

ADVOCATE

The Official Publication
of the New Jersey
Land Title Association

Does your property have access?

By: Roberto Ditaranto, Esq.
Stewart Title Guaranty Company

Have you ever come across a property where there is no existing driveway or any means to drive a vehicle onto the property? If the answer is yes, I'm here to tell you that you are not the only one to experience this issue. Title insurers are often confronted with a basic question of whether their property has direct or indirect access. That basic question isn't always so basic and can become quite complicated.

The 2006 ALTA Owner's and Loan Policy insures against loss or damage suffered by the insured because there is no right of access to and from the land under Covered Risk 4. Keep in mind,

though, the policy only insures against loss if there is no legal access; however, legal access is not always exactly what the parties want. For example, if the property only has pedestrian access available to and from the property, that is still considered to be legal access. Legal access to a property is simply defined as the right of the landowner to go from their land to the nearest public right of way. If the property has no legal access, then it is usually a landlocked property. If the nearest public road is not connected to the property, then you might have to travel over an easement to get to the nearest public road. This would be an example of indirect access, and I will discuss that concept later.

New Jersey is a filed form state when it comes to endorsements, which means the forms may not be modified. This can cause confusion for out-of-state

lenders or their counsel. Lenders will often request the ALTA 17-06 (Direct) or ALTA 17.1-06 (Indirect) Access Endorsements on residential or commercial files, even if the property does not have any vehicular access. The biggest issue is that these parties may be accustomed to obtaining an access endorsement in other states that allow title insurers to make changes or amendments to endorsement forms. In other states, the title insurer may amend the endorsement form to only include pedestrian access, so they are still able to issue an access endorsement for an owner's or loan policy. Unfortunately, in New Jersey, the filed form for the direct and indirect access endorsements requires both pedestrian and vehicular access to the property. Title insurers are not permitted to make changes or revise

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Does your property have access?
continuation from cover

the language on endorsement forms, which may create a contentious issue for closing.

How many times has a lender provided you with a checklist of endorsements that includes the access endorsement? This happens very often, and the lender may be adamant that the endorsement must be issued even if the property does not have vehicular access. If the property

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jumping a curb to get on their property is not something that can be insured by this endorsement, nor is the contemplation of future curb cuts if the property were to be changed after the Date of Policy. The language in the ALTA 17-06 endorsement is clear that we are talking about existing curb cuts and existing vehicular access at the time the endorsement is issued. The endorsement doesn't necessarily require "driveways" or "parking areas" specifically,

the property as it exists today, so it's usually within the title insurer's discretion if they can rely on these applications to insure direct access.

A survey is also a great option to consider when determining if a property has direct or indirect vehicular access. In some cases, a survey may even be required by the title insurer if the public records or tax maps do not contain enough information



in question only has on-street parking, then it does not have direct or indirect vehicular access. Typically, properties in cities like Hoboken or Newark will not have driveways or parking lots that permit a vehicle to drive onto the property. For the ALTA 17-06 (Direct Access) Endorsement, both vehicular and pedestrian access is required at the time of issuance. If there are no existing curb cuts to a public street, the property does not have legal vehicular access. A person

but it does require existing curb cuts that allow vehicular access as of the Date of Policy. This normally means a curb cut, which can lead to a driveway, but it may also lead to something else that permits a vehicle to drive onto the property. We are lucky now to have the ability with modern technology to do a Google search of the property to confirm whether the property abuts or has access to a road; however, Google Maps or Google Earth may not have updated images that show

for the title insurer to determine if the property has legal vehicular access. To save on costs for a new or updated survey, the title insurer may rely on an existing survey so long as the legal description of the property has not changed since the date of the last survey. Also, an Affidavit of No Change to Survey must be provided by the current owner. Always check with your underwriter for specific survey requirements.

Does your property have...cont. on page 22

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President's Message



By: Dawn A. Lagowski, NJLTA President

First and foremost, it was an amazing opportunity to attend ALTA One on behalf of the NJLTA. How can one not have fun in New Orleans? Being around so many people who get excited about title insurance and all we provide was an honor and a memory that will not be forgotten.

If you ever have an opportunity to attend an ALTA One event, please do. ALTA does not disappoint in this arena. They shine like a bright star in the sky, and they help us do the same. Be shining stars to current homeowners and future homeowners alike, as we help them navigate through the various challenges of the home buying process.

As one could probably guess, this year's event focused on all the remote online notarization (RON) legislation taking hold and how we can use that to help us grow in this continuing evolving digital age.

One area where ALTA shined that is not talked about so much is *culture*. Not the culture of people and where they grew up, but the culture of an organization. How many of you think about the culture of your workplace, whether you are an employee, a manager, or an owner?

All industries are struggling to hire and retain good people. Having a clearly defined culture and mission statement



for employees to follow is the first step. If the culture is not handed down from and followed by ownership and management, how can employees feel rooted in their job and company?

We all need to ask ourselves, what kind of culture do I want for my company? What kind of culture works well in my business? You must be able to answer those questions to know who you are hiring and, for prospective employees, if you wish to remain in a company for many years.

The ALTA workshops on this caused a good variety of companies to think about their culture. Do you want your company to be one of flexibility, leadership development, commitment by employees not to leave until they finish the job, clear communication of goals, creative thinking for problem solving... the list goes on. Your first step in hiring should be to have a clearly defined mission statement and culture that you can convey to a prospective employee. If they know those values and expectations up front, you have a better opportunity to retain them once they are hired.

We all know we should encourage sharing ideas and knowledge. We should listen to the ideas and needs of employees. How you work that into your culture is critical to success. Making sure the employees and management feel comfortable doing so can

be a challenge for many. The best built companies or offices foster these areas in a way that the employees and management feel empowered to contribute and have opportunities to develop their skills. A positive company culture has key points such as successful recruitment, employee loyalty, job satisfaction, collaboration, work performance, improved employee morale, and less stress—quite a list for any industry, and from my experience, less stress being the most challenging in the business we all work in.

There were so many diversified events offered by ALTA, whether they were an Omni Session or an Engagement Lab. I chose to focus on employee retention and company culture, considering the current challenges we all face. We truly need good employees who want to be part of this industry and grow in it. We can only do that if we foster good relationships, with a good culture where employees feel they can grow. That is our challenge, and it is what we must achieve to be certain our industry is in good hands as the future years unfold.

