounds glib, but the answer is "More of the Same, but Done Better." At this point, we have the core functions of any trade association -- Advocacy, Education, Communication and Events in place and we will continue building and improving on each of those areas. As to what that specifically means, it will evolve, but here is my personal vision of FLTA over the next 3 years:

- A stronger and deeper membership among the title agencies of Florida. Through the hard work of Mike Sexton, Beverly McReynolds and others, we are going to be starting a membership drive – and its success will depend on each of you helping to get the word out that there is real value to belonging to FLTA.
- We will continue to add to the content and value of our website. I've been very proud of the response to the site thus far. We have had over 3,900 unique visitors and, on average, each one spent over 6 minutes exploring our site, and they keep coming back for more. Stephanie Meyer at Stewart has prepared information and links for all of the things necessary to create a new agency, which will be going live in the next few days. Barbara Burke, First American and Stewart Title have each agreed to let us provide links to their online education offerings for FLTA members. We are in the process of scanning many of our old newsletters and will be posting them online. (they were the source of many of the "Baby Pictures" you saw flashed on the screen during the convention). Most importantly, we hope you will tell us what we should add to the FLTA website – after all, it is all about our members!

- Government Advocacy will continue to be a top priority for FLTA. The legislative session starts very early this year because of redistricting, and as I write this, I cannot yet identify all of the issues we are likely to face. Over the summer months, we worked closely with Rep. Kathleen Passidomo (R-Naples) to include some important provisions for the title industry in her Foreclosure bill, and with Rep. John Wood (R-Winter Haven) on fixing the problem of transferee tax liability. I hope that over the coming year, we can dramatically expand our grass-roots political activities and coordinate a more targeted program of political donations.
- Expand our Educational Offerings for Our Members. This year's convention included SIX HOURS of CE/CLE, and we are already planning to repeat these classes for Zone Meetings around the state. It will take a little longer, but we hope to add the technology to offer for credit webinars to our members in addition to providing links to other provider's online offerings as noted above.
  - Over time, we'd like to expand FLTA's course offerings to include some non-traditional training for our agent members, on management and business topics like:
    - How to motivate a Staff
    - Non-Conventional, but RESPA compliant marketing
    - Proper Escrow management/Risk management
    - E&O and other necessary insurance coverages
- Past President Shelley Stewart is taking point with the Allied Industries committee and is actively reaching out to the Realtors, the Homebuilders, the Surveyors and others to seek out common interests and areas where we can work together. One of the secondary projects of this committee will be developing a series of approved CE courses for Realtors which can be presented locally by FLTA members, on topics such as:
  - The Role of the Title Agent
  - Helping your Customers understand the Title Insurance Process
  - Working effectively with Title Agents -- Making the Title Process go more smoothly
  - What is going to happen at Closing – what Should
  - Protecting your Customer from Title Defects -- Reviewing the Title Commitment with your Customer and your Title Agent – what to watch for
  - There are some things a Title Agent just won't do -- RESPA, Unlawful inducement and why you need to know the rules governing title agents.
  - Real Estate and Mortgage Fraud – Why Your Title Agent Says No!
  - What a Survey can tell You? When is it "safe" for your buyer to rely on an old survey?
- Years back, FLTA had a series of consumer education brochures which need to be updated and expanded to include topics like:
  - What is Title Insurance?
  - Why do I need an Owners policy?
  - Explanation of Form 9 Coverages
  - Explanation of 2006 Policy
  - Ways to Take Title
  - Short Sale Problems and Issues
  - FIRPTA

The Florida Bar in their UPL analysis draws a distinction between providing generic printed information on a legal topic and counseling a customer on the same legal issues. Especially if we can impose on our friends at the Real Property Section of the Bar to co-produce some of these educational materials, we can provide the guidance our customers so desperately need, steer them appropriately to consult legal and tax counsel and avoid crossing the line into UPL.

My hope is that with the magic of computers and on-demand printing, FLTA can set these up to be co-branded and printed as needed by our members.

This list of projects is going to take us several years to accomplish, and it will continue to evolve and morph with the industry and with the needs of our agents. Bringing FLTA to this level of activity and developing these resources will also take your active help and participation. Many of you have already volunteered and are playing active roles on various committees, but we need more help – and more agents participating. Together we can turn FLTA into a powerhouse organization and have fun doing it.

