

## Safeguarding Your Digital Fortress: A Dual Perspective

By: Lisa J. Aubrey, CTP & Heather R. Bell

"Our very survival depends on our ability to stay awake, to adjust to new ideas, to remain vigilant and to face the challenge of change." – Martin Luther King Jr.

[Lisa]:

How would you prepare for a natural disaster? What would you do after?

After any emergency, you may need to survive on your own for several days. Being prepared sometimes means having your own food, water, and other supplies to last for a while. A disaster supply kit is a collection of basic items your household may need in the event of an emergency.

But what if that 'disaster' was not natural, what if it was a cyber incident? What 'food, water and other supplies' would you need? How would you survive and interact with your co-workers, your customers and keep your business running?

While this question was once a distant thought, and only something you may have had noted in your business continuity plan, it sadly has become a reality in our industry. Whether your systems are in lockdown for 48 hours or 4-8 days or even longer, are you prepared?

While some of us may have a printed list of our contacts, and dare I mention that an even smaller group of us still have a Rolodex (if you don't know what that is, please don't tell me....I already feel old enough) the majority of those of us in the industry rely on our email systems or our software production

systems. So, if you are suddenly in a situation where your systems were inaccessible how would you contact your customers? How would you produce your title insurance commitment and policies? How would you conduct a closing and process funds? How would you even communicate with your co-workers?

Here are some answers to questions we all have to ask ourselves to be prepared and properly stock our cyberattack disaster kits that you will hopefully NEVER have to use:

• How will I communicate with staff/ co-workers? Since, presumably, your company email is locked and possibly even company phones, it will be helpful

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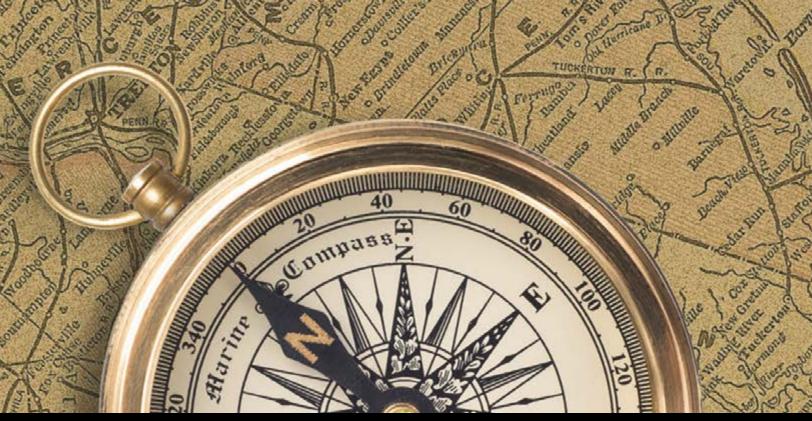
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# Safeguarding Your Digital Fortress: A Dual Perspective

#### continuation from cover

to create a paper list of phone numbers for each staff member and have alternate methods of contacting them. This can include personal phone numbers or home numbers, as well as a personal email address. This list can also be saved somewhere outside of the company network, possibly on a few local drives.

- Your company may also want to look into setting up an account with a platform, such as Zoom, LinkedIn or Facebook Messenger which will allow you all to jump on a group call or video call quickly.
- How will I communicate with my customers? Since your company email system may be locked, you will want to create an alternate email address, with the proper security measures, to communicate with your customers, vendors, anyone you would send an email to from your company domain email.
- Your company may also want to create a Constant Contact account, which can hold names and email addresses, and allow for global messaging, as needed.
- Another option to communicate with customers is via a fax machine. Not an eFax, but an old-school, phoneline connected fax machine.
- How can I print documents if I am not hooked up to network printers or copiers? You guessed it by having an independent printer/scanner that can be connected to a laptop (not in the company docking station). This will allow you to conduct business as (almost) usual.
- Another scanning option is to utilize the notes section on Apple iPhones this will allow multiple documents to be scanned with your phone and uploaded into your Notes. From there you can send as either a text or email from the alternate email address, not the company domain.
- And easily one of the most important questions is: How will I write and issue

# **ADVOCATE**



commitments and policies? Have either paper copies...which will also require you to have a typewriter in your office.... or have blank word docs on local share drives. It wouldn't hurt to have a copy of commitment and policy clauses (remember the clause lists from back in the day?) laying around either.

