

Traps, Trip-ups, and Time Bombs: **New Jersey's Death Taxes**

By John A. Cannito, C.T.P.1

"In this world, **nothing is certain** except death and taxes." —Benjamin Franklin

Franklin's aphorism has been repeated so many times it has become a cliché to call it a cliché. While death and taxes

¹ John is New Jersey State underwriting counsel for AmTrust Title Insurance Company. His opinions are not necessarily those of his employer or the New Jersey Land Title Association.

may be certainties, dealing with the title aspects of New Jersey's inheritance tax and estate tax is often fraught with uncertainty2.

As Easy as A, C, D

The New Jersey Inheritance Tax is based on the amount received by an heir or testamentary beneficiary and the relationship of the beneficiary to the

² The third death tax that may be a title concern is federal estate tax, which is a lien for ten years from the date of death of the decedent. This article does not focus on federal estate tax. Currently the threshold for imposition of the tax ranges from \$5,120,000 (2012) to \$12,060,000 (2022). If dealing with a transaction involving an estate of this size, it is recommended that underwriting counsel be consulted for specific instructions.

decedent. Beneficiaries are divided into Class A, Class C, and Class D.3 New Jersey Inheritance Tax is a lien on all the property of the decedent for fifteen vears from the date of death.4 The "consent" of the division of taxation is required to transfer a decedent's property. This "consent" is provided in the form of an inheritance tax waiver, which can and should be recorded if dealing with real property. It is important to make sure the property being insured is listed on the waiver. If a

³ Former Class B has been eliminated. Charitable or nonprofit entities named as beneficiaries are sometimes designated as Class E, exempt. If dealing with a bequest to a Class E beneficiary, the entity's tax-exempt status should be verified.

⁴ N.J.S.A. 54:35-5. Traps, Trip-Ups and Time...cont. on page 3

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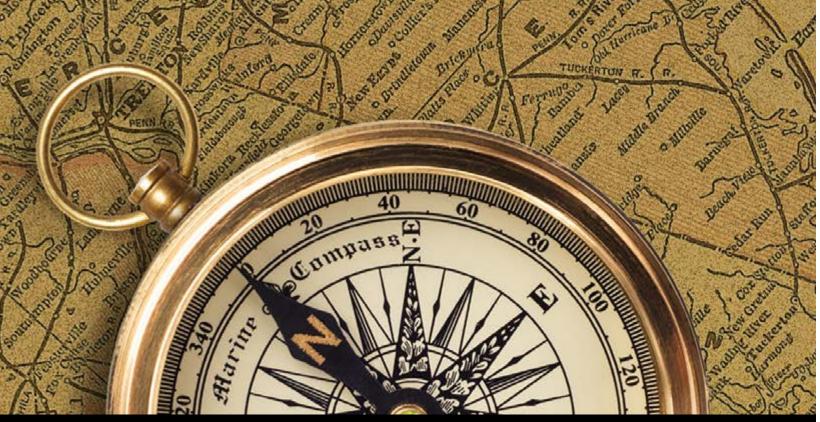
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Does Your Property Have Access?

continuation from cover

decedent owns property in a county other than the county in which the estate is filed with the surrogate, waivers need to be obtained and recorded in the county where the property is located. Technically, a waiver is required even if the beneficiaries are all Class A; however, many underwriters will not require the waiver as a condition of insurance. New Jersey inheritance tax is applicable to property in New Jersey, whether the decedent was a resident of New Jersey or elsewhere.

ADVOCATE

grandchildren, step-grandchildren, etc., are not. Class A beneficiaries are exempt from New Jersey inheritance tax.

Class C beneficiaries include siblings, daughters- and sons-in law, and spouses of civil union partners of a child of decedent. The first \$25,000 of a bequest to a Class C is exempt, the balanced is taxed between 11% and 16%, in stages.

Class D beneficiaries are everyone else. Class D enjoys no exemption amount and the entire will. Inheritance tax is a lien on all the property of the decedent, if there are Class C or D beneficiaries, the lien of the taxes due on their bequests will be a lien on real property, even if that property was bequeathed to Class A.

Joint tenants with right of survivorship . . . and the *right* to be taxed

One of the more mind-bending concepts that title insurance faces is the distinction between the legal or title estate, and the



Class A beneficiaries are spouses, civil union partners, domestic partners, children (including legally adopted children, mutually acknowledged children and stepchildren), direct lineal descendants (grandchildren, great grandchildren, etc.), and direct lineal predecessors (grandparents, great grandparents, etc. But "step" carefully, for while stepchildren are Class A, grandchildren and great

is taxed at 15% or 16%.

"Class Trips"

Watch out for mixed classes. While many, if not most, people tend to devise their estates to spouses and/or children, there may be occasions in which bequests are also made to Class C and D beneficiaries. Although you may be dealing with a property that was devised to Class A beneficiaries, it is important to examine

"taxable estate." In title insurance we are used to dealing with who is legally vested in title of record. When two or more individuals are vested in title as joint tenants with the right of survivorship, title to real estate, upon the death of a joint tenant, passes to the survivor(s) by operation of law, outside of the decedent's estate. For inheritance tax purposes, however, it is "... deemed a transfer taxable in the same

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By: Dawn A. Lagowski, NJLTA President

Who Am I Responsible To?

As we go into our spring market and "busy season," we all have more to handle, no matter how busy or slow you get through the year. Spring and summer are our times to shine. Have you ever sat and thought "I own a title agency," but who am I responsible to? Who can help me? There are lots of answers to both of those questions.

If you do a deep dive into who you are responsible to, owning your agency, it is an extensive list. You are responsible to your insured, naturally. You are responsible to your clients, if they are attorneys, realtors, lenders, or individuals. You are responsible to yourself, your employees, and the communities in which you work and serve. But never forget, you are responsible to your underwriter and the contract you signed with them.

When you think of all these responsibilities, it can be daunting and overwhelming. But there is a great starting place to get help: The New Jersey Land Title Association (NJLTA), and the New

Jersey Land Title Association Agency Section. Becoming a member gives you so much above and beyond continuing education. You could contact your peers and discuss what they do and how they do it, so you can gain insight into all the responsibilities you have. You are exposed to vendors who can help, from the searches you need to the insurance and cyber coverage we all must have in today's challenging technological environment.