If you have experience hiring and retaining good employees, you can take your company as far as your vision can see. May we all flourish and find the “gems” in the people we hire and create the best culture that fosters everyone's success. ■



By: Scott Rutkay, Concourse Land Transfer, LLC

“I sell gasoline. I make a small profit. With that I buy groceries. The grocer makes a profit. We call it earning a living. You may have heard of it.” - (Out of the Past, 1947)

And now I’m at the airport. I needlessly changed flights to avoid a storm that is rapidly changing from snow to rain. I used to hate to travel, and it wasn’t because I was afraid of flying—I was

terrified of what happened in the office when I wasn’t there. It isn’t that I don’t trust my staff; I trust them with hundreds of thousands of dollars every day. It really has more to do with my first job in the mortgage industry.

I think about that job a lot. It was 2002, and money was falling from the sky. My father told me I needed to get a real job, one that actually paid me, and my friend owned a mortgage company. “Come work for me,” he said. “Idiots are making a fortune.” High praise indeed. What type of person starts an interview

by telling a prospect that his employees were idiots? I focused more on the second part of the sentence and agreed to the job. I’ve talked about it before: the job was, in a way, the best experience of my life while simultaneously being the worst. It was trial by fire.

My first position was performing notary closings for their joint venture title company. It sounded easy. All I had to do was go to borrowers’ homes and witness them signing the closing documents. My friend took me to one closing on my first day. I watched him

explain all the documents to the borrowers, notarize where he needed to, and we left. It couldn’t have taken more than twenty minutes from beginning to end. As we walked out the door, he looked at me, and said, “Okay, you’re all set. You have five closings to do today.” “That’s it?” I asked. I couldn’t believe that was the entire training session. “You’re just watching them sign,” he replied. “How much training do you think you need?”

I quickly realized that the job wasn’t about the actual closing; that was, for

the most part, very easy. The real job was getting to the closing. Keep in mind this was before navigation-equipped cars. I had stacks and stacks of MapQuest maps printed out from one location to the next. You would think that someone would be mindful of where they sent me when they scheduled closings. Bergen County one day, Burlington County the next day. But no, that wasn’t how loans are scheduled. I had New Jersey—anywhere in New Jersey—and some days I zigzagged all over the state trying to make appointment times. I often failed, but I have a friendly face, and I joke around a lot at closings. Most people soon forgot that I was an hour or two later than they had been told.

I did not take one vacation in the first two years performing closings. I regret that now, but at the time there were two things that kept me from going away. First, we were just too busy. There never was a great time for me to go away. My friend was right, money was falling from the sky, and the only way for me to collect it was to do closings. Tons and tons of closings. At that point, they were closing around 200 loans a month in New Jersey alone. That’s roughly nine a day, if you assume a twenty-two business-day month. Nine closings a day, and I tried to do every one. We had a list of other notaries, but if I was physically able to get to the closing, I was going to do it.

I guess you would call that greed. Greed was the first motivator for never going away. But to be honest, the biggest one, at least for me, was the fact that people disappeared when they went on vacation. Not permanently; they didn’t get lost at sea. They disappeared from the office.

I was working at the mortgage company at this point, managing the closing, post-closing, and funding departments, and it went something like this: The owner of the company would somehow realize that someone was on vacation. Then he would walk around their department and try to figure out what was going on. He would ask someone, “Hey, where’s Steve?” “Oh,



Steve is on vacation,” they would tell him. “Is everything going OK?” he would ask. That was a loaded question. If you had no idea what he was getting at, you might not realize what was happening. “Everything’s fine,” they would say, “haven’t missed a beat.” That would get his mind working. *We’re paying Steve a fortune to run this department. Steve isn’t here...department is running fine...we don’t need Steve.* Steve would get fired the day he came back.

That’s how it went for eight years. The Steves of the world would be fired when they were on vacation, everything would be fine in his old department for a while, then not so fine. Soon, a new Steve would be hired to run the department that was now nonfunctional. It was nerve-racking. As managers, we would beg our employees to lie. “Where’s Scott?” he would ask. “Oh, Scott’s on vacation, but boy oh boy we could really use him. He’s the glue that keeps it all together. I hope he comes back soon.” The owner would walk away. *I guess we need Scott,* he would think. It was a miserable situation. We either never went away, in fear that it would be our last trip, or went away and crossed our fingers that he wouldn’t notice. A terrible situation.

I’m worlds away and twenty-three thousand feet in the air from that first job, and I couldn’t be happier. My new position requires me to travel quite a bit. Most of my clients are in different states, with branches all over the country. I rely solely on my employees to make sure that everything is going the way it should when I’m away. I really hope they don’t start figuring out that they don’t need Scott. ■

Agency Section Update

The New Norm in Title

By: Lisa Dombrowski, Chair, Agency Section Management Board

Two years ago, we were hit with the first wave of the COVID-19 pandemic or what I like to refer to as the first wave of uncertainty. Who would have thought we could make this work? The New Jersey title industry needed to adapt, and quickly. Drive-up closings, masks, and standing six feet apart became our lives. Let's not forget outdoor closings. Those were fun, especially on a windy day. Paperweights came back into style for sure!

In order to survive, title agents needed to be resilient, adaptive, creative, and most of all: flexible. Technology has become a major focus in this industry,

even more so than in the past. eRecording, cloud-based software, Zoom meetings, and as I write this, Remote Online Notarization aka RON/RIN is here.

As much as we as an industry adapted to the "new norm," there have been roadblocks along the way. We have dealt with situations and circumstances that we were unable to control such as county clerk and municipal closures. Let us not forget the "domino effect" of borrowers losing their jobs due to the pandemic and not being eligible to close on their mortgage.

After two years of dealing with COVID-19 and the struggles of trying to work and run a business safely and effectively, experts are now saying we are finally turning the corner, with death rates and positive cases declining. But the pandemic has definitely left a mark on the title industry and the way we do

business. Agents are still struggling with staffing shortages and finding reasonable help. Let's face it: many available candidates want to work remotely. The trend of working from home altered the balance between employees and employers. One belief is the work/personal life balance is better. I envy the agencies in New Jersey that are able to allow the bulk of their staff to work remotely. As a small agency with only a few employees, it was just not feasible for us.