If many of these work arounds seem like a throwback, well maybe that's because they are. Our industry dates back to 1886 here in New Jersey, and we have not just survived, but thrived.

I [Heather] couldn't have said it better myself. We are an industry grown from paper. When I first started learning the ropes, I felt buried in it. If someone said to me at the time that we would need to worry about an attack when our systems

were shut down and we were cut off, I would have said I am not concerned! I have physical copies of everything going back 30 years, all of my contacts are in either the White Pages or my Rolodex (yes [Lisa], I still have one too) and I have the ability to issue a policy or a commitment on my handy dandy Lexmark IBM Wheelwriter 1000. I am just going to pull her out and write that bad boy up. BUT we have evolved, we are told NO MORE PAPER. Store it all digitally where it can be accessed forever... and ever... and ever. Unless of course someone has the ability to take that access away from you or gain access to your secure information. Unfortunately, we are faced with this every single day. These days, this is a fast-paced digital age which evolves and changes constantly.

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By: Peter Casey Wall, President NJLTA

#### Difficult times ahead and behind.

It is no secret that we are sailing on some rough seas these days. We have emerged from the global pandemic with most of our day-to-day activities returned to "normal," but there are obvious long-lasting effects. From adjusting to the workforce's inclination to seek workfrom-home positions to the economy recovering from two years of emergency spending and record-setting levels of real estate transactions, there is a lot of change and upheaval for us to navigate. Confounding those troubles from our past are new waves of issues that we need to steer into so as not to be hit broadside.

Negative Views of Title Insurance: Public perception matters. Unfortunately, title insurance has faced skepticism and misconceptions. Some view it as an unnecessary expense, failing to recognize its crucial role in safeguarding property rights. It has become a soundbite on a national stage that, if left unchecked, could damage our industry's reputation. Our task is to dispel these negative notions and educate the public about the value we provide.

Low Home Inventory: With fewer homes available for purchase, buyers and sellers alike face frustration. As title professionals, we must adapt swiftly to this scarcity, ensuring smooth transactions even in a limited inventory landscape.

High Interest Rates: The financial tides ebb and flow and, currently, interest rates are rising from all-time pandemic lows. These rates impact mortgage affordability, affecting both buyers and refinancers. Depending on which economic prognosticator you listen to, there's reason to believe there could be a leveling this year, so if your operation has been lean for lack of refinances, it may soon be time to increase your capacity (we hope).

Fraud Concerns Increasing: Just as pirates steal treasure from traders on the high seas, modern fraudsters are taking the life savings from buyers in alarming numbers. Criminals are also finding new and callous ways to get honest people to send funds to the wrong place, and it seems like we will forever be bailing the bilge. As we sail through these murky waters, vigilance and knowledge are our compass. By recognizing the signs of fraud, we can safeguard our ships, protect consumers' funds, and ensure the integrity of title insurance and settlements.

#### How do we react?

There is no uncomplicated way to avoid all these troubles, but there are ways



to chart a course for the best possible outcomes.

Advocacy Matters: TAN (Title Action Network) is more than an acronym; it is our collective voice. By joining, we amplify our influence. TAN advocates for policies that protect our industry's interests. Whether it is lobbying for fair regulations or championing transparency, our participation matters. Let us stand shoulder-to-shoulder with fellow professionals and make our voices heard. Join or re-join today at: <a href="https://www.alta.org/advocacy/tan/join-tan">https://www.alta.org/advocacy/tan/join-tan</a>.

May 6-8, we expect a sizable crew of NJLTA members from the underwriter and agency sides to attend ALTA Advocacy Summit 2024 in Washington, D.C. This is a marked improvement over last year's attendance. Such a response to recent troubles will hopefully relight

the torch and remind us that getting involved at all levels is important.

Participate in NJLTA: Attend meetings, webinars, and workshops. Engage in dialogue with peers. These gatherings are not mere formalities; they are knowledge hubs. Here, we learn about emerging trends, legal updates, and best practices. Armed with this knowledge, we can adapt swiftly and make informed decisions. Remember, an informed industry is a resilient one.

