

# The New Jersey Title Insurance Act: Where We Were; Where We Are; Where We Are Going

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

"After changes upon changes We are more or less the same After changes we are More or less the same"

-Paul Simon

"There is nothing so stable as change."-Bob Dylan

The next two years, more or less, mark New Jersey's golden anniversary of The Title Insurance Act of 1974 (the "Act"). Although that is the official name of the law<sup>2</sup>, it was not enacted until 1975<sup>3</sup>. While there have been some revisions to the Act in the last half century, by and large it is in effect today as it was written. This is the first of a series of articles to be published in the *Advocate* over the

next couple of years exploring the Act and the evolution of the title industry since then. It is probably fair to say that the "title industry" itself has changed more than the Act.

Among the topics that will be visited in future articles will be: Underwriting standards; Funding and Good Funds; The relationship between the lending industry and title insurance; Commissions, rebates and business sources; Rate and form filings and the role of the Rating Bureau; How the Insurance Producer's Acts relate to the Act; And lastly, does the Act still work today?

<sup>1</sup>N.J.S.A. 46:17B-1 et seq.

<sup>2</sup>N.J.S.A. 46B:2

<sup>3</sup>Interestingly, the federal Real Estate Settlement and Procedures Act, RESPA, 12 U.S.C. section 2601, et seq. was also passed by Congress in 1974 and became effective in 1975. An analysis of RESPA will need to await another anniversary by someone more ambitious.

Prior to the Act, there was little regulation and oversight in New Jersey specifically dealing with title insurance. There were apocryphal tales of abuse, kickbacks, and other alleged and actual nefarious acts which the Act hoped to address, in addition to establishing a regulatory structure of the business of title insurance.

The Act is something of a paradox when viewed with today's eyes. Parts of it seem archaic, such as the minimum

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# The New Jersey Title Insurance Act: Where We Were; Where We Are; Where We Are Going

## continuation from cover

financial requirements to start a title insurance company (that is the underwriter, not an agent)4; or the definition of an "approved attorney". While other provisions are remarkably prescient. With respect to record keeping, the Act states, "In lieu of retaining the original copy, the title insurance company or the agent of a title insurance company may, in the regular course of business, establish a system whereby all or parts of these writings are recorded, copied, or reproduced by any photographic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for reproducing the original.". The storage media mentioned in the Act may be antiquated, yet current technology (and what has come in between) is reasonable and has been comfortably accommodated.

This article will take a peek at some of the sections of the Act which will not be addressed at more length, as listed above.

N.J.S.A. 17:46-1 defines certain words and phrases. The first to be defined is, naturally, "Title Insurance", followed by the "business of title insurance". The definitions themselves are what might be expected, "... insuring, guaranteeing or indemnifying owners of real property or others interested there in against loss or damage suffered by reason of liens, encumbrances upon, defects in or the unmarketability of the title to said property, guaranteeing, warranting, or otherwise insuring by a title insurance company the

<sup>4</sup>As referenced hereafter, "title insurance company" means the underwriter, not an agent or agency.

correctness of searches relating to the title to real property, or doing any business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of this act.". That last phrase (emphasis added) is among the most interesting. You do not have to call something title insurance for the State to regulate it as title insurance. This has

# **ADVOCATE**



been tested over the years, mostly unsuccessfully, by other financial and insurance entities offering a form of lien guaranty or indemnity by another name. Yet to be tested, how do attorney opinion letters, now accepted by some lenders, fit in? Does this conflict with Federal authorities or sponsored enterprises and does Federal pre-emption rule? Does this interfere with the power of the New Jersey Supreme Court to oversee the practice of law under the New Jersey State Constitution? Stay tuned.

The flip side of this, so to speak, is the Act's prohibition on title insurance companies and title insurance agents practicing law. What is practicing law in the context of title insurance? This subject is substantially, but not absolutely, addressed by the New Jersey Supreme Court in its Opinion 26 decision.<sup>5</sup>

The prohibition on the practice of law is among a number of Commandments in the Act:

Section 5<sup>6</sup> requires compliance with the Act. (This begs the question why compliance with the law wouldn't be required.)
Section 6 requires that a title insurance

company (again, that's the underwriter, not an agent or producer) be a stock corporation.