By attending NJLTA functions, you get to meet with your underwriters outside of the regular work environment. Get to know them. They are here to help and protect you and your clients. Their guidance is invaluable. They understand the issues and risks, and they can impart knowledge that is only gained with experience. When you bring that found knowledge to your clients, you gain their trust. A trusted title professional is invaluable to all partners we work with in the real estate process. Push yourself to learn from them, take notes, make lists, review the answers until they are second nature to you. When you meet your underwriters, when you learn from them

and put that learning into practice, you are being responsible to your underwriter partners. And of all the things you do that needs to be done correctly to protect your agency and your business, this is one area you cannot skimp on.

So, join us. If you are a member, participate in the continuing education classes. Contribute to the Agency Section meetings so your voice is heard. Come to the convention, especially since we will be in New Jersey this year. What better time see what we are all about? Meet us all as people with common goals, not just your competition. Sit with us, talk, share a meal and drink. We have some fun along the way too. Be part of your industry. Go "all in," as they say. Running a title agency is a lot of hard work. Shouldn't you use all that's available to help you?

If you are not an Agency Section member, what are you waiting for? We offer a lot of value. We want to share it with you, and we want you to share your experiences with us. We hope to see you soon!



By: Scott Rutkay, President at Concourse Land Transfer, LLC

"It's funny, but practically all the people I know were strangers when I met them." —The Blue Dahlia (1946)

I've been doing a lot of traveling and have been meeting a lot of new people. Recently, it occurred to me that no one has ever asked what would seem to me to be the most important question: "Scott...do you know how

to title insurance?" I know it sounds silly to say it that way, but for me what it boils down to is, do you know how to accomplish the tasks that you are describing? Have you put together a group of individuals who can fulfill all the promises that you have laid forth? The fact is it has never come up. What's more likely to come up in a conversation is how my golf game is going (getting there), how the Devils are doing (not great), and what new restaurants in New York City have I most recently been to (email me for details).

Passion

I've been thinking about this a lot on my most recent flight to Atlanta. I was attending my first NASCAR race. My biggest client sponsors a racing team, and they wanted me to meet some of their largest brokers. I know nothing about NASCAR; however, I've come to find out the driver for the team, Jesse Iwuji, is incredibly impressive. Before becoming a race car driver, he attended the Naval Academy, where he played football as well as competed in track and field. After the academy, he worked on a mine countermeasure crew, deployed to Bahrain. It was in the Navy where Jesse

first started thinking seriously about becoming a race car driver and has gradually become a rising star in the Xfinity Series, with sights set on NASCAR's biggest races. I have no doubt that he'll reach them.

I had a chance to speak with him at a prior client event. He talked about his parents emigrating to the United States, before he was born, from Africa. He talked about how he felt about joining the military, and how important that was in his life. His parents fought so hard to be here, believed so much in the

American Dream, that he had to do something for the country that gave them so much. He talked about how important it was for him, an African American, to get involved in racing. For him, that meant especially NA-SCAR, which was traditionally a sport that is not necessarily known for racial diversity. For him, he explained, it was a calling, and as he talked, I believed it. The conversation didn't sound like just talking points, something he would repeat to everyone he met. He really believed in what he was saying. I found it impossible not to root for a kid like that. That evening, I had a chance to go out to dinner with the owner of his racing team and a couple of people from his management team. Jesse couldn't attend.

It was at that dinner when one of the owners of his team asked me what I did. I was prepared for the typical response to "I own a title insurance agency." It generally starts with the subtle glazing over of the eyes. Then, slowly, the person who asked turns their head to the side, scanning the room for someone's gaze. Their hand comes up in a half wave. "Maggie..." they say, "don't the kids have to go to bed soon?" They turn back to me, explain that they must get their kids to bed, and I never get a chance to say anything else. For some reason, our profession fills most people's hearts with dread. People know how to talk to realtors, they know what a loan officer does, and all of them have an idea what an attorney does. I have yet to meet someone outside of the industry who fully understands what it is I do.

"Title insurance?" The owner asked. The words hung in the air for a second, maybe two, before I answered. I began to explain to him what it was that we do in a transaction, how we can take on different roles deal to deal, and what is different between a settlement agent and a real estate agent. As I explained what got me into the business, and why I find it fascinating, a smile started to appear on his face. He wasn't particularly interested in how the sausage was made at my company; he was excited by my passion. I realized that was the exact



reaction I had to meeting with Jesse that afternoon. I never asked Jesse if he was any good at racing. It was sort of understood. I knew that if he wasn't great at that moment, he would be. He cared too much about it. I had no idea what it took to be a successful race car driver, and the owner had no idea what it took to be successful in a title company, but none of that really mattered. What mattered was that he was thinking the same thing about me, that I thought about Jesse when we spoke: If Scott wasn't a success, he would be.

Flying home, I was thinking about the event I watched. Jesse did not finish in the top 10 that day. In fact, what I found out is that he is really spending this year learning how to do the job he is so passionate about. Last year he was racing in trucks, this year, in a car. He had never raced at the Atlanta Speedway and had to learn the track before he would be successful racing on it. None of that really mattered though. He was just as positive as he was the first time I met him. He was just as passionate. No one watches me do my job. He's learning his under the microscope of television and fans in the stands. He truly understands what his success would mean for people of color, and he puts enormous pressure on himself to succeed. It's going to give me a lot to think about on days where deals are blowing up around me and people are calling the office nonstop, on days where I don't want to put in my full effort to move things along. I'll be ready for the time someone finally asks me if I know how to do title insurance. I do, and I'm damn good at it.

Agency Section Update

By: Lisa Dombrowski, Chair, Agency Section **Management Board**

We are back!

Our April 6 seminar and meeting was held in person. Can you believe it? After two years of dealing with COVID-19 restrictions, our industry is attempting to return to some normalcy.