Educate and Inform: Knowledge should not be hoarded like buried treasure—it should flow freely. Educate your team about all the facets of title insurance, but also about how to spot and prevent fraud. Equip them to answer clients' questions confidently. But do not stop there—educate your clients too. Explain the value we bring, demystify the process, and address concerns.

#### What we should remember.

We, all of us in this association, share these common problems. We should remember that we need not struggle in solitude or in silence. It is worth repeating from my prior article, "together we're better". To the extent that we can share the stories of our successes and failures and combine our efforts to work for better and more thorough education of our teams and clients, and for sound legislation that helps our industry, we are all in the same boat, facing the same rough seas. As each challenge crests before us, let us trim our sails, adjust our course, and set our eyes on the distant horizon together.



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

"When a man's partner is killed, he's supposed to do something about it. It doesn't matter what you thought of him. He was your partner and you're supposed to do something about it."

The Maltese Falcon, 1941

My yearly trip to the Masters is always special. Most years I fly from Newark to Atlanta on the Sunday before the event starts. After I land, the trip to the Augusta National Golf Club is 150 miles. It usually takes between  $2 - 2\frac{1}{2}$ hours by car. We've been coming here since 2007. That year we happily shivered through the coldest Masters day on record. It was in the mid 40's that windy third round Saturday, with gusts blowing up to 33 miles an hour. Sunday morning dipped to 26 degrees, though we've been told that during the afternoon it ended up being warmer than Saturday. If it was, I couldn't feel it. There were a lot of things I couldn't feel that

round, my feet being among them. Zach Johnson won that year.

Before 2007, I had only been to Georgia once, visiting a friend at Emory in 1991. It snowed 2.1 inches in Atlanta that weekend. To the locals it may as well have been 21 feet! It felt like I was on a different planet. I remember walking around the city, watching people staring into the heavens as if they could not fathom what was falling from the sky. Roads closed. The airport closed. The college cancelled classes. I couldn't get home on Sunday. There were so many cancelled flights, I had to wait until everything sorted out and the normal schedule resumed. My friends told me never to come back. I took the snow as an omen and decided not to go to college at Emory. It would be 16 years before I returned, bringing the cold back to Georgia. My friends warned me again, but this time I ignored them.

Strangely, I've been at the warmest

Masters as well. That was in 2015, the year Jordan Speith won. It got up to 91 degrees on one of the days that year. Eight years and 65 degrees had passed between this trip and the one in 2007. I remember the first day of the event; Speith shot a 64. It was the best round in Augusta in 19 years. The last time someone had a round that low, Speith was 3 years old, and I was graduating college at age 22.

This was a different trip. Now, instead of a client, we were the hosts. My partner and I took our best clients and hosted them the way that we had been a party to all the years before. What we were trying to recreate was the feeling of partnership that we felt when we were the guests. There is something different about being a host to guests. Over the last eight years we had created a system, a guide, to maximize the trip. Firstly, we knew how to maneuver our way through the course. That was no small task. A

Agent Perspective...cont. on page 14



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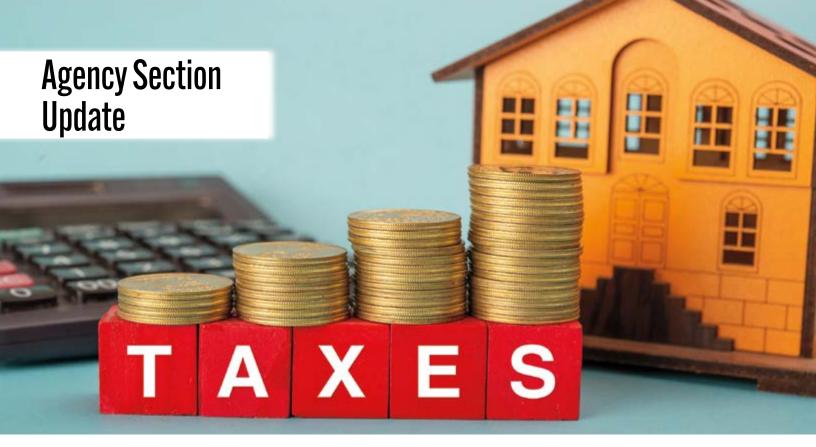
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# The Sudden Resurgence of the Tax Sale