Section 11 prohibits a title insurance company from guaranteeing the payment of a mortgage or the completion of construction.

<sup>5</sup>See, XXVI, <u>Advocate</u> Winter-Spring 2021

<sup>6</sup>All Section number reference may be read as N.J.S.A. 17:46B-[Section No.]

Section 12 prohibits a title insurance company from writing other lines of insurance and prohibits companies transacting other lines of insurance from insuring titles.

Other, thou-shalls and thou-shalt-nots will be examined in more detail in future articles. Sections 7, 8, and 14 through 28, inclusive, concern the financial requirements for a title insurance company, required reserves, how funds received by a title insurance company are to be managed and invested, out-of-state title insurance companies and corporate mergers and acquisitions. Unless you are contemplating starting a title insurance company; work

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President's Message

# Together We're Better



# By: Peter Casey Wall, NJLTA President

I am a true proponent of teamwork. The best thing about teamwork is that it makes difficult tasks more manageable and lessens the mental, physical, and financial load in the individual. As an association, the NJLTA has always operated because of a copious amount of teamwork. I would like to use my space in this issue to go over some recent teamwork successes. This is by no means an exhaustive list.

First, I would like to recognize the hard work and collaboration by the members of the Recording Practices and County Liaison committees. Their efforts over the past several years have enabled us to have a productive case brought against Hudson County that should come to a favorable resolution soon. Just hearing the reports given at the Board of Governors meetings doesn't do justice to the cooperative work performed by those committees, and I am deeply grateful for the time and effort those committees have expended. Recording Practices Chair Anthony Floria-Callori, Chair of the Liaison Committee, John Crowley, and I have spent a good amount of time in conversations with our attorneys to make sure that the resolution is both swift and effective. The County Liaison committee needs more volunteers to expand their outreach to our county recorders. Please reach out to John Crowley (jcrowley@stewart.com) or

David Penque (<u>dipenque@criterionta.</u> <u>com</u>) if you are interested, especially if you have any level of familiarity with the recorders or their staff.

The Legislative Committee tracks hundreds of bills, after sorting through thousands of bills, every year. A monumental task that benefits us all for sure, and one that requires teamwork. While we're on the topic, they could use some more volunteers to help review the thousands of bills that are introduced and to keep tabs on the hundreds that we are concerned about. I encourage anyone with an interest in seeing what our legislators are planning to reach out to David Ewan (dewan@wltic.com) or John Cannito (John.Cannito@amtrustgroup.com).



The Amicus Committee intercedes on our behalf with legal matters whose outcomes can and will affect our business. It takes a concerted effort to review the cases and advise the association on whether they believe we should take a position and enter a brief supporting one side or the other. It also takes cooperation and time to work on the draft and to submit it. Thanks to them for making sure our interests are represented in cases of importance. If you have an interest in participating with the Amicus committee in this regard, reach out to Alex Fineberg Alexander.Fineberg@ctt.com).

The convention committees have a job that seems like it might be light-hearted,

but I can tell you from experience, it can be very time consuming and stressful. We have two committees working right now. The 2024 convention committee led by Lisa Dombrowski –

(lisad@vintagetitleservices.com) has the arduous task of shifting out convention from summer to fall. To add onto that, they've also committed themselves to increasing the value of the convention itself by adding more CE/CLE credits and more speakers covering a variety of topics designed to help us with our business. If you haven't heard I encourage you to be on the lookout for the next 2024 convention update. The 2025 convention committee lead by Jonathan Friedman (JFriedman@firstam.com) is in need of more volunteers. Any

member or member employee is eligible to participate, so please reach out to Jonathan and help us share the load.