In addition to the April 6 meeting and seminar, which took place at the Forsgate Country Club in Monroe, New Jersey, the NJLTA will return to holding its annual convention in person, this time at the Ocean Casino and Resort in Atlantic City, June 12-14. The convention is a great time and place to meet peers in the title industry. Sharing ideas and concerns with others, whether they be a peer, vendor, or underwriter, is beneficial on so many levels. I have met many people



in this industry by being involved in the NJLTA and attending conventions and seminars. It is very useful to have a network of friends and colleagues that I can discuss, share ideas and plans to continue to do business, considering the pandemic. With the convention taking place in our home state this year, I am predicting there will be a significant agent turnout. It's a great idea to send an employee to the convention as a reward; they can come back and report what they learned and experienced.

Now that it's spring, I can't help but wonder, where are we headed? The

spring market seems to be holding strong. What does the remainder of 2022 have in store for us with regard to the real estate market? According to the experts, 2022 will still be a strong market. Residential housing will again be subject to bidding wars and properties will be selling well over asking, even though interest rates are expected to begin to rise in the spring. Commercial markets seem to also have a strong outlook for the remainder of the year. It also seems that residential refinances have slowed down.

Agency Section Update...cont. on page 15





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

My Dad was a career independent title searcher. He lived through the Great Depression and served on the front lines of WWII as Army captain in the Philippines, only to face death as he wasted away from cancer at age 65 (many years before the wonderful treatments they

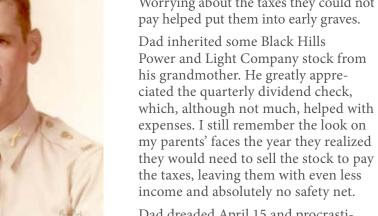
Independent

have today). But he admitted he feared Title Searcher only two things in life: missing a million-dollar mortgage on one of his and Warrior title searches and April 15 income taxes.

> Dad was self-employed. This meant he worked himself harder than any boss would have made him work. If he missed that million-dollar mortgage, regardless of whether it was his mistake or the county's, he knew he would lose the house, the car, and likely my mom, my sister, and me. There were sleepless nights from these thoughts, in addition to the post-traumatic stress night terrors the Army released him with after placing him in enemy territory, where Japanese snipers were a constant threat and war atrocities were abundant.

As the president of his fraternity at Grove City College (probably because of his ability to smuggle kegs of beer onto a dry campus), Dad was the life of any party. But WWII changed all that when he was drafted out of law school to serve the nation; first in the Aleutian Islands of Alaska (to stop the Japanese from attacking from the north) and later in the Philippines. As my mom reminded us, the man the Army returned home to her after four years of imposed military service was not the man she married.

Always good at sports, Dad's dream was 15, Dad had a huge bill to pay. Yes, he should have been paying quarterly to become New Jersey's premier sportswriter. With a degree in journalism, installments but could not because he buffed by a law degree, he was sure to did not have the money. So, it all came achieve his goals. But the war intervened due at once when he certainly did not and changed all that. After the war, Dad have it. To make matters worse, being self-employed, Dad was expected to also needed to support his wife and daughter (born in New Jersey while he was pay Social Security taxes, in addition to the income taxes he did not have. The irony is that neither Dad nor Mom lived long enough to collect Social Security. Worrying about the taxes they could not



in a hospital in Hawaii recovering from

malaria). Too ill to finish law school, he

took the job that was available to him:

an independent title searcher working

alongside his father, a lawyer and title

searcher himself. And Dad hated every

Independent searchers charged \$60

a continuation search. That rate was

career. My dad struggled to put food

for a full sixty-year search and \$30 for

little changed over the forty years of his

on the table. Searchers were paid by the

search, and the only way to earn more

was to work more. If the real estate

market collapsed for a year or two or

nine, you made less. Even then, you

always needed to find the resources to

States government, the same govern-

come annually to collect its share of

Dad and Mom lived hand to mouth.

Money earned was spent immediately,

could accumulate.

pay your partner, which was the United

ment that stole Dad's future and would

what meager earnings a disabled veteran

moment of it.

Dad dreaded April 15 and procrastinated each year to the degree that he would finish and sign his return at 11:30 p.m. He would then dash down to the loading dock at the rear of the Orange Post Office, where, in those days, postal employees greeted last-minute filers with a smile and a handshake. After years of this routine, my Dad knew these guys on a first-name basis, and they assured him his envelope would be post-marked as midnight, even if he was a few minutes late.

And then there was that year, toward the end of his life, when April 15 just did not matter to him anymore. He was more concerned with issues like trying to stay alive. So, I volunteered to help him with his return. Dad handed me a pile of bills and checks and invoices at 9 p.m. on April 15, a situation for which two semesters of law school taxation had not prepared me. This was before computer programs. It was before calculators. I envisioned all those April 15ths where, as a youth I would watch Dad stooped over the kitchen table, which served as his desk once the dinner dishes were cleared, his sweat dripping onto the return and smudging his entries with no

backup copy of the return available. And now it was my sweat. We got to medical deductions, of which there were many that year, and among the paid invoices was a Doctor Nord. "Dad," I said, "you can't deduct these expenses." "Why not?" he asked, to which I replied, "Because Dr. Nord is the veterinarian." But apparently he had been doing this for years as I checked prior returns, and, to my surprise, all doctors' bills, including Dr. Nord's, were inflated by about 200%. When I challenged him on all this he reminded me that I was not signing the return, he was, and by the time the IRS caught up with him he would be long gone. The IRS had turned my honest Dad into a crook. He, and how many other honest citizens were sick of government intrusion into their lives. That last year Dad was no longer afraid of April 15 and the IRS. And this was not a good sign. The only benefit of illness was that actual deductions offset income that year and my parents did not have to write a check to the government.

I drove the envelope to the loading dock of the Orange Post Office at midnight and handed it to the worker, who looked at the name on the return address and asked if I was George's son and to tell him Harry sends his best regards for a speedy recovery. That was Dad's final return.

And, of course, Dad, who spent his life worrying about being audited by the IRS or about missing that million-dollar mortgage, was never audited and never missed a mortgage.