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

As if we didn't have enough on our plates - constant cyber threats, a down market, an up interest rate - and now a return of one of our classic title headaches. I know, I know, the tax sale issue never went anywhere. It's always been lurking around a lot of our transactions. But we knew how it worked, as well as what to require and how to handle it all. Always relying on the governing conditions of Court Rule 4:50-1 and understanding the tried-and-true foreclosure process. Unfortunately, for us, it has recently made its way back to the forefront as a red-hot topic and has brought along change, which we all need to be aware of.

First, we heard about a decision regarding property in Minnesota, far from our backyards. In May of 2023 the United States Supreme Court issued its decision for the case of Tyler v. Hennepin County. The Court held that the holder of a tax sale certificate should not receive any remaining equity that the property owner may have, applying it to both in

rem and in personam actions. In this case, Hennepin County sold the Tyler property for \$40,000, after accruing only \$15,000 in outstanding taxes, and held onto the additional \$25,000.

Very quickly, thereafter, in December of 2023, The NJ appellate division issued a ruling in a very similar case, 257-261 20th Avenue Realty, LLC v. Roberto. Here the property owner had a large amount of equity in the property and had made good faith efforts to show funds were being set aside to redeem as soon as they were able. They were also suffering hardship due to the Covid pandemic and age. The Court also ruled that retaining the excess equity in a property is unconstitutional. The Tyler decision was cited and the Court stated that "pipeline retroactivity" applied because "tax sale certificate holders are aware at purchase that the right to equity cannot be relied upon because it is not perfect, but anticipate obtaining a high yield interest rate, as most properties are redeemed". Ultimately, they agreed with the initial ruling that the final judgment should be vacated, and the judge did not abuse his discretion.

Since these decisions were issued, there has been a large amount of legislation introduced to overhaul the tax sale foreclosure process. As a result, many of the underwriters issued bulletins making changes to the exceptions required when insuring a property on the other side of a tax sale foreclosure proceeding. We are staring down the barrel of an open-ended time frame in which a final judgment can be vacated. Does this mean that we can now never insure these properties? Or, does it mean that we have to insure subject to the potential vacation? We should at least be reviewing the redemption amount vs. the property value we are being asked to insure after a foreclosure action. We should also be having conversations with our underwriters on how to handle these files as they come across our desks, while we wait to see which, if any, of the new tax sale legislation is passed. This is another example of our industry continuously changing and evolving. Just when you think you know everything...



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.

# Does Your Company Need to Report Beneficial Ownership Information?

February 13, 2024

#### https://tinyurl.com/3x28a9h6

Due to a rule that went into effect January 1st, many companies are now required to report information to the Financial Crimes Enforcement Network about the individuals who ultimately own or control the company.

# Fresh Phish: Microsoft OneDrive Document

February 22, 2024

#### https://tinyurl.com/4w9fhf6r

It's important for title and settlement professionals to be aware of the latest phishing schemes. To help with this, ALTA has developed an infographic that highlights different phishing emails, what the fraudsters are attempting to do and how to spot the bait. This "fresh phish" attempts to steal Office 365 credentials to sell them or gain access to your email account. It's important to never approve multi-factor authentication requests that you didn't initiate.



#### U.S. District Judge Rules Corporate Transparency Act Is Unconstitutional

March 5, 2024

#### https://tinyurl.com/j53nf4tx

A federal district judge in Alabama on March 1st issued an opinion finding that the Corporate Transparency Act (CTA) is unconstitutional on the grounds that Congress supposedly exceeded certain limits on its powers. Read on to learn what this means for companies that must report information to the U.S. government about the individuals who ultimately own or control the company.