I think my point has been sufficiently made. Please note that the absence of any mention of a particular committee in this article is not to be construed as an indictment of that committee's involvement or contribution. We are fortunate to have enough teamwork that makes mentioning all of it in one report difficult. I would like to recognize all of our contributors and committee chairs and encourage all of our members who aren't already involved to reach out and join us in making NJLTA work for our members.  $\blacksquare$ 

# Agent Perspective.

By: Scott Rutkay - President, Concourse Land Transfer LLC

"But now old friends are acting strange
They shake their headsthey say I've changed
Well something's lost, but something's gained
In living every day."
- Joni Mitchell, live, 1969

What does it mean to be slow? I wonder that as I'm talking to a fellow title agency owner. He repeats the word. Slow. "I've been so slow, Scott. You know what I mean?" That question isn't so easy for me to answer. I know what he means in the context of what we experienced in 2020, when new files were falling from the sky. I know that he means that new orders have stalled, almost to a stop. I know that he means slow as in, he's burning through cash instead of wondering if his new boat needs two 550-hp Mercury engines, or does he go crazy and get dual 1100-hp racing spec ones. Slow as in, what team member can he shed to keep the lights on. In that respect, I know exactly what he means.

This conversation reminds me of something Warren Buffet would say about investing. "Be fearful of when others are greedy and to be greedy when others are fearful." That's what I hear in my friend's voice, fear. It's not just him. What's interesting, however, at least to me, is that a lot of the fear has dissipated lately. Most people I speak to are convinced that rates will drop sometime in 2024. As I'm writing this, the nationwide average for a 30-year fixed rate mortgage is 7%. That, however, isn't all I'm thinking about.

What I'm thinking about is that over 82% of homeowners have a mortgage rate below 5%. Sixty-two percent have a

rate below 4%. Most notably, however, is the fact that 23.5% of homeowners have rates below 3%. While I agree that rates will likely drop this year, it would take a catastrophe for rates to drop 3 points to get to 4%, and I shudder to think what it would take to get them to under 3%.

So, while most people I talk to are starting to smile again, I start to wonder. I wonder what happens if rates drop and we still have the inventory issues that we had before rates spiked up. The MBA suggests that home prices nationwide will increase between 3-4% in 2024. In New Jersey, it's been reported that we will enjoy a 10.8% decrease in home sales, and a 3% increase in sales prices. So, what the real concern is, and has been, since rates have gone up, is affordability. The buyer who could afford the median house in New Jersey of a little over \$493,000 a couple of years ago may not be able to afford that same house today. Contemplating that makes me want to smile a little less. It makes me want to start wondering what would happen if 2024 doesn't bring the kind of market that a lot of people are tricking themselves into thinking is just over the horizon.

The other thing I think about is the population of loan officers in today's market. Most of them have never had to sell anything. Not really. When rates are in the high twos, what's the sales pitch? "Hey, would you like a loan? No? Ok, bye." The next guy he gets on the phone is absolutely going to say yes. Lines of people on hold waiting to say yes. That's not selling. In 2005 Countrywide gave me a 7/1 arm at 4%. My head exploded. I couldn't believe rates had reached 4%. Everyone at the bank I was working at got some version of that loan, either fully amortized or interest only. Can you imagine what I thought when seven years later, at the first adjustment date, my interest rate adjusted lower - lower! Again, I couldn't imagine it. In fact, my interest rate never went up on that loan. When I sold the property in 2014 my rate had never adjusted to above the initial rate of 4%.

Until recently, the average loan officer has had no idea how to pitch a rate over 4% to most clients. Sure, they heard that their parents first house was bought at 12%, and maybe their grandfathers have told them about 18% mortgages when they bought their first houses, but that might as well have been a long time ago in a galaxy far, far away. I talk to them now, and they're shell shocked. They have no idea how to talk about debt consolidation, but they're learning. At least the smart ones are. They're learning that providing borrowers with real information, real value, is required in a market like this.