## Time to Renew Your Membership!

It's that time of year again. When we aren't busily shopping for holiday gifts, it's time to start thinking about the professional value that FLTA provides all year long – and we're only going to get better next year.

Recognizing that the real estate economy has not yet started its recovery, the FLTA Board of Directors decided to make things a little easier on our members (but not their Executive Director) by authorizing a choice of payment plans for your FLTA Dues Renewal.

It's your choice – you can pay:

- a. Your full \$400 membership renewal in a single payment – either by check or credit card;
- b. 2 Semi-Annual payments of \$210 each; or
- c. 4 Quarterly payments of \$110 each.

All periodic payments must be made by credit card, and at the time you sign up for this payment alternative, you will be asked to authorize us to automatically bill the rest of the year's payments to your card.

But there is a catch! To take advantage of the periodic payment options, you must sign up for it before January 15, 2012. After that date, the periodic payment option will not be available.

Dues for all other membership categories will remain unchanged and are also due in January.

So please get your membership renewed early – and let the other title agencies and attorney-agents in your area know about the advantages of joining FLTA.

## A Special “Thanks” to our Advertisers

We would like to extend a special THANK YOU to our members who have taken the time to update their ad formats (including working with a novice in the publishing arena). We so appreciate your continued support of our Association.

Many thanks to:

**FLAG Insurance Services**

**reQUIRE Release Tracking**

and

**SoftPro**

for contributing to this issue. We can't do it without you!

**Florida's "New and Improved" Mutual Indemnification Agreement –  
by Karla Staker, Esq., Fidelity National Title,  
Chair, FLTA Forms Committee**

At a signing ceremony during the 2011 FLTA convention in Palm Beach Gardens, most of Florida's title insurers joined in The Third Revised Mutual Indemnification Agreement (the "Treaty"). For many years, Florida title agents and underwriters have relied upon earlier versions of the Treaty to insure over certain specified title objections without the delay and cost of obtaining an indemnity letter from the prior. As with prior versions of the Treaty, the prior policy must be at least one year old, cannot contain an exception for the alleged title defect and must be retained by the title agent in the current transaction who is relying on the Treaty.

The Treaty was expanded to include situations in which there may be some doubt as to whether the person who signed a deed or mortgage for a legal entity had the requisite authority. Title examiners frequently find deeds of record from corporations, limited liability companies or partnerships which fail to show the office or position of the signer. Or, if the office or position is shown, it is sometimes not one which would permit the signer to sign in the absence of a resolution or other authorization. So this revision to the Treaty revision should be very helpful.

The Treaty was also revised to define "Indemnitor's Policy" as a loan or owner's policy "insuring the transferor or mortgagor of the Land in the current transaction." Therefore, the Treaty will apply if the transferor or mortgagor falls within the definition of "Insured" under the prior policy even if the transferor or mortgagor was not the actual named insured on the prior policy.

Many other non-substantive changes were made for the purpose of clarifying the language of the Treaty. The Effective Date of the revised Treaty is November 3, 2011, as to the original signatories who were: Alliant National Title Insurance Company, Attorney's Title Insurance Fund, Inc., Chicago Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, First American Title Insurance Company, North American Title Insurance Company, Old Republic National Title Insurance Company, Stewart Title Guaranty Company, Title Resources Guaranty Company, Westcor Land Title Insurance Company and WFG National Title Insurance Company. Other Florida insurers have been invited to join.





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## **We're so HAPPY to have you with us!**

In these tough economic times it can be difficult to find something to cheer about. FLTA membership has taken a beating like everything else in our world these days, but we do have something positive to report. The following is a list of very smart companies who have taken that first big step and joined our Association, or have rejoined after a short hiatus.