# ALTA Says White House Title Waiver Pilot Is 'Bad Politics, Bad Process, Bad Policy'

March 7, 2024

#### https://tinyurl.com/4tafk9jx

ALTA continues to voice significant concern with the Biden administration's misguided pilot program that would waive the requirement for lender's title insurance on certain refinances. "This

ALTA Advocacy Update...cont. on page 11

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# N.J. LEGISLATIVE UPDATE

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

Governor Phil Murphy
Approves Assembly Bill 4
Reforming Municipal
Responsibilities Affecting
Affordable Housing

The N.J. Assembly Bill 4, signed into law on March 20, 2024, affects the following:

- (a) \$12 million dollars is being moved to the general fund to carry out the State's fourth round of affordable housing obligations;
- (b) \$4 million dollars is being moved to the general fund to carry out the State's fifth round of obligations;
- (c) a 40-year minimum deed restriction is created for the purpose of establishing newly created for sale units;
- (d) the Council on Affordable Housing established in 1985 is abolished;
- (e) The N.J. Council on Physical Fitness and Sports, established in 1999, in now authorized to provide grants to assist low income families in purchasing protective eyewear;



- (f) This Act shall not apply to a licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client unless the attorney is compensated by a residential mortgage lender;
- (g) A baseball and skating safety fund is created to provide educational programs devoted to bicycles, roller skating and skateboarding safety;
- (h) A site improvement advisory board will be appointed, to devise statewide site improvement standards which shall consist of the following appointees:

N.J. Legislative Update...cont. on page 12

## **ALTA Advocacy Update**

#### continuation from page 9

pilot will not help achieve the administration's goals of expanding homebuying opportunities and affordability for first-time or lower- and moderate-income individuals," said ALTA CEO Diane Tomb. "Rather, it's a hollow attempt by the White House to placate Americans' current economic frustrations. The pilot is simply bad politics, bad process, and bad policy." Read on to learn how you can help advocate for the industry and encourage your member of Congress to support the Protecting America's Property Rights Act.

# The Three Rs to Cyber Defense and Response

March 13, 2024

#### https://tinyurl.com/brrf7d46

Just as when you were in school, if you could read but not write, you might get by for a while, but eventually you will have issues getting ahead in life. The same holds true for a strong cybersecurity defense and response program. Read on as two members of ALTA's Information Security Work Group walk through the three Rs of cybersecurity.

#### Fresh Phish: Microsoft Authenticator

March 13, 2024

#### https://tinyurl.com/4fbua468

It's important for title and settlement professionals to be aware of the latest phishing schemes. To help with this, ALTA has developed an infographic that highlights different phishing emails, what the fraudsters are attempting to do and how to spot the bait. This "fresh phish" attempts to steal Office 365 credentials to sell them or gain access to your email account. It's important to never approve multi-factor authentication requests that you didn't initiate.

#### Breaking Down the FinCEN Anti-Money Laundering Rule: Who is in Charge of Reporting?

March 14, 2024

#### https://tinyurl.com/4najj2te

ALTA analyzes various parts of U.S.

Treasury Department's Financial Crimes Enforcement Network's (FinCEN) proposed real estate anti-money laundering rule that will impose reporting requirements about all-cash residential transactions involving legal entities and trusts. Read on to learn who must report the information to FinCEN.

#### Title Waiver Pilot Plan Won't Help First-time Homebuyers, MBA Economist Says

March 21, 2024

#### https://tinyurl.com/4yytxej3

During a hearing before the House Financial Services Subcommittee on Housing and Insurance, U.S. Rep. Andrew Garbarino (R-N.Y.), asked Michael Fratantoni, chief economist for the Mortgage Bankers Association, if he thought the Biden Administration's pilot to eliminate title insurance on refinances would help first-time homebuyers purchase their first home. "The short answer is no," Fratantoni said.

#### **Important Yet Affordable Cybersecurity Defenses**

March 27, 2024

#### https://tinyurl.com/3774xdmz

ALTA is dedicated to helping members safeguard their operations from the constant threat of cyberattacks. Read on for a collection of helpful links to cybersecurity resources provided by ALTA's Information Security Work Group and other trusted sources.

#### **ALTA Policy Forms Update**

April 2, 2024

#### https://tinyurl.com/mmcwbns3

The ALTA Board of Governors on February 9th approved a recommendation to adopt revisions to the 2021 ALTA Forms Collection and two new Collateral Assignment endorsements. The forms are now final and went into effect April 2nd after going through a comment period. Read on for more information.