I wasn't expecting to write this type of article. If you've been following over the years, this is supposed to be the light piece. Filler, my friends like to joke. This is the place where you read a smartly written anecdote about my pet cat shredding my homework in third grade. I finish it off by tricking you into thinking that it has something to do with real estate. This isn't that. I talk to people all day long that are basing decisions on feelings, not facts. They talk of elections, of rumors. They talk about maybes and could happens. I don't trade in those.

Back to the phone call. We were off the topic of speed for a little bit, but he's back to it, and I interrupt him. "I'm not slow, I tell him, and he shouldn't be slow either." He should be busy trying to figure out what brings value to his clients. He should be swamped, pivoting to what running a business looks like nowadays, and what he needs to do to become essential. He should be training up his employees, making sure that his tech can't be hacked. File those annual reports that he didn't do when he was busy. Is that a stack of polices, unsent, in the corner of someone's office? When was the last time you looked at your underwriter agreements? What does his website look like, does it still feature a dancing baby? I'd love to tell a story about my first Siamese cat, Sasha, but to be honest, I'm busy!



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By: Heather R. Bell, Chair of the Agency Section Management Board

During my tenure as Chair, and before, our quarterly meetings and continuing education seminars have been held at Forsgate Country Club in Monroe, NJ. We chose this location as we felt it was centrally located and would be the best opportunity to reach most of our Agent members. After reviewing it further, we realized that we still may be missing those of you in the far north area of the state and those located in the more southern regions. To you I say, we have great news!

The Agency Section Management Board has decided to take our show on the road. We have planned an additional CE/CLE event, not related to our quarterly meeting, where we are traveling to the north. On Wednesday, March 13th, from 4:30 p.m. to 8 p.m. we will be hosting an evening of dinner and seminar at the Hanover Manor in East Hanover, NJ. The New Jersey Land Title Institute will be providing the course and is currently putting together a panel of industry experts not to be missed. Join us for an evening of scintillating education, good food and even better company.

We will then flip it the other way, traveling south to the Riverton Country Club in Cinnaminson, NJ for our spring quarterly meeting and seminar being held Wednesday, April 10<sup>th</sup>, from 4 p.m. to 8 p.m. A beautiful location on the western side of the southern end of New Jersey, just in time for the spring bloom. Come for an exciting evening to hear about the various industry and NJLTA happenings while enjoying great camaraderie and a new and delicious dinner menu. Joe Grabas and The Grabas Institute will provide an exciting and informative CE/CLE program to

help sharpen your wit for the warmer weather.

More information and registration for both events will follow shortly so keep your eyes open and your ears to the ground as both evenings are shaping up to be something no one should miss. Come to one, come to all. Currently, we are opening these events to everyone, so bring your non-member friends and show them what they are missing, or make it an evening out with your favorite attorney and other real estate professional customers. The more interest and attendance we see in these new locations will show us that we need to visit these areas as part of our normal course every year. If you have any questions, do not hesitate to reach out to me or any of our Board members. We are all waiting to hear from you, to listen and to work for you to make the Association, and these events, everything you need. See you there!



# **ALTA Advocacy Update**

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

# Focus on Foreign Land Ownership

October 26, 2023

# http://tinyurl.com/4sybjhar

Not only is the federal government considering legislation that would limit some foreign investors from purchasing U.S. real estate, bills with similar restrictions also have been passed or introduced in half of the states. All told, more than 140 bills have been introduced at

the state level that would restrict the purchase of U.S. property by certain foreign entities and individuals. ALTA has created sample legislative text to help prevent the voiding of past transactions or the creation of long-term impediments to the future transfer of impacted real estate.

# Principles for Legislation Regarding Foreign Ownership of U.S. Real Estate

October 26, 2023

# http://tinyurl.com/2vczcer3

Real estate transactions represent approximately 13% of U.S. gross domestic product. Given the importance of real estate to the U.S. economy, ALTA believes any law regarding foreign ownership should establish specific processes and procedures to protect valid property interests and avoid penalizing legitimate sellers, creditors, and future owners of property.