With all of the challenges these last two years, I am proud of the New Jersey title agents; they have adapted to the "new norm," and very quickly.

As winter ends and spring begins to bloom in New Jersey, here's to hoping the pandemic is finally in our rearview mirror and we have another strong year in real estate. Cheers! ■



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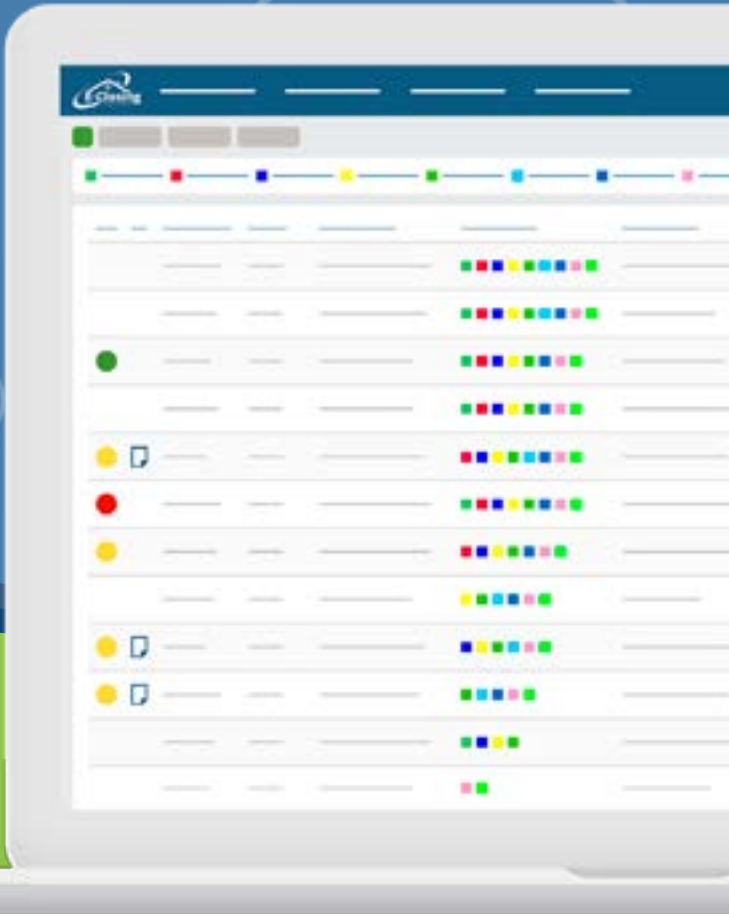


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By: George A. Stickel, Esq., C.T.P.

Although retired from both law practice and title insurance since 2015, I recently made the mistake of telling close friends that I would “gladly” assist in the sale of their existing home and purchase of a new one. I was particularly interested in discovering how the process of North Jersey land conveyancing has changed since my first closing in 1977. May I share my observations with you? If not, you are free to leave to do something worthwhile.

Now & Then

DISCLOSURE

THEN

New Jersey was a *caveat emptor* state, meaning, “buyer beware,” or in Latin, “You’d be a fool to buy this piece of crap.” Home inspections then, like telegrams now, were rare or non-existent. Purchases were truly “as is” with the possible exception of situations such as stepping into the shower and falling through to the basement, in which case you could, perhaps, get out of the deal, but only if you died.

NOW

The realtors have crafted a six-page “Seller’s Property Condition Disclosure Statement” with check boxes of “yes,” “no,” or “unknown,” with fifteen separate sections ranging from attics to electrical to radon. Mainly intended to protect the realtors, a seller would be a fool to complete the form or to check any box other than “unknown.” Just leave the buyers to discover the joys of homeownership on their own while reserving the right to join the realtors in any fun litigation which may ensue.

ATTORNEYS/CONTRACT

THEN

Seller attorneys prepared the contract of sale on their own form and negotiated the contents of the contract with opposing counsel in a friendly telephone conversation confirmed in a one-page letter.

NOW

Opinion 26, decided in 1995, allows sales agents to “prepare” a Realtor Contract of Sale consisting of twelve pages with 718 lines of information. By “prepare,” I mean “insert” the names, property address, price, and closing date into the existing form, often getting this information incorrect. Within the three-day attorney review period the buyer’s attorney routinely “disapproves” the realtor contract, meaning, at that point, there is no longer any agreement and you need to start over,

which makes perfect sense to absolutely no one. The buyer and seller attorneys begin negotiation of a new deal via email and prepare amendment/riders to the realtor contract, which are often as long and uninteresting as the original contract itself. In my recent deal we needed to add a rider to correct the fact that the sales agent had listed the property as being in the wrong town. (Yes, the wrong town.) The lender was not satisfied with our rider and required an entirely new contract signed by all parties and their godparents. To correct that one realtor error to the lender’s satisfaction required more man-hours than to construct a cruise ship.

After the home inspection, the responsibility of negotiating repair credits is left to the two people in the transaction who know the least about the home and absolutely nothing about repairs: the attorneys. This process should really be left to the buyer and seller to slug out in the driveway. At this point the buyer’s attorney mysteriously transforms into a South Jersey real estate attorney and is never heard from again.

TITLE

THEN

The attorney often went to the County Hall of Records and conducted his own title search. He then came back to the office and his legal secretary typed up a one-page certificate of title, which the attorney signed and gave to the purchaser as a part of the attorney’s job in representing his client. Lenders accepted these

certificates. There was no extra charge for this additional attorney work or the liability assumed by the attorney in issuing this certificate. Title insurance was rarely used. Thus, confirming the fact that, yes, we residential real estate attorneys were fools.

NOW

For starters, the words “his” and “he” in the first two sentences in the preceding paragraph are objectionable and need to be replaced by “their” and “they.”

The Commitment for Title Insurance is prepared by the title agent on a form promulgated by the New Jersey Land Title Insurance Rating Bureau. It includes a Schedule A consisting of 5 sections, a legal description, a Schedule B – Section I, Requirements (which no one reads), and a Schedule B – Section II, Exceptions containing language such as “Subject to all easements and restrictions of record” and “Rights of the State of New Jersey in lands now or formerly flowed by tidal waters” even though the property is located in Morris County. In my recent closing the title reader chose to include an exception for easements for highway parcels shown on the filed map but located nowhere near our lot. When I asked to have the exception removed, the attitude I received was similar to what I would expect had I asked to be picked up at the airport on a Friday afternoon.