## ALTA Alert: Spoofed Email Appears to Come from ALTA President

April 4, 2024

#### https://tinyurl.com/272td33t

ALTA is alerting its members of phishing emails with "ALTA" and the company name in the subject line. Like title and settlement companies, email from ALTA leadership and staff can be spoofed. In the latest scheme, a phishing email appears to come from ALTA President Don Kennedy, telling recipients that ALTA's regulatory department has made multiple attempts to contact them to deliver a notice that requires attention. Note the fraudulent email address in the image. This is a phishing email. ALTA's system was not breached. Your information is safe. Do not open the attachment, respond, or click any links in the email. Read on for more.

# Fresh Phish: U.S. Post Office Text Phishing Message

April 4, 2024

#### https://tinyurl.com/47rc595a

It's important for title and settlement professionals to be aware of the latest phishing schemes. To help with this, ALTA has developed an infographic that highlights different phishing emails, details what the fraudsters are attempting to do and explains how to spot the bait. This "fresh phish" attempts to get you to click on the phishing link and reply to the scam text message potentially infecting your cell phone or stealing your information.







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## **N.J. Legislative Update**

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The New Jersey Society of Professional Engineers;

The New Jersey Society of Municipal Engineers;

The New Jersey Association of County Engineers;

The New Jersey Federation of Planning Officials;

The New Jersey Builders' Association;

The New Jersey Institute of Technology;

The New Jersey State League of Municipalities.

Among the members to be appointed by the commissioner who are first appointed, four shall be appointed for terms of two years each, four shall be appointed for terms of three years each and two shall be appointed for terms of four years each. Thereafter, each appointee shall serve for a term of four years. Vacancies in the membership shall be filled in the same manner as original appointments are made, for the unexpired term. The board shall select a chair from among its members. Members may be removed by the Commissioner for cause.

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### **Agent Perspective**

#### continuation from page 6

typical loop through the course is around 6.6 miles for a patron, or about 15,000 steps. That's quite a bit of walking if you're not used to it. To make matters worse, the elevation change is immense. The highest elevation is 328 feet, while the lowest is 176 feet.

It turns out you learn a lot about people on a walk like that, day after day, for seven days straight. If you're not used to it, it can be a lot. Most people we take have seen the event on TV, they know the holes, they remember the famous shots: Jack in 1986, 5 iron in hand, Mickelson on 13 in 2010, and Bubba on 10 in 2012. Golf fans can recite the holes shot by shot. But to be there, that's something different. Here, we are showing them exactly where each ball landed. We shepherd them along the same walk that the greats walked in years past. Mention the important sights along the way, specific trees that may have caused heartache over the years or angles to avoid. Every piece of the property has a

name and a story. Every hole has made or confounded a champion.

Clients don't always listen, and our philosophy has always been to counsel not to control. We've found what we believe the best way to enjoy Augusta, but if a client feels like they want to try something different we never force them



to do it our way. Ultimately, this is their trip, not ours. We have become stewards of this event, making sure that everyone we bring enjoys it any way they want.

I was able to enjoy another Masters oddity this year. During the Monday practice round there was an almost total eclipse in Augusta. The moon blocked 76.1% of the sun starting at 3:08 PM. All the patrons had been provided eclipse glasses, Masters branded of course, as soon as we had entered the gate. Play never stopped. Sometime around 1:50 PM it started to get a little dimmer on the course, and with every minute that passed, a little colder.

After each round we host our clients at the houses we've rented. We all eat together. Wine flows, cigars are lit, and stories are told. People who would otherwise be competitors sit side-by-side. Sometimes we go hours without talking about work. Other times, we gossip like kids. We spend the evening making each other laugh about deals gone bad and borrower's explanations that border on the ridiculous.