Over Half of U.S. Real Estate Professionals Experienced a Seller Impersonation Fraud Attempt in 2023



# CertifID | November 8, 2023 http://tinyurl.com/2k6vep8t

According to an October 2023 survey from CertifID, 54% of real estate professionals reported having experienced at least one seller impersonation fraud attempt within the past six months. Meanwhile, 77% of real estate professionals surveyed claimed to have seen an increase in seller impersonation fraud attempts within the same period.

# N.J. Attorney Suspended for Overcharging Real Estate Clients

ALTA Advocacy Update...cont. on page 11

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### By: Edward C. Eastman, Jr., Executive Director

Our Legislative Committee reviews over five thousand Bills seeking those that affect land titles and mortgages.

One of the Acts that has garnered our attention is Assembly Bill 3423 introduced February 1, 2024, which seeks to establish certain protections against deed theft by amending N.J.S.A. 2A:15-6. This amended Bill would supplement Title 46 of the Revised Statutes.

A branch of the federal, state, or local government would be empowered to move for a stay of any proceeding to recover possession. After a good faith investigation as to whether a theft of title has taken place, the governmental entity may move for a stay of the proceeding.

Every six months the court can undertake a status conference to determine whether the stay of the proceedings should continue.

If a deed theft has occurred, an action for the title recovery may be undertaken. All parties in interest may be heard by a court of competent jurisdiction.

The court may entertain charges of larceny, offering a false document for filing, criminal possession of stolen property or other charges asserting fraud or theft in obtaining title wrongfully of land.

# **ALTA Advocacy Update**

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November 14, 2023 <a href="http://tinyurl.com/2hn3759b">http://tinyurl.com/2hn3759b</a>

In a November 6th order, the New Jersey Supreme Court suspended attorney, Marcy Gendel, for a year after an audit found she overcharged real estate clients by collecting inflated or fake fees.



# ALTA Insights: Real-life Uses of AI in Title

November 16, 2023 http://tinyurl.com/2pdkuxvc

Artificial intelligence (AI) and its myriad uses is the hottest trend across all industries this year. But the title insurance industry is at the brink of a significant transformation, with AI and Large Language Models (LLM) like ChatGPT providing an opportunity to bring about groundbreaking efficiencies and accuracy. Listen to this webinar recording and where these powerful tools can be used while carefully managing potential risks.

# 3 Common Misconceptions About Password Security

November 21, 2023 <a href="http://tinyurl.com/dhm8y5bd">http://tinyurl.com/dhm8y5bd</a>

Everyone knows that choosing a strong password is a critical step in securing the various systems and accounts we all use daily. However, you may be surprised to learn that some commonly held beliefs about passwords are more harmful than helpful. Read on to learn about three of these misconceptions to ensure that you and your business are armed with the right information to keep up with the latest best practices for password security.

# Report: Closing Professionals Juggling too Many Tasks

November 22, 2023 http://tinyurl.com/2yy78d29

In the PropLogix 2023 State of the Title Industry Report, 38% of title professionals surveyed said they must handle too many tasks faced with elevated expectations, but little to-no control of timelines and deadlines. This duality creates a lot of stress and frustration, according to the report.

# **Safeguarding Real Estate: Addressing** the Growing Threat of Property Theft

November 28, 2023

http://tinyurl.com/2cycab4h

Teresa Grobecker MBA, CPRC, founder and CEO of Consortia, says that implementing robust Know Your Client (KYC) protocols has emerged as a pivotal solution to combat the escalating threat of property theft.



# ALTA Updates Best Practices FAQs to Address Notary Selection

December 7, 2023

http://tinyurl.com/h9cnv6t2

ALTA issued a new Frequently Asked Question (FAQ) to its Best Practices that addresses the role of the title or settlement agent in the selection of a Notary.

# Hackers Using Microsoft Teams and SharePoint to Spread Malware

December 7, 2023

http://tinyurl.com/4s8za3bu

If you use Microsoft Teams or Share-Point, you should be extra careful about the links and files you open. A new attack campaign has been discovered that uses these platforms to deliver malware named DarkGate, which can steal your data, spy on your activities, and even encrypt your files for ransom.