George A. Stickel, Esq., C.T.P., is a third-generation, forty-five-year veteran of the title industry, now retired. George is a past-president and honorary member of the New Jersey Land Title Association and is a contributing writer for Advocate. This article is a personal recollection and opinion piece and does not represent the views of the New Jersey Land Title Association or the Advocate. He says kudos to all independent title searchers and veterans.









and they had no savings. So, on April



LEGISLATIVE COMMITTEE UPDATE

As of March 15, 2022, the New Jersey legislature has introduced 6,469 bills, all of which have been reviewed by committee head chair David Ewan and subchair John Cannito. Upon their investigation, the committee determined the following bills warranted further monitoring. A smattering of the bills the committee will keep under its watchful eye are as follows:

A793/S1427 Would create a "Community Wealth Preservation Program"; will expand access for certain buyers to purchase property from Sheriff's sales.

Reported out of assembly committee with amendments, second reading on 3/14/2022.

A983 Would criminalize certain actions of individuals who offer rental of residential property they do not own or legally possess.

Reported out of assembly committee with amendments and referred to assembly judiciary committee on 3/7/2022.

A2132 Would permit municipalities to adopt ordinances to enforce certain landlord code violations as tax liens.

A2340 Would require additional surcharge on certain documents filed in certain county offices to support affordable housing in certain populous municipalities.

A2552 Would establish a "common interest community task force."

A2909 Concerns the time frames for establishing or enforcing property rights related to adverse possession.

Introduced, referred to assembly judiciary committee on 2/28/2022.

A2996 Would eliminate the transfer inheritance tax.

Introduced, referred to assembly commerce and economic development committee on 2/28/2022.

A3081 Would direct division of consumer affairs to establish public information campaign concerning real estate rental scams.

Introduced, referred to assembly consumer affairs committee on 2/28/2022

A3437 Would create searchable website for certain records available through open records request.

Introduced, referred to assembly state and local government committee on 3/8/2022.

S2217 Would eliminate transfer inheritance taxes on brothers and sisters of a decedent.

Introduced in the senate, referred to senate budget and appropriations committee on 3/7/2022. ■

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Agency Section Update

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This upcoming convention will be the end of my term as the Chair of the NJLTA – Agency Section. The last two years is not how I envisioned my term as chair would be. I am content that it will conclude with an in-person seminar/meeting and our annual convention; however, there are a few goals I wish I was able to achieve while being chair. First and foremost, getting more agents involved in the association and what it stands for. The saying "it takes a village" is just as prominent in the title industry as any other place. It takes a vast community of New Jersey title agents to interact and come together to accomplish growth within the association. Participation is the key to success. Second, I would have liked to see roundtable events where agents can discuss issues and topics that affect our industry. Last, I was hoping to achieve a program within the association that helps agents with training new individuals. As an owner of a small agency, I know the struggles of finding the right fit, and finding the time to train a person is a whole other concern. These are just a few of the ideas I had hoped to work on while being chair. I am completely confident that the next round of board members will achieve great things for the association. I am looking forward to continued involvement with the NJLTA and being a major part of "the village."





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> > \$554 MILLION

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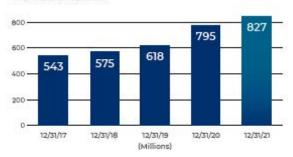
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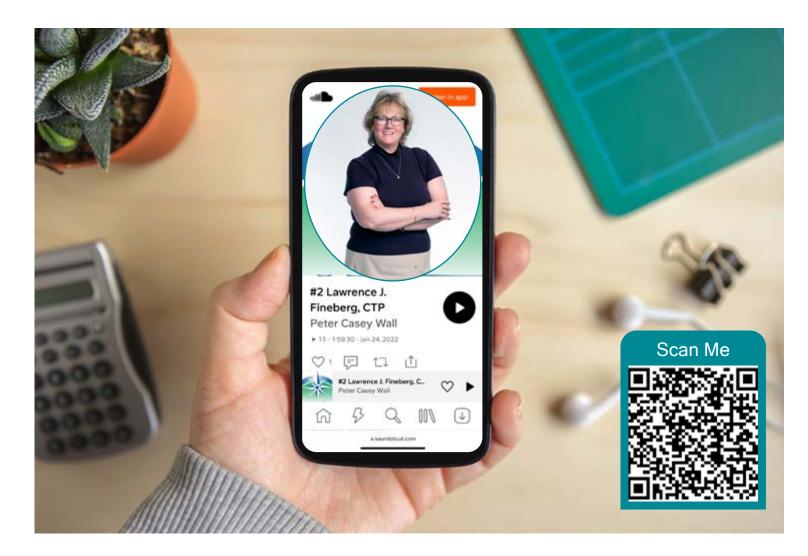


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Form 10-K for 2021 for Stewart Information Services Corp. which can be found at stewart.com 4th quarter 2021 Statutory statement which can be found at stewart.com © 2022 Stewart. All rights reserved. | 855967834

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Past Presidents Podcast, Episode 4: Nancy Koch Mest, 1994-95



Interview by Peter Casey Wall

In this episode, I sit with Nancy Koch Mest in the offices of her former employer to chat about her life in title and other things. I respect Nancy professionally but didn't know too much about her personally—we rectified that by getting into her family's influence, her Rutgers education, and her life with the association. I found out that we had a lot in common and enjoyed every minute of this talk. I hope you enjoy this episode too.

We are planning to record our next episode on June 14, 2022, immediately after the completion of the NJLTA convention at Ocean Resort in Atlantic City. We have an appointment with our current but soon to be past-president, Dawn Lagowski, for the first-ever NJLTA presidential exit interview. I hope to see you at the convention. If you'd like to sit in the audience (or to be the audience) for this planned interview, reach out to me, and we'll print tickets and let security know to let you in.

https://soundcloud.com/peter-wall-229558299/nancy-koch?utm_source=clipboard&utm_medium=text&utm_ campaign=social_sharing



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.