LENDERS

THEN

The law office where I first worked as an associate was a three-partner firm in a small northern New Jersey borough. Our office represented the borough, the board of education, the local realtor, and the two savings and loan associations in town, which financed most of the purchases of local residential properties. Needless to say, lender review and the closing process all went extremely smoothly. You may see a conflict of interest. I see efficiency. And no one got hurt.

NOW

Don’t get me started.

SURVEYS

THEN

A new survey was conducted on almost every purchase.

NOW

What’s a survey?

THE CLOSING STATEMENT

THEN

The closing statement was prepared by the buyer attorney on half a page of paper.

THEN

In 1974 the Federal Government introduced the Real Estate Settlement Procedures Act (112 USC 2601), which simplified the closing statement onto two pages with 164 boxes for the entry of numbers.

NOW

In the interest of further simplification, the closing disclosure commonly consists of five pages with 395 spaces for numbers entry. No matter how you try to explain the closing disclosure, it never makes any sense, thereby accomplishing its governmental purpose.

In my recent closing, the seller offered my clients a \$15,000.00 repair credit. Rather than just show the \$15,000.00 on one line as a debit from the seller and a credit to the buyer, the lender required that the \$15,000.00 be “hidden” to make it appear that the seller was paying for the appraisal fee, survey charges, title insurance, flood search, diaper service, and so forth. And this is now considered full disclosure in accordance with the law.

CLOSINGS/SETTLEMENTS

THEN

Closings were conducted in the buyer’s attorney’s office primarily because all proceeds passed through the attorney trust account and you followed the money. In attendance were the buyers, sellers, attorneys for both sides, both real estate sales agents and occasionally just random street people trying to keep warm. If I were to state that the buyer’s attorney did everything at the closing you would be wrong. The attorney’s secretary did everything. The attorney was present mostly to shake hands or to initiate a tort action if the buyer fell through the shower into the basement during the walk-through.

NOW

A notary conducts the settlement as a part of the title process at the title agent’s office, or for an additional \$25 fee at such

Now & Then...cont. on page 15

NJLTA LEGISLATIVE UPDATE



By: Edward C. Eastman, Jr.

**RE: Senate Bill S-3081
Companion Assembly Bill A-5219
Concerns the Law Regarding Excess Rates
and Charges for Title Insurance**

Senate Bill 3081 (“S.3081” or “the bill”), which was designed to repeal section 39 of P.L. 1975, c. 106, (“N.J.S.A. 17:46B-39” or “Section 39”), passed the Senate unanimously on the second reading on December 17, 2020. It was signed into law as P.L. 2021 c.397 by the Governor on January 18, 2022, in the so-called lame duck session. The New Jersey Land Title Association (“NJLTA”) filed a position paper regarding the passage of this bill.

N.J.S.A. 17:46B-39 was adopted as part of New Jersey’s Title Insurance Act in 1975 and read as follows:

If the rates and charges for personal or controlled insurance from any one source so issued in any 1 calendar year received by a title insurance company or by a title insurance agent shall exceed 25%, or from all such sources shall exceed 50% of the total rates and charges received by such title insurance company or by such title insurance agent for title insurance issued in the same year, the excess shall be deemed to be unlawful rebate.

This law was passed as part of New Jersey’s efforts to regulate the title insurance industry through the New Jersey Title Insurance Act, which is substantively based on the Revised Model Title Insurance Act promulgated by the American Land Title Association in 1973. Section 39 of that Act comes directly from the language of the Model Act.

The Legislative History of New Jersey’s Title Insurance Act concerning Section 39 sets forth the rationale behind the law:

As it is the intention of this Commission to prohibit individuals from avoiding or circumventing the prohibition of the payment of a commission, consideration or thing of value in any form, for procuring title insurance, and from being placed within conflict of interest situations – both of which can arise where an individual acts as an agent with respect to his own customers or clients – section 1.o. and 39 are hereby recommended for inclusion in the proposed “Title Insurance Act of 1974.”

Report to the New Jersey Legislature, Real Estate Title Insurance Study Commission (March 1974).

Controlled or Affiliated business arrangements in the real estate industry are not strictly prohibited but are restricted under both Federal and State laws. These laws generally came into effect in the 1970s after the Department of Housing and Urban Development (“HUD”), at the direction of Congress, reported the then common practice of referral fees as inducements for real estate agents, banks or other third parties to recommend title insurers to the purchasing homeowner. HUD determined that these practices were creating reverse competition in the title insurance field to the detriment of the potential purchaser of a home. While the Real Estate Settlement Procedures Act of 1974 (“RESPA”) was passed to eliminate unlawful referral fees and provide more disclosure as to the cost of settlement to the buyer and seller, it includes a safe harbor for affiliated business arrangements provided that (A) the business controller discloses its relationship with the controlled agency; (B) does not require the insured to use the controlled agency if they prefer to use someone else; and (C) provided that the only thing of value a business controller obtains is a return on its investment from the affiliated business. ■

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Now & Then

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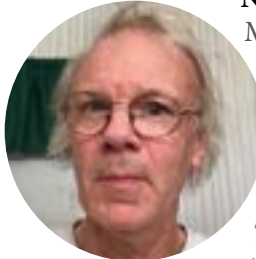
other location convenient for all. By “all” I mean the buyers since the sellers no longer attend, the sales agents do not attend, and the attorneys need not attend and most don’t. And now with remote notarization, even the notaries will not attend.



ME

THEN

Me, on the way out the door to my first closing in 1977.



NOW

Me, not attending my January 2022 closings.