# Alert: Spoofed Email Appears to Come from ALTA

January 8, 2024 http://tinyurl.com/yu4jp76f

ALTA is alerting its members to delete a phishing email with the subject line "Membership".

### **Outlook for 2024 Housing Market**

January 18, 2024

http://tinyurl.com/ymnvet5f

The outlook for the housing market in 2024 is heavily dependent on the path of inflation and the health of the economy. While the Fed has indicated it is done with rate hikes for the time being, housing affordability and supply continue to hinder the market. Will the coming year be a redux of 2023? Listen to this ALTA Insights webinar recording as First American Chief Economist, Mark Fleming, offers his analysis of what title professionals can expect from the housing market over the next year. Fleming also highlights the benefits of title insurance, importance of curative efforts by title professionals, the impact of free riders on the public record and the cost of title insurance versus other more expensive fees when purchasing a home.



# New Jersey Passes New Data Privacy Law

January 18, 2024

http://tinyurl.com/2zj5nnu6

The legislation contains an exemption for personal data subject to the Gramm-Leach-Bliley Act (GLBA), along with an exemption for publicly available information. ALTA has held that any comprehensive data privacy legislation should include an exemption for entities subject to the GLBA.

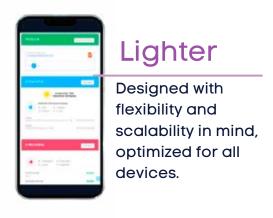
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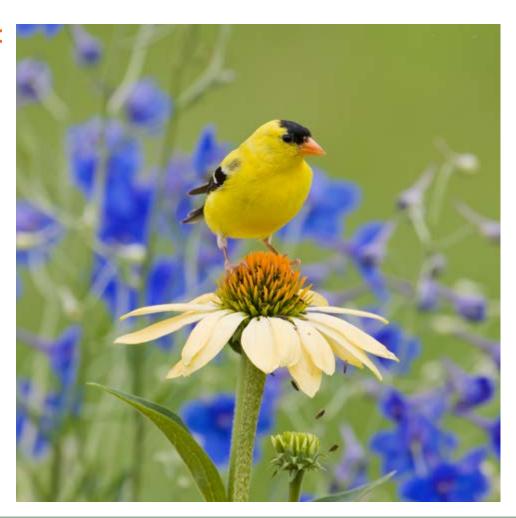


# The New Jersey Title Insurance Act: Where We Were; Where We Are; Where We Are Going

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in the financial, accounting or compliance divisions in corporate headquarters; are studying for the title insurance producer's exam; or have insomnia reading these Sections of the Act is not recommended. (However, even though other sections of the Act may be equally as tedious, you should read those.)

This series of articles is a work in progress and will include pieces by several authors. The authors' views and opinions, as always, are theirs and do not necessarily reflect those of the New Jersey Land Title Association or any company or organization with which they are affiliated (and, possibly not each other). As it unfolds your comments and suggestions are welcome, and we will try to update and incorporate developments over the next two years. Like the ocean, this business is the same, but ever changing.





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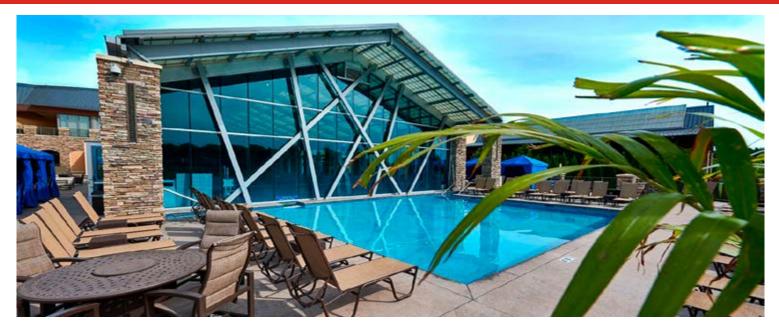
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# New Jersey Land Title Association's 2024 Convention.