My favorite part of the trip is at the end of the night, sitting back and soaking it all in. For my partners and I, this feels like success. Friends gathering at what I believe is the greatest sporting event in the world, forgetting about the outside. We remember how lucky we are to be where we are. It truly is a tradition unlike any other, and I couldn't imagine doing it by myself. •



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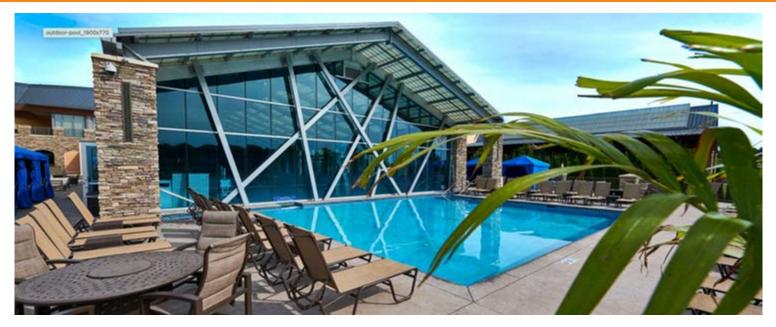






# New Jersey Land Title Association's 2024 Convention

September 22, 2024-September 25, 2024









Take a deep breath of mountain air at the New Jersey Land Title Association's 2024 Convention at the breathtaking Mount Airy Casino Resort located in Mount Pocono, Pennsylvania. Get ready for three days of fun from September 22, 2024 to September 25, 2024. You don't want to miss our featured guest speaker, Darryl Turner. He will be discussing the hottest topics in the Title and Real

Estate industries. Darryl has brought hundreds of millions of dollars in revenue to salespeople all across the United States through coaching, speaking, three masterfully written books, and even his own podcast. Looking for CE credits? Between our Artificial Intelligence Seminar and HR Bootcamp, you can get your hands on six continuing education credits! Line dance you way over to

our Western Themed night on Monday September 23rd. Get dressed in your best and have a grand time at the gala. Learning informative topics with the most stunning golf course and mountain views? Sign me up! See you in the Poconos! "Every mountain top is within reach if you just keep climbing." — Barry Finlay.







# Safeguarding Your Digital Fortress: A Dual Perspective

#### continuation from page 3

We live in an interconnected world, where data flows freely and businesses thrive on digital platforms. In turn, the importance of cybersecurity cannot be overstated. With each passing minute, cyber threats to our day-to-day business become more sophisticated, and lately, are directly targeting us. As I write this today the 4 largest cyber threats in my opinion are:

- **1. Malware:** Malicious software such as viruses, ransomware and spyware which infiltrate systems and cause data loss or financial harm.
- **2. Phishing:** Deceptive emails, messages, or websites to trick users into revealing sensitive information like passwords or financial details.
- **3. Distributed Denial of Service (DDoS) Attacks:** Overwhelming a system or network with a flood of traffic, disrupting services, and causing downtime.

**4. Insider Threats:** Employees or individuals with insider access may intentionally or unintentionally compromise security by stealing data or introducing vulnerabilities.

I [Lisa] agree!

The only way to combat these threats is to put on your armor and be ever vigilant. Lisa gave us some great advice above. Building a cybersecurity strategy should include all of those things and, in addition:

- 1. Risk Assessment: Wait a minute, we do this all day long. Yes, we do, but I bet it stops at whether an old mortgage should be raised or if we really have to address proof of death for a party in our chain from 1924. Well folks, we need to grow that practice and have it extend to identifying and assessing potential cybersecurity risks. This is a great starting point, taking into consideration industry regulation, data sensitivity and existing security measures.
- **2. Implementing Security Measures:** Now that you have assessed your gaps. Implement! Make sure you have strong

firewalls, antivirus software, encryption, and intrusion detection systems, and that you have understanding of exactly how each works. If you do not feel you are equipped to put these procedures in place, there are plenty of service providers out there which will help you along the way.

- 3. Employee Training: Educate employees in cybersecurity best practices, including recognized phishing attempts, creating strong passwords, and handling sensitive data securely. Have lunch and learn sessions with them, not once but often, so that they are continuously up to date on the latest threats. Have them tested intermittently to confirm its working! A lot of people I talk to stop at one of these, or have it done once and move on. I cannot stress enough how important it is to do all of this, repeatedly and often.
- **4. Regular Updates and Patch Management:** Keep your software, operating systems