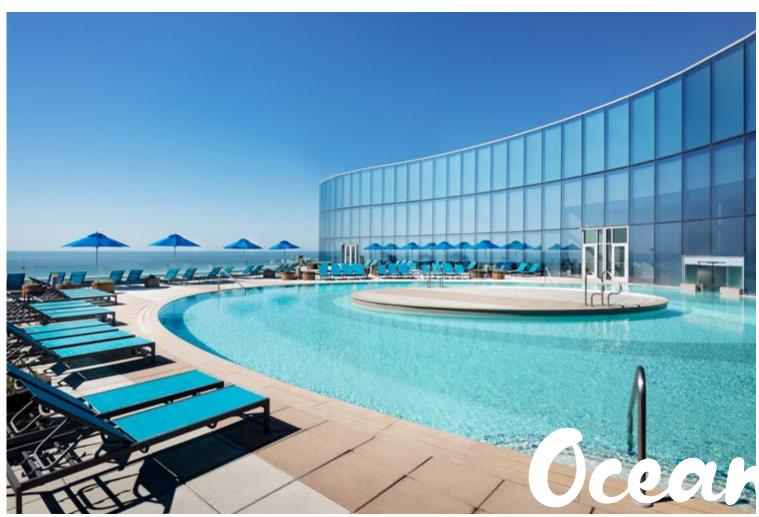
Why Atlantic City? Living in New Jersey, I think we might be numbed to the absolute unique beauty of our shore, from top to bottom. Atlantic City's ocean and beach views are no exception. Also, if

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

On the boardwalk...cont. on page 20

(18)-----









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?prop-ertyid=15345&nights=1&check-in=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 ■

Convention Update continuation from page 19

view with floor-to-ceiling panoramic 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.

20)-----

Traps, Trip-ups, and Time Bombs: **New Jersey's Death Taxes**

continuation from page 3

manner as though had belong absolutely to the deceased joint tenant . . . "5 This means not only that the deceased joint's tenant's interest is presumed to be part of the decedent's taxable estate but the full value of the property is included as part of the decedent's taxable estate. The statute does provide that the survivor(s) may prove to the satisfaction of the division of taxation, but the burden is on the estate to establish that the property did not belong, ever, to the decedent. Nonetheless, for title insurance purposes, especially if an escrow fund is being established to provide for payment of inheritance tax, the amount to be held in escrow must take the full value into consideration. If the joint tenants are Class A beneficiaries with respect to each other, the Class A exemption applies. But if the joint tenants, as often happens, are siblings, other relatives or unrelated parties we must assume that the estate is subject to taxation until a waiver has been recorded covering the property in question.

Gone But Not Forgotten

What is "taxable estate" also arises in the context of gifts in contemplation of death. A transfer of property made without adequate consideration within three years of the grantor's death is presumed by statute to be a gift in contemplation of death and therefore part of the decedent's taxable estate. Again, the burden is on the estate to demonstrate otherwise to the Division of Taxation. 6 If the chain of title discloses a conveyance for nominal consideration, or what appears to be less than the full value of the property, in addition to what other "red flags" a dollar-deed may signal, proof will be required that the grantor is still alive if the conveyance is within the last three years.

⁵ N.J.S.A. 54:34-1f

⁶ N.I.S.A. 54:34-1c



It is necessary to be especially careful with conveyances in which the grantor(s) reserve a life estate, a right to occupy the premises for as long as they are alive. Even if such a transfer is more than three years ago, the property may still be considered part of the decedent's taxable estate.

It is beyond the scope of this article

Trust No One

to address all the title considerations involved with transactions by trusts; however, if the creators or settlors who established a trust which is in title, are deceased, there may be tax implications. These may be related to the conveyance to the trustee being considered a gift in contemplation or may be "control issues." The tax authorities (as noted above) are frequently more "result oriented" than concerned with legal or record title. In this context, the division of taxation is more focused on who retains control of the property and how it is disposed than how title is nominally vested. If the individual(s) who created the trust retain any control over the property it may be considered part of their taxable estate when they die. If a trust is revocable (that is, the individuals who created the trust have the power to terminate the trust) it is virtually a certainty that property vested in the trustees will be considered part of the decedent settlor's estate. Even if you are dealing with an "irrevocable trust," there may be situations in which the parties who created the trust have retained some discretion or control that may subject it to taxation.

Some Things Never Die

In 2002 New Jersey Estate Tax, although it has existed for some time, became a lien on property for decedents dying after December 31, 2001. It was in effect until December 31, 2017. From 2002 through 2016 the tax was due from estates valued at more than \$675,000 For the year 2017, the threshold was \$2,000,000. It was repealed for decedents dying in 2018 or thereafter. But that doesn't mean it is gone completely. Unlike the class system for New Jersey Inheritance Tax, New Jersey estate tax was based on the value of the estate. The obligation to file a New Jersey estate tax return was triggered when the gross value of the estate in question exceeded the threshold, whether any tax was determined to be due and payable. Proof of payment is by recording of a waiver. For the years the estate tax was in effect, the waiver covered both New Jersey inheritance and New Jersey estate taxes. The New Jersey estate tax was applicable to New Jersey residents, but not to out of state residents even if they owned property in New Jersey. All of the abovedescribed issues dealing with joint tenants, gifts in contemplation of death, trusts, etc., would also be applicable with respect to New Jersey estate tax.

Although the tax is now gone for estates after 2018, the liability and the lien still remain for estates that arose while the tax was in effect. The formula for calculation is not as straightforward as Inheritance Tax, which is based on a percentage. The table in the estate tax return for the years 2002 through 2016 may be of assistance, as is an estate tax calculator available on the Division of Taxation's website for the year 2017. If it is necessary to establish an escrow for unpaid estate taxes, the underwriter should be consulted.

Now the time bomb . . . there is no statute of limitations on New Jersey Estate Tax. Unlike inheritance tax, which is a lien for fifteen years, there is no expiration date for New Jersey estate tax. If you are dealing with an estate of a New Jersey resident who died during the years 2002 through 2017, proof is required that New Jersey estate tax was paid or was not due and owing.

The above does not cover all the scenarios that may arise. As always, contact your underwriting counsel to review specific questions and situations.