September 22, 2024-September 25, 2024









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# New Jersey Land Title Association's 2024 Convention.

September 22, 2024-September 25, 2024













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

One of my mentors at New Jersey Realty Title Insurance Company was the manager of our Trenton office, William J. Loughnane. Bill was a former Marine as well as an Honorary Member and former President of the New Jersey Land Title Association. Bill's mantra was, "If it were not for employee issues my job would be downright enjoyable.". Those words rang true to me on several occasions in the 15 years I served as manager of New Jersey Realty's New Brunswick office.

I was a 28-year-old law school graduate with no managerial experience tasked with running a branch office which had no regular manager for over a year. The employees ran the show, a fact which became evident to me my first week on the job. I returned to the office late Friday afternoon after having attended a difficult commercial closing. As I trudged

up the stairs of our converted residential building on Paterson Street, I could hear loud music and an odd thumping sound. When I walked through the door three secretaries were locked arm in arm in a kick line worthy of the Rockettes awkwardly high stepping to the music. I turned off the radio and asked Rosie, the ringleader, what they were doing. "Dancing," she replied.

Rosie and her cohorts did not last long under my management. Once settled into my new role I was blessed to be surrounded by a talented, personally chosen staff. Sadly, my record was not perfect.

I hired a beautiful young lady who, unfortunately, spent more time looking at herself in her hand-held mirror than learning what a Deed was. She never did learn what a Deed was and after 18 months I decided it was time to part ways with her. I gave her two weeks'

notice. She did not take it well. Several months after she was gone, I received notice from the New Jersey Department of Labor to appear at an unlawful and discriminatory termination of employment hearing at the State Labor office in New Brunswick. I called the human resources department at New Jersey Realty's home office, which consisted of one guy whose principal responsibility was cutting payroll checks every two weeks. I explained my predicament to him and after a few seconds of contemplation he opined, "You hired her, you fired her, you handle it.". I explained that I had never faced an employment hearing before. He reminded me that I was a lawyer and suggested I figure it out. I was on my own.

I showed up at 1:45 for the scheduled 2 p.m. meeting and was fully prepared to defend myself. The hearing officer

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# **ALTA Advocacy Update**

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### ALTA's Response to The Wall Street Journal Article

January 22, 2024

http://tinyurl.com/y7zjnze2

The January 16th article in The Wall Street Journal titled, "Inside a Plan to Save Homeowners Hundreds of Dollars Closing Their Mortgages", neglected many key facts and included several significant inaccuracies about the coverage, cost, and regulation of title insurance compared to attorney opinion letters. Read on for the facts.

# Survey: Title Companies Report Increase in Cyberattacks But Mitigation Efforts Help

February 1, 2024

http://tinyurl.com/25a6j86f

More than 90% of title insurance companies reported the volume of cybercrime attempts increased or remained the same over the past year, according to a Cybercrime & Wire Fraud Study sponsored by the ALTA Land Title Institute. Read on for more results.

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**Brian Wagenhoffer, Frank Fasulo and Todd Delfarno** 

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# The Joys of Employees

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ushered me into a conference room, and we sat uncomfortably looking at each other for half an hour with no sign of my former employee. Then another half hour passed. At 3 p.m. I asked if I could leave and was told we needed to give the employee more time. Half an hour later I was told the same. Finally, at 4 p.m., when the Labor Office was scheduled to close for the day, I was told I would need to return the next day at 9 a.m. to resume the hearing. Resume what hearing? The employee never showed up. That would be grounds for dismissal of the complaint in any court of law, but not at the Department of Labor. I was

told to return the next day just in case the employee may choose to appear. I explained that I had a real estate closing in New York City the next morning. The hearing office's reply was, "Well I suppose you'd better find someone else to cover for you in New York because you will be here tomorrow morning or I will rule against you.". I sensed I was unliked. And then the hearing officer, for the first time, pushed a copy of the complaint across the table for me to read. After reading it, I would not have liked myself, had any of the accusations been true. I knew my employee's quality of work. It was immediately obvious she had help drafting the complaint. Like help from a script writer for a particularly tragic episode of Law and Order, Special Victims Unit (only with less humor). At noon

the next day the hearing officer still refused to dismiss the case but merely adjourned it until they could contact the complainant. For all I know the case is still pending but I never heard anything more.