George A. Stickel, Esq., C.T.P., is a third generation, 45-year veteran of the title industry, now retired. He is a past president and honorary member of the New Jersey Land Title Association. His articles represent his own opinions and do not represent the views of the New Jersey Land Title Association or the Advocate. And yes, his first real estate closing was in 1977. ■



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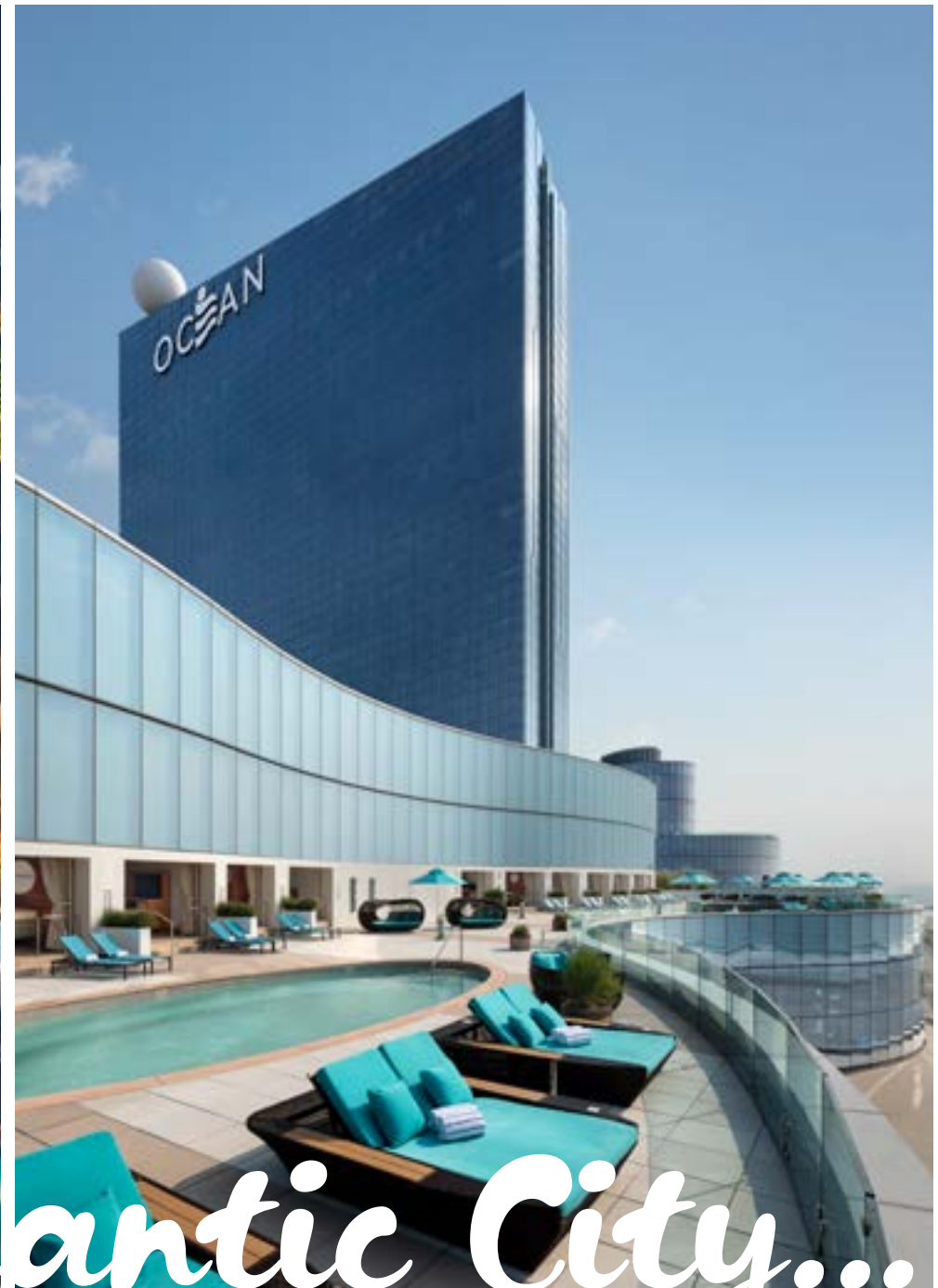
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On the Boardwalk in Atlantic City...

Announcing the 98th Annual Convention of the New Jersey Land Title Association

By: Peter Casey Wall, Convention Committee Chair

Join us at the shore June 12 through June 14, 2022, for the 98th Annual NJLTA Convention, marking the 100th year since our first convention. This will also mark our first return to a live convention since the COVID-19 pandemic forced us to cancel our plans in 2020 and

2021. This will also be the first return to a New Jersey-based convention since 2016, and our first return to Atlantic City as a venue in more than 20 years.

I love trivia, and I'm not above abusing my privilege to impose my addiction on all of you here in this article. Following are some other notable firsts associated with Atlantic City:

- The name Atlantic City was first used in 1853 when it was adopted on my birthday, January 15.
- The Absecon Lighthouse first opened in 1857, again on my birthday,

January 15. The first boardwalk in Atlantic City opened on June 26, 1870.

- The first Miss America, Margaret Gorman, was crowned in Atlantic City on September 7, 1921.
- The Atlantic City Convention Hall was dedicated on May 31, 1929, my anniversary with my lovely wife, Kirsten—the month and date, not the year!
- September 14, 1944, is the first time that a hurricane destroyed half of the boardwalk.
- The referendum to approve casino

gambling in Atlantic City was passed on November 2, 1976, and the first casino to open was Resorts International, on May 26, 1978.

A lot of other firsts followed these, but I only have so much room, and I can hear the readership crying for mercy in my mind already. One more first: Atlantic City was effectively shut down, along with the rest of the world, on March 16, 2020, due to the pandemic. Jobs were lost, businesses were threatened, and many didn't make it, and worst of all, many of our fellow

New Jerseyans experienced the loss of loved ones. Since then, we've seen improvements in treatment and prevention, and we hope, above all else, that the worst of this blight is behind us and that this summer, we will embark upon a freeing up of our movement and enjoyment of each other's company.

Why Atlantic City? Living in New Jersey, I think we might be numbed to the absolute unique beauty of our shore, from top to bottom. Atlantic City's ocean and beach views are no exception. Also, if my grandmother is to be believed, a