### **Anchor Land Title, Inc**

Lawana Brown, CLC  
Port St Lucie, FL

### **eRecording Partners Network**

Jerry Lewallen

### **Fidelity National Technology Imaging**

Rick Cuevas  
Orlando, FL

### **Ingeo System**

Phil Karr  
Logan, UT

### **Island Title 5 Star Agency, LLC**

Dawnette Norgren  
Delray Beach, FL

### **Jacobs Offir, PL**

Eric Jacobs  
Hollywood, FL

### **McGlinchey Stafford, PLLC**

Paul Minoff  
Ft. Lauderdale, FL

### **Moraitis, Cofar, Karney & Moraitis**

George Moraitis  
Ft. Lauderdale, FL

### **Platinum Title of South Florida, Inc**

Jessica Davis  
Miami, FL

### **Professional Insurance Agency**

Larry Galpern  
Naples, FL

### **LienWrite & TitleWrite Solutions, Inc**

Lisa Zaragoza  
Deerfield Beach, FL

### **Wollinka-Wikle Title Insurance**

Kelley Paul, CLC  
Crystal River, FL

## **SUPPORT OUR ASSOCIATE MEMBERS**

Many of us are associate members of our local Board of Realtors or of builder trade associations. And rightly get upset when other agents - who are NOT members and not supporting the local programs - seem to get a LOT of the title orders from those groups!

Well, OUR associate members do more than "just pay association dues", too. They show up at our meetings and conventions, PAY for the privilege of displaying their products, often contribute additional funds to help pay for our luncheons, receptions, banquets, AND pay to advertise in our programs, brochures, and YES!! Even this Newsletter!!

**DON'T FORGET OUR ASSOCIATE MEMBERS!** When you need a new product or service, be sure to check the Associate member list in our new website – [www.FLTA.org](http://www.FLTA.org) - and give our Partners the FIRST opportunity to earn your business.



## The Certified Land Title Report

- By Charles Ferguson, CLS

The annual meeting of the Certified Land title Institute was held on November 3, 2011 during the annual FLTA convention at the PGA National Resort & Spa in Palm Beach Gardens, Florida.

The following CLT members have been elected to serve on the CLT Council for the following year.

### **Chair (Zone 4)**

**Charles L. Ferguson, CLS**  
Old Republic National Title Insurance Company  
e-mail: [cferguson@oldrepublictitle.com](mailto:cferguson@oldrepublictitle.com)

### **Vice Chair (Zone 5)**

R. F. "Bob" Booth, Jr., C.L.S.  
Community Land Title  
e-mail: [bboothjr@aol.com](mailto:bboothjr@aol.com)

### **Secretary (Zone 2)**

**Marcia Cameron, CLC, CLS**  
First American Title Insurance Company  
e-mail: [mcameron@firstam.com](mailto:mcameron@firstam.com)

### **Zone 6**

**Carol J. Karlecke, CLS/CLC**  
First American Title Insurance Company  
e-mail: [ckarlecke@firstam.com](mailto:ckarlecke@firstam.com)

### **Past Chair (Zone 4)**

**Debi A. Smith, CLS**  
Fidelity National Title Group  
e-mail: [debi.smith@fnf.com](mailto:debi.smith@fnf.com)

### **Grading Board Chair (Zone 1)**

**Linda Martin, CLC/CLS**  
e-mail: [martintitle@bellsouth.net](mailto:martintitle@bellsouth.net)

### **Zone 3**

**Leslie A. Smith, CLS**  
Southern Title Holding Co., LLC  
e-mail: [lsmith@stitle.com](mailto:lsmith@stitle.com)

### **Zone 7**

**Doug C. Stevens, Jr., CLC**  
Stewart Title  
e-mail: [doug.stevens@stewart.com](mailto:doug.stevens@stewart.com)

In addition, the dates for the CLT test schedule were also set, and they are:

Application Deadline (for either test)	April 20, 2012
Approval/Denial letters mailed by	May 11, 2012
TEST DAY	June 23, 2012

The criteria for taking either test, the application forms, study guide outlines, etc. can be found of the FLTA website in the [CLT Institute section](#). All test takers will receive written notice of the outcome of their test no later than July 27. The successful applicants will be recognized at next year's annual FLTA convention, when they will receive their plaque for their designation.

## Keeping Up to Date

Keeping our members informed of matters that impact the title insurance industry is a primary focus of our Association. The quarterly newsletter will continue to keep you abreast of developments, but the term quarterly alerts you to the fact that the news stories that have a short shelf life may be stale when you read them. To stay on top of things on a daily basis consult the FLTA web site, [www.flta.org](http://www.flta.org) and subscribe to the [Government Affairs Blog](#) and the [Title Forum](#).



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