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By: David E. 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. Here 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/.

Study Finds RON Drives Impactful ROI for Title Agents, Lenders

February 10, 2022 https://tinyurl.com/4px769zx

Title agents can save up to \$100 per transaction and lenders up to \$444 per loan when electronically closed with Remote Online Notarization (RON), according to a study by MarketWise Advisors.

ALTA Board of Governors Approves Revised Forms, New Endorsement

February 10, 2022 https://tinyurl.com/mtwu3h9x ALTA's Board of Governors approved a recommendation to adopt several revised ALTA Policy Forms and a new American Lands Waivers and Consents Endorsement during its winter meeting Feb. 1.

NEW: 2022 Claims Guide Now Available

February 15, 2022 https://tinyurl.com/yc7yfwub

We know you've been waiting: The 2022 Title and Escrow Claims Guide is now available in print and digital versions. Packed full of practical analysis, the 1,754-page volume adds more than 100 court decisions not found in the 2021 edition. An ALTA membership pays off yet again, providing you with \$120 off the non-member price.

ALTA Insights: How to Select a RON Provider

February 23, 2022 https://tinyurl.com/mrxcvsvy

If you're not already in the digital closing game, selecting a RON provider may seem daunting. The volume of closings

completed via remote online notarization will only escalate as 39 states have now passed RON legislation. Register for this free ALTA Insights webinar to learn about the core functionalities you'll want from any vendor. Sponsored by Dell Technologies, "How to Select a RON Provider" will teach you about the requirements tech providers must meet to receive a MISMO RON compliance certification. These universal standards include credential analysis, borrower identification, electronically capturing and maintaining a recording of the notary process, audio and video requirements, record storage and audit trails. You'll also hear from a title company executive who will share a punch list of items to consider before selecting a RON partner.

Do's and Don'ts for Winning Realtor **Business in a Purchase Market**

March 3, 2022

https://tinyurl.com/2e7kwayb

It's no secret by now. The title industry has changed gears for its first competitive

ALTA Advocacy Update...cont. on page 26



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ALTA ADVOCACY UPDATE continuation from page 25

purchase market in years. With that pivot comes the change of marketing focus from lender to real estate professional agents and brokers alike. Read on for some direct tips from real estate professionals to title agents who'd like to win their business.

Women's History Month: Title Industry Proves to be Successful Career Path for **Female Entrepreneurs**

March 8, 2022 https://tinyurl.com/yeynct25

Women comprise more than 70% of the title industry workforce. That equates to more than 100,000 women working in the industry. It's a significant percentage and important to be recognized as the country celebrates Women's History Month in March. Read on for a stories from several women who have found successful careers in the title industry. Share your story in the comments section.

War in Ukraine Increases Cyber Risk: **Social Engineering Red Flags**

March 9, 2022 https://tinyurl.com/2wbhbfdu

Cyberattacks on businesses and government agencies have increased following the Russian invasion of Ukraine, with the risk of spillover cyberattacks against non-primary targets becoming much more widespread. Experts also expect an increase in sophisticated social engineering schemes centered around the war. Read on for some red flags to help protect yourself and your company.

ALTA Develops Template to Help Companies Respond to Cybersecurity Incidents

March 10, 2022 https://tinyurl.com/4rr6f3bt

ALTA created a cybersecurity incident response plan template to help member companies develop a structured strategy to prepare for, identify, respond and recover from cybersecurity incidents.

N.Y. Governor Signs Bill Amending **RON Law**

March 22, 2022 https://tinyurl.com/mrt3ur63

New York Gov. Kathy Hochul signed into

law Senate Bill 7780, which makes significant updates to the prior remote online notarization (RON) bill that was signed in late 2021. New York became the 39th state to allow RON. Among other things, the amendment moves the effective date the state's notaries can conduct RONs to Jan. 31, 2023, and starting Feb. 24, 2022, the bill temporarily authorizes notaries to perform notarial acts using a video conference notarization process, known as remote ink-signed notarization (RIN), until the full RON law goes into effect.

ALTA Good Deeds Foundation Provides Emergency Grant for Ukrainian Relief

March 22, 2022 https://tinyurl.com/yj8fx6s3

The ALTA Good Deeds Foundation awarded a \$10,000 emergency grant to the World Central Kitchen (WCK), a notfor-profit organization devoted to providing meals in the wake of natural disasters. Founded in 2010 by celebrity Chef José Andrés, WCK currently is serving thousands of fresh meals to Ukrainian families fleeing the devastation as well as those who remain in their country.



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Agent Spotlight Interview











An Interview with Justin Steinberg from Core Title

By: Sara G. Valenz, Esq., Doma Title Insurance, Inc.

This interview has been condensed and summarized.

Justin, thank you so much for your time today. Can you provide our readers with a brief history of Core Title?

Thank you for having me. Core was founded in August of 2011 by David Danheim, Ann Brennan, and myself. David and I met at a different title agency a few years earlier and wanted to try to do things a little differently on the front-facing customer end of things. Ann was an owner at Garden State Abstract at the time. We both shared Old Republic as an underwriter and

they were willing to take a chance on us. Ann had a lot of North Jersey business, and David and I were primarily South Jersey. After Ann and her team joined us we grew rather quickly and certainly benefited from Ann's 29 plus years of knowledge and experience.

I am guessing you did not grow up wanting to be in the title business. When did you first learn about it?

My first memories of the title business were going to Integrity Title to pick up checks post settlement for the appraiser I worked at. That's where I met David. I slowly learned more about the title insurance business and that it was a necessary part of the real estate transaction, the sales side of things, and the back-end workings. The abstract, all the magic that happens with examiners and processers. I am appreciative of the opportunity I had at Integrity of getting to learn from examiners there.

So it sounds like you were in appraisals first. Can you describe the career path that brough you to Core Title?