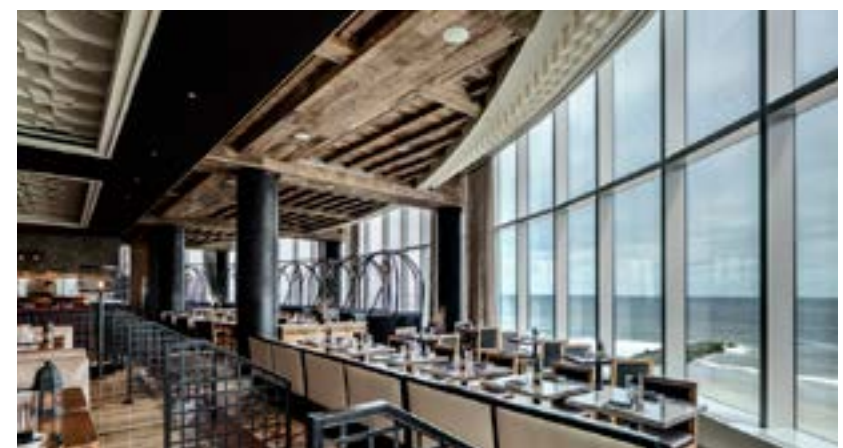
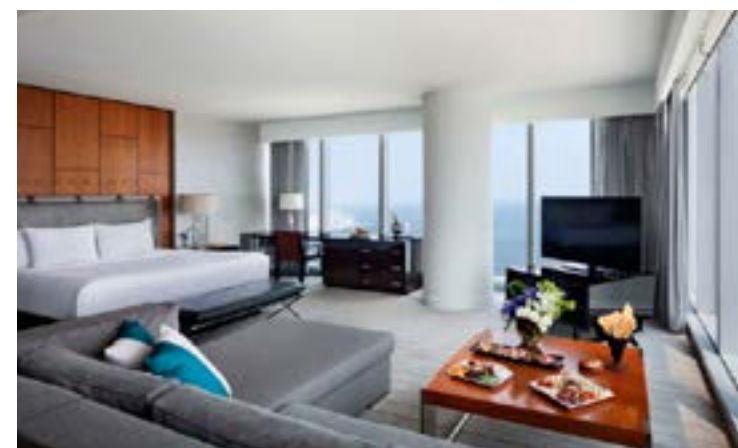
little salt air can reinvigorate your spirit. I think we also lose sight of how much there is to do in Atlantic City. I'm hopeful that at the end of this convention, we all find a place of pride for Atlantic City in our minds and on our tongues. I believe it is on the rise, and I'm betting on its success.

Why Ocean Casino Resort? It is the newest hotel and entertainment complex in Atlantic City. It's also the tallest. It's right on the boardwalk, and every room has a spectacular ocean view with floor-to-ceiling panoramic

On the boardwalk...cont. on page 18



Ocean Casino Resort



windows. Whether you have or haven't been there, I think you'll be surprised at just how beautiful it is.

Why go to the convention at all? First, ask anyone who's gone; it's always way more fun than it has any right to be. It's a unique opportunity to meet and be social with the people in our industry who you probably only speak to on the phone, or who you've emailed but never been able to meet in person. We're also going to have two two-credit continuing education classes presented

by the NJ Land Title Institute and the Grabas Institute, respectively. On Sunday, after registration, we're planning to have a dinner/mixer with casino games. Monday's meetings and speakers will be followed by an opportunity to either play golf at our charity outing, which will benefit the Multiple Myeloma Research Foundation, or to attend a distillery tour and tasting at the Little Water Distillery, or to spend time on your own exploring Atlantic City, or maybe even courting Lady Luck on the casino floor. After your afternoon of fun, we'll reconvene

in the evening for cocktails and our formal gala for dinner, presentation of awards (lots of awards!) and dancing with DJ entertainment. The fun never ends because we're planning to spill over after the gala to a private cash bar on the mezzanine level overlooking the casino. Tuesday morning, we'll gather together again for breakfast, golf awards, and closing remarks.

I can't wait to see you there. Let's agree to have a great time this summer in Atlantic City. It's a guaranteed win.

Registration can be completed on the NJLTA website by clicking the register button at <https://njlta.org/events/EventDetails.aspx?id=1564691&group=>. Members should sign up as soon as possible to get the \$25 early registration discount for a fee of \$275. The registration fee goes up to \$400 after the deadline. Golf registration is \$175 and the distillery tour is \$20.

Hotel registration (separate from the convention registration) is also open now. You can register online

at <https://theoceanac.windsurfer-crs.com/ibe/details.aspx?propertyid=15345&nights=1&checkin=06/12/2022&group=GNLTA22>. If you'd rather call to book a room, you can reach reservations for the Ocean Casino Resort at 866-50-OCEAN (866-506-2326) and reference the group code: GNLTA22.

If you have any questions about registration or anything else convention related, please don't hesitate to reach out to me or to Louise Haas, our heroic administrator,

at the information shown below.

Peter Casey Wall, Convention Chair,
p.wall@foundationtitle.com
856-834-2639

Louise Haas, NJLTA Executive Secretary
lhaas@njlta.org, 732-683-9660 ■



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John Frates has worked in the title insurance industry since 1985 as a title closer, examiner and reader. From 1990 to 1998, John served as regional claims counsel, commercial underwriting counsel and operations manager for two national title companies in New York and other states. Since joining Stewart in 1998, John has served in several capacities: Claims Counsel, Direct Operations Manager, and New York State Counsel. Following those positions John was named Executive Vice President and General Counsel for the New York Underwriter. In 2018 John assumed the role of Agency District Manager for New York and New Jersey. Also in 2018, John was promoted to President and General Counsel of Stewart Title Insurance Company. John also serves as Senior Vice President and Regional Underwriting Counsel/Senior Underwriter for Stewart Title Guaranty Company for New York and New Jersey.

John is a sustaining member of the New York State Bar Association, and an officer and member of the New York State Land Title Association (NYSLTA) executive committee. John also served as President of the Title Insurance Rate Service Associations, Inc. from 2016 to 2017 and is currently a member of the executive committee.

John earned his B.A. from Franklin and Marshall College and his J.D. from the University of Dayton School of Law. Currently, John is admitted to practice law in the states of New York and Connecticut.



Roberto Ditaranto, ESQ.
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Roberto Ditaranto joined Stewart in 2019 and has been a valued addition to the New Jersey underwriting team for the last three years. Prior to joining Stewart, Roberto started his title career as an intern in the New York Agency division for First American Title Insurance Company where he spent the last two years as associate underwriting counsel in their National Commercial Services division. He also served as a judicial intern for the Honorable William Meehan in the Bergen County Superior Court, where he reviewed cases pertaining to the New Jersey Fair Housing Act. Roberto has a diverse background of residential and commercial title-related experience and specializes in getting deals done in an efficient manner.

Roberto received his B.A. from Seton Hall University, his certification for paralegal studies at Fairleigh Dickinson University and his J.D. from Pace University. Roberto is admitted to practice law in the states of New Jersey and New York.