Another employee I hired because she was willing to work for the salary I was offering. Apparently, that was not sufficient due diligence on my part. From day one, she seemed uninterested in the duties assigned to her and was unable or unwilling to work. The only enthusiasm she ever showed was when, several times each day, there would be a knock on the door. She would leap from her seat and accept a package which she neatly tucked under her desk. In my defense, I only witnessed this once as my office was at the far opposite side of the



# The Joys of Employees

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building. But my office supervisor alerted me that something might not be right. This suspicion was confirmed when three weeks later I was visited by two New Brunswick police detectives inquiring as to the whereabouts of this employee. I explained that she had asked for the week off. The detectives indicated she was involved in a drug smuggling operation and there was a warrant out for her arrest. Needless to say, she never returned to work. But she left me one parting shot. When I received my home telephone bill the next month there were over \$500 in international charges made by a third party but billed to my home number. I was able to convince the telephone company I had not made the calls, and they were able to trace them back to my employee's phone. I distinctly remember hearing the customer service representative whisper "putz" before hanging up after agreeing to credit my account.

George A. Stickel, Esq., C.T.P. is a third generation, 45-year veteran of the title industry, now retired. George is a Past-President and Honorary Member of the New Jersey Land Title Association and a contributing writer for the Advocate. The opinions expressed are not those of the NJLTA or Advocate. The opinions are those of the putz who wrote this piece.

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# DATES TO REMEMBER

# **March 2024**

13th NJLTA-Agency Section Seminar & Dinner

Hanover Manor East Hanover, NJ – 4:30 p.m. **www.njlta.org** for additional information

**19th ALTA Springboard Conference** Oklahoma City, OK

https://www.alta.org/ to register

**20th** NJLTA Board of Governors' Meeting

Freehold, New Jersey www.njlta.org for additional information

# **April 2024**

10th NJLTA-Agency Section Meeting & Seminar

Riverton Country Club Cinnaminson, NJ – 4 p.m.

https://www.alta.org/ for additional information

**14th-16th** ALTA Spring Title Counsel Scottsdale, AZ

www.alta.org to register

# May 2024

**6th-8th** ALTA 2024 Advocacy Summit Washington, D.C.

www.alta.org to register

**15th** NJLTA Board of Governors' Meeting

Freehold, New Jersey

www.njlta.org for additional information

Subject to change. Please check websites as needed.

Would you like your event or continuing education class included on this calendar? If so, please contact, Robert Yakovchuk (robert.yakovchuk@fnf.com or 732-545-1174) for information.

Thank you!





On January 2, 2024, **Scott Sumner** has joined the FNF New Jersey Agency team as VP & Underwriting Counsel.

Before joining FNF New Jersey's Agency Operations, Scott most recently was New Jersey State Manager for FNF's Direct Operations in New Jersey. In that role, Mr. Sumner oversaw the direct title insurance operations for Chicago Title Insurance Company, Fidelity National Title Insurance Company, and Commonwealth Land Title Insurance Company throughout New Jersey. Prior to that, Scott was on the FNF Agency side in NJ as State Agency Counsel.



# **Notes from the Editor**

By: Heather R. Bell. Editor-in-Chief

It's hard to believe we are at the tail end of the cold season already. Time flies when you are writing title commitments and closing transactions! I am happy you have a copy of Advocate to help with the thaw. In these pages you found an anniversary well worth celebrating and a promise of much more to come, important updates and perspectives on the issues and developments we are currently facing in our industry and exciting announcements about upcoming events not to be missed. While you endured the short days and cold nights, the title insurance world turned, slowly but surely bringing us back around to the sun and warm weather (and, hopefully, lower mortgage rates).

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 under the spotlight for our next issue.





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ALTA Advocacy Update, David Penque

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