It was all over the place, but I say that in a good way! I graduated from Hunter College with an English degree in comparative literature. I thought I would eventually get my Ph.D. and teach English at the collegiate level as education was always of interest to me; however, I needed to get to work to help my family. I learned about MBA appraisals from a family friend and got a job there. I did field inspections, learned about the back end of comps and creating appraisal files for lenders in New Jersey. I also worked at a restaurant in Collingswood, New Jersey, at the same time. I was working 70-80 hours a week at both jobs. When the opportunity opened at Integrity, I took it and consolidated those two jobs to one. I'm grateful for that opportunity and also the one to open up Core with my partners now.

What is the best advice or words of wisdom, whether personal or professional, that you have received?

At Core, David and I are primarily responsible for the business development side of things and making sure the service our back end provides is given properly to our attorney and lender partners throughout the state. One thing I learned from the sales side of things was told to me by another legend in the industry, Joe Ryan, who founded Congress Title. A saying he used to have was—there are the 9 to 5ers and then 5 to 9ers. It was important for me to learn that early on, to know that the real estate world doesn't necessarily shut off at 5 o'clock and balance that with having a healthy home and work life. A lot of business gets done from five to nine at night, and being available for and supporting your clients goes a long way.

What do you think is the most significant issue facing the industry?

more title producers because there aren't enough people going into the industry and acquiring the knowledge and experience. This is one thing that everyone I have met in the last 15 years in this industry has mentioned. We have also gone through the process of trying

to find more title producers since our inception in 2011. Nothing we do is really taught in school, you need to learn in some type of apprentice form. There is a lack of individuals capable of perform-

Right off the bat, it is difficult to find

ing these tasks. As legacy individuals leave, I am not sure what the industry is going to do. There aren't enough title producers or people learning the business. We should be focused on that.

Additionally, a significant issue is cyber fraud, since much of what we do now happens online. Making sure the information stays secure, fighting the criminals that are coming up with new schemes every month, the threat against personal data and learning to access people's money in different ways. It is going to get more complicated as we rely on technology and the internet more and more. How we manage the cyber threat is something we all need to be on top of and aware of and find ways to combat the criminals out there.

If you were not in the title industry what other profession would you be in?

If I wasn't in title? I have another business that I started in the past few years. I brew beer. I have a brewery. It is different than the title space, but I love both businesses for different reasons. If I didn't have title, I would primarily be in the beer business and just be brewing beer or helping to grow that company as well

?

American Land Title Association (ALTA) Springboard 2022 The Highlights

By: Brian Teel, President and CEO, Investment Title

Location: Tampa, Florida, March 15-16, 2022, at Marriott Water Street Hotel

Good Deeds Foundation raised more than \$900,000 as of the convention

Idea Festival Sponsored by First American: The Secrets of Influence – Jon Levy

Ideas Festival Sponsored by FNF Family of Companies: Shift Your Brilliance – Simon T. Bailey

Career Advancement Talk: Staffing Solutions: Brand New or Open Box – Nancy Gusman

Career Advancement Talk: Become an Inspiring Leader – Wayne Stanley

Leadership Breakfast Hosted by Women in Title: Negotiating for Your Life: From Higher Salary to Life Satisfaction (And Everything in Between) – Dr. Meg Myers Morgan

Ideas Festival Sponsored by Westcor: Human Centric Digital Transformation: Strategy Articulation – Kate O'Neill

ALTA Springboard 2022 was the first in-person Springboard since Denver, Colorado, in March 2020. The crew at the American Land Title Association selects different locations around the country, routing from East Coast to West Coast. This year, the event was held at the Marriott Water Street Hotel in sunny Tampa, Florida, near historic Ybor City. The purpose of Springboard is to bring together title agents and underwriters, vendors, and colleagues from different states to create collaboration, interest, and excitement about our work.

ALTA kicked off Springboard this year



with a vibrant and festive happy hour mixer in support of its Good Deeds Foundation, which supports the charitable efforts of title professionals as they work to build and strengthen local communities. This year the foundation is close to raising \$1 million dollars and has given out twenty \$6,000 grants and one larger for \$10,000 in support of Word Central Kitchen, a worldwide charity that provides meals to people in need in the wake of natural disasters. The organization continues to look for donations to continue their work supporting local charities. To donate, you can travel to their website at www. altagooddeeds.org.



The biggest gatherings at ALTA Springboard are the Idea Festivals. Everyone in attendance gets to experience a talk from an inspiring, amazing speaker, and then attendees discuss how to take the ideas presented further into Knowledge Communities, which are small group discussions. The Idea Festival speaker who left the biggest impression on me was speaker Jon Levy, who presented a talk on The Secrets of Influence. He discussed how to use influence in a positive way and to support growth of employees. With a simple equation of "influence = (connection × Trust) Community"

he drove home that making connections with employees, customers, and vendors all begins with trust. Through trust we gain influence that can affect the actions of the people that surround you as a manager, coworker and owner. In addition to the influence equation, he described the vulnerability loop. The vulnerability loop uses the simple premise that being vulnerable to others signals that you have trust with them. The loop is created by both sides being vulnerable and returning the vulnerability. That exchange of vulnerability grows trust, and trust and connection grow the influence you can use to build your business and your brand.

Springboard also offers a unique experience with Career Advancement talks. I attended "Brand New or Open Box" with Nancy Gusman. We dove into discussions about hiring new employees and training them from scratch as well as hiring highly experienced experts. That discussion led to how salaries would be calculated and the impact on culture. Many people felt that if you have time to train brand new employees it is better because they lack any industry habits, positive or negative. Also, those brand-new employees are great because you can build your culture with them from the start. The end goal, whether they are brand new or open box, is that you want the best employees who fit your culture and also perform at the expected level.

Another career advancement talk I attended was "Become an Inspiring Leader" by Wayne Stanley, who is a

ALTA Springboard 2022...cont. on page 33

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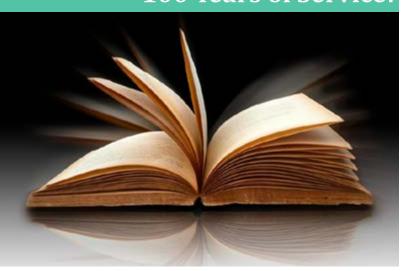
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AMERICAN LAND TITLE ASSOCIATION (ALTA) SPRINGBOARD 2022 THE HIGHLIGHTS

continuation from page 30

generally inspiring person, and his talk looked on the surface to be an observation of what it takes to be an inspiring leader, but it ended up being so much more. Together, we discussed different types of leaders, and I concluded that I am more of a servant leader instead of the other types of leaders. Servant leaders use skills like empathy and listening to grow connections and trust within their community, to build a strong culture and a cohesive group of coworkers. Although other types of leadership were discussed, some of them are not always the best for company growth and reinforcing company culture.