John P. Crowley, ESQ.
Associate Senior
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John Crowley is a reliable source of assurance for Stewart Trusted Providers™. John joined Stewart Title Guaranty Company's New Jersey operations in 2015, bringing a multifaceted legal background and extensive title-related experience. Prior to joining Stewart, John was an associate for a Boston-based law firm that represented clients during all stages of residential and commercial real estate transactions. He was also lead attorney for resolving all title-related issues. John also worked as in-house counsel for a corporate asset recovery firm, where he honed his talent for identifying potential business opportunities and implementing creative solutions for his clients. John is a valued resource, a reliable partner and a source of confidence on deals where success hinges on critical details.

John holds a B.A. from Florida State University and a J.D. from Suffolk University Law School. John is admitted to practice law in the states of New Jersey, New York and Massachusetts. John also is the Director of the Stewart Title Continuing Education School for New Jersey and Pennsylvania and is responsible for the development and presentation of CE and CLE courses in both states. John currently sits on the Board of Governors for the New Jersey Land Title Association and serves as Stewart Title's representative to the New Jersey Land Title Insurance Rating Bureau.



Kevin Guyon, ESQ.
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Kevin Guyon is the newest addition to this New Jersey underwriting team. He joins Stewart as an underwriter with over 25 years of experience in the title industry and expertise as a residential transaction specialist. Prior to joining Stewart, Kevin was senior title officer for a large, regional title agency. He also spent several years in private practice and served as claims counsel with a major title insurance underwriter. Some of his past roles include attorney, title officer, manager and settlement agent.

Kevin received his B.A. in political science from the University of South Florida and his J.D. from Loyola University School of Law. Kevin is admitted to practice law in the state of New Jersey and holds an active New Jersey title insurance producer license.

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Past Presidents Podcast Episode #2: Lawrence J. Fineberg, CTP



By: Peter Casey Wall

A few months ago, I got a phone call from a colleague who said, “Have you heard? Larry’s retiring.” Now I knew they didn’t mean Larry Usignol because he had already retired. I had just spoken to Larry Bell, and he didn’t mention anything about retiring, so by Holmesian deduction, I replied, “Fineberg.” I don’t know why. It wasn’t a question. I just uttered the singular name that is for many synonymous with New Jersey title insurance, for many good reasons. For the rest of the phone call, I held my USB version of the NJ Title Practice, or as we call it in my office, “Fineberg.” My

next call was to Fidelity National’s offices to try to see if I could schedule Larry Fineberg for an interview, before his retirement set in too strongly. I wanted to share this honor and responsibility with someone I was sure could help carry the conversation and keep it entertaining, so I am joined by Joe Grabas, CTP, NTP as co-interviewer. Throughout this interview, we will learn about Larry’s past, his experiences in the title industry, his views on some pertinent issues, and some really interesting

stories about growing up in title and passing the baton to the next generation. I hope you enjoy it. If you are a past president, be ready, the mics are open and ready for the next interview. ■ https://soundcloud.com/peter-wall-229558299/2-lawrence-j-fineberg-ctp?si=8704af-9880c54bde84636f1b21442966&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing





Does your property have access?

continuation from page 3

The ALTA 17.1-06 (Indirect Access) Endorsement can be issued if the property has actual vehicular and pedestrian access via an easement to and from a public right of way. Typically, the title insurer must also confirm reference to the easement either on a filed map or a separate recorded document. This endorsement insures that the property has access to a public right of way by virtue of this easement. The public road must also be physically open and maintained as of the Date of Policy. Lastly the insured also must have the right to use existing curb cuts or entries along that portion of the land that abuts the named street. As you can see, the ALTA 17.1 requires a bit more underwriting than the ALTA 17 endorsement.

An even more complicated issue is unimproved land. An unimproved or vacant lot may be landlocked at the time of closing. This does not mean that the property cannot have legal access. The parties may still be able to obtain legal access by creating an easement for the benefit of the property with the adjoining property owner. If this can be accomplished by the parties before closing, then the title insurer may be able to insure an appurtenant easement as part of the insured legal description. The parties also have the option to create the easement as a post-policy event. In this case, the easement cannot be insured as part of the transaction, but at least the buyer will not have a difficult time selling the property at a later date because of an access issue.

If a title insurer is asked to insure an easement for ingress and egress as part of the insured legal description, the easement must be appurtenant. An appurtenant easement benefits a specific parcel of land known as the dominant estate, and it also attaches to the ownership of the dominant estate. If the dominant estate is sold, the appurtenant easement will pass to the new owner, and if the servient estate is sold, it will remain subject to the easement. An appurtenant easement search must also be done on the servient estate to confirm ownership and if there are any potential encumbrances on title. If any senior interests in title are found, those interests must consent to and possibly subordinate their interest to this easement. Unfortunately, an appurtenant easement search can take just as long as a standard title search, so the title insurer must know as soon as possible if there is a request by the parties to have them insure an appurtenant easement. When reviewing a

recorded easement, the easement agreement should clearly define the specific purpose of the easement; however, if the easement agreement is not clear in its terms or provisions, then more information may be required from the parties to the agreement so the title insurer can confirm if the easement benefits the property.

As noted previously, a title insurer's ability to insure access is not necessarily a simple request. Instead, it requires a thorough review of both the abstract and the property itself. Please be careful when reviewing a lender's checklist on your next purchase or refinance transaction if an access issue comes up. Hopefully this article has provided some useful tips for the next time the lender has a question regarding access. ■

Roberto Ditaranto, Esq., is Underwriting Counsel for Stewart Title Guaranty Company. The opinions and views expressed herein are his own and should not be attributed to his employer or the NJLTA.

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By: David Penque, First Jersey Title Services Inc.

The American Land Title Association keeps us up to date with the ever-changing events and articles affecting our industry. Following are some of the news items that were found most relevant over the last quarter. Join the association today by going to <http://www.alta.org/membership/> and become a part of ALTA. Articles compiled by David E. Penque.

Delight Your Customers with Tech and Brilliance

December 8, 2021
<https://tinyurl.com/5n74p7d8>

Title companies are utilizing technology to deliver title commitments and policies faster to their customers. While handling record levels of business, companies are finding ways to keep costs down as home values continue to increase. A

simplified process is what your customers want and expect. They also need you when problems arise. Don't forget the personal touch as you drive for speed and efficiency.

Approaches to Addressing Illegal Covenants in Historic Land Records

December 9, 2021
<https://tinyurl.com/mr3y9tjv>

ALTA's Discriminatory Covenants Workgroup developed a publication that details the various approaches to addressing discriminatory covenants in the public land records. The document also highlights the pros and cons of each method, which include notification, repudiation, modification, and redaction.

ALTA Insights: Changes to ALTA Policy Forms You and Your Customers Need to Know

December 9, 2021
<https://tinyurl.com/yc25a3n3>

Advancements in electronic notarizations, changes in certain consumer and

creditors' rights law, and case law developments were primary drivers leading to the latest revision of the ALTA Loan and Owner's policies and numerous other ALTA forms and endorsements. The updated collection was published in July 2021 and is being rolled out. Listen to this SoftPro-sponsored webinar to learn why the forms were revised, the key changes, how to explain the updates to your customers, how to prepare for the new forms and when they will be used.

Do You Know All Your State's Title Laws and Regulations?

December 13, 2021
<https://tinyurl.com/bdhxjvfj>

Keep up to date with your state's title laws, regulations, customs, and practices. Developed by industry regulatory counsel, the TIRS State Compliance Guides help you stay on top of the local practices and state laws relating to your business' licensing and operating requirements. Your ALTA membership *ALTA Advocacy Update...cont. on page 26*

ANNOUNCEMENT:

Did you know you are reading an award-winning publication?

The Jersey Awards, celebrating creative design excellence in advertising, was held Wednesday, September 29, 2021, at The Grove in Cedar Grove. This was the 53rd Annual Event for the NJ Advertising Club, and it was in person. The exhibit and awards evening featured almost 160 winners out of more than 350 entries in seven categories, from print through digital, radio, and television.

For the second straight year, the NJLTA's quarterly newsletter, *Advocate*, won a First Place Award. This is the fifth year in a row we have won an award.

Announcement...cont. on page 27



ALTA ADVOCACY UPDATE
continuation from page 25

provides you with discounts on these publications.

20 Things to Love About '21

December 16, 2021
https://tinyurl.com/bdfzc6jh

2021, like 2020, continued to be shaped by the global COVID-19 pandemic. While the overall health of the economy may be uneven, from a title industry perspective, the past year has proved to be historic in terms of business. Reflect on all of the accomplishments and lessons learned as we start contemplating a new year energized by hope. There were many more great things that were achieved last year, but here's a look at 20 that were achieved in 2021.

Four Tips to Avoid Burnout

December 16, 2021
https://tinyurl.com/2p887bnw

What's behind the Great Resignation, which has resulted in the departure of 15 million workers since April of this

year alone? Blame burnout. It's the primary culprit behind the scores of people who have left jobs over the past six months, according to recent report from Limeade. Read on for practical and preemptive strategies from a title industry veteran to combat stress.

When an Easement Holder Ran So Far Away from the Easement's Purpose, It Lost the Easement

December 21, 2021
https://tinyurl.com/2p97ubry

Michael R. O'Donnell, Michael P. Crowley, and Kevin Hakansson, all of the law firm Riker, Danzig, Scherer, Hyland & Perretti LLP, provided today's review of a decision by the U.S. Court of Appeals for the Eleventh Circuit in a suit alleging that an ordinance triggered the easement's abandonment clause. Read on to learn why this decision is important to the title industry.



39 States Have Passed RON Legislation

January 4, 2022
https://tinyurl.com/bdduznty

New York became the 39th state to pass legislation allowing the use of remote online notarization (RON). The law is supported by the New York State Land Title Association (NYSLTA) and ALTA. ■



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continuation from page 25

I would like to take the time to send a very special thank you to the editorial board, committee members, advertisers, and all of the people who contributed in 2020. Without you, the success of the Advocate would not be possible:

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Heather R. Manfredi
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DATES TO REMEMBER

March 2022

15th-16th ALTA Springboard
Tampa Marriott Waters Street Hotel
Tampa, Florida

16th NLTA Board of Governors
www.njlta.org for location and/or login
information

April 2022

6th NJLTA Agency Section Meeting
and Seminar
www.njlta.org for location and/or login
information

May 2022

16th-18th ALTA Advocacy
Hilton Washington, D.C., National Mall,
Washington, D.C.

18th NLTA Board of Governors
www.njlta.org for location and/or login
information

June 2022

12th-14th NJLTA Annual
Convention
Ocean Casino Resort, Atlantic City,
New Jersey

Would you like your event or continuing education class included on this calendar? If so, please contact Maureen Crowley (Maureen.Crowley@fnf.com or 732-545-1172) for information.

Thank you!

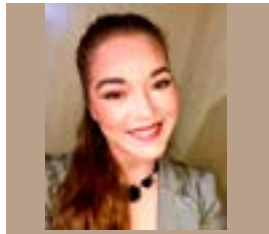
On the Move



Lyman Hopper



Rich Holder



Catie Stevens

Welcome: Lyman Hopper has joined Qualia as its new Senior Industry Relations Consultant.

Congratulations! Rich Holder has been promoted to New Jersey State Sales Manager for Charles Jones, LLC, and Catie Stevens has joined the company's sales department as its new Senior Account Executive.

Welcome! Agency Members

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Notes from the Editor By: Heather R. Manfredi, Editor-in-Chief

This year more than last, at least for me, I feel like we are finally coming out of the dark and that I am catching you at what I hope will be the tail end of the cold winter weather. We have gone through another event that caused trial and triumph, collaboration, and inventiveness. We have adjusted and succeeded in a time when many industries did not. We will have COVID-19 pandemic war stories to tell for the rest of our careers...at least until we face our next test. Shake off the dust, enjoy some stories, and update yourself with the plans and changes on the horizon for this year.

This issue also highlights the retirement of one of our long-standing industry

leaders, Larry Fineberg, the man who literally "wrote the book." I am sure I speak for all of us when I say thank you, Larry, for all you have left behind, all you have taught us, and for paving the way for the next generation of title insurance masters. Best of luck in all you do. Enjoy your well-deserved break, and try not to laugh at us all still toiling away in the trenches!

We are always on the lookout for the next agency for an Agent Spotlight Interview. Please reach out and let me know if you are interested in being interviewed and having your company featured in our next issue. ■

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