Being a man in an industry that is predominantly comprised of a female workforce and having two incredible business partners being women, I felt compelled to attend the "Leadership Breakfast Hosted by Women in Title: Negotiating for Your Life: From Higher Salary to Life Satisfaction (And Everything In Between)" by Dr. Meg Myers Morgan. Being one of three men in the room was awkward at first, but you do not grow if you always stay where you are comfortable. Dr. Myers talked about how women do not always negotiate in business and life. I considered my own staff while sitting listening to her speak about women in leadership roles and negotiation and thought about how I can use this information to keep building strong independent women in the industry and around me. Through ALTA she gave everyone a copy of her book, which I have since shared with my staff for their own personal and professional growth.

ALTA Springboard brought about 300 people together in person for an engaging convention that connected vendors, agents, and underwriters. Everyone made connections and gained something of value to bring back to their own communities. I suggest that managers and owners attend these conventions at least once to see what the world of title is outside our little state of New Jersey.

Claim Your Post-Nominal

By: Joseph A. Grabas, CTP, NTP

In our profession and in life, we often interact with individuals who have letters following their name: ESQ, PLS, NTP, GRI, RAA, CPM, CLU, GAA, PE, MBA, etc. What do these acronyms mean? Regardless of the discipline or profession, they mean that the individual has attained some special education, award, or designation that sets them apart from others in their industry. It shows that they are career-minded individuals who have invested themselves in their profession beyond the mere collection of a paycheck.

Usually bestowed by a university or trade organization, a post-nominal reveals that the individual has attained status that allows them to proudly display their accomplishments in an abbreviated form, not to brag about their history but to accelerate their future within their chosen vocation. Would you rather work with Jay Jones or Bob Smith, CRS, e-Pro, MCNE, SFR? It is obvious that Bob has invested in his career and hopefully will invest the same effort in you.

Many within the New Jersey title industry hold an insurance producer license, which requires 20 hours of education and an examination—certainly an accomplishment but only at the basic level. It cannot be compared to seven years of schooling for lawyers, or four years for surveyors and engineers, or for that matter ten years of actual experience in the title insurance business. (There is no comparable education format for the title industry.) Individuals who wish to embrace title insurance as their life's work must invest themselves in the profession, acquiring knowledge on the job and improving themselves every day, thereby attaining one of the post-nominals that recognize that effort.

Other types of insurance have their own professional designations, e.g., CLU – Chartered Life Underwriter, CPCU – Chartered Property Casualty Underwriter, CIC – Certified Insurance



Counselor. In New Jersey, since 1990, the New Jersey Land Title Association has awarded the designation of CTP -Certified Title Professional to thirty-two title professionals. The designation owes its genesis to past-president MaryAnn Tomanelli (1990-1991), a pioneer in our industry, being only the second woman to serve as president of the NJLTA, in an industry that is now predominantly powered by women. She was followed by other venerable title pros: Lydia Fowler Bell, Nancy Koch, Amy Holder, Beth Ann Way, Terry Gupko Swope, Maureen Crowley Unsinn, and Lisa Aubrey, all Certified Title Professionals.

So, what is preventing you from furthering your career and claiming your post-nominal letters? If you are a title veteran of more than ten years and hold an insurance producer's license, you are well on your way. The CTP Program https://njlta.org/page/CTP-Designation requires a combination of experience-service-education. It requires you to get involved. Don't think of it as a requirement, but rather an opportunity to supercharge your career and recognize all your hard work. It is also the gateway to being recognized on a national level by the American Land Title Association as a National Title Professional (NTP) (there is currently only one in New Jersey).

Review the CTP Application and see if you have what it takes. Personally, I have found that the CTP post-nominal has opened doors for me to expand my career in ways that I could not have imagined thirty years ago, when I was first honored with the designation of Certified Title Professional. I'm sure it can do the same for you.

Joseph A. Grabas, CTP, NTP, is a forty-four-year veteran of the title industry, past-president of the NJLTA and chairman of the CTP Committee. After years of operating his own title agency, he is now chiefly employed as a title educator and forensic title expert.

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DATES TO REMEMBER

May 2022

11th ALTA Insights

Build a Tech Stack that Improves the Bottom Line

www.alta.org to register for this Webinar

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

July 2022

17th-19th ALTA 2022 Large Agents Conference

Park Hyatt Beaver Creek, Beaver Creek, Colorado

www.alta.org to register

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

Congratulations! Richard Eland, a former NJLTA President, is on the move. He has joined Two Rivers Title as a senior title examiner/title attorney.

Changes in Ownership

OceanFirst Financial Corp., which is the holding company for OceanFirst Bank N.A., announced the company has signed an agreement to acquire a majority interest in **Trident Abstract Title Agency**, **LLC.** Upon closing, Trident will operate as an independent subsidiary of the company.

Welcome! _____ Affiliate Member

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

Hello, constant readers and new friends! May your knowledge bloom after reading this issue like the flowers of spring. A lot of our writers used this issue to state their case on why you should attend this year's annual convention, and I will add on by saying you should listen. The convention is in Atlantic City this year, so basically in your backyard. The networking, camaraderie, and good times to be had are like no other. I always leave the convention smarter than when I arrived, and with a few more friends and business contacts. Hoping to see you all there.

I would also like to take a moment and recognize the amazing job our two new editors, Jana Segarra and Lisa Aubrey, are doing in their new roles. They met the challenge and have risen above. They brought new processes to the table, which have helped the editing process immensely. Thank you, both, for everything you do and for playing your part in making *Advocate* as successful as it is.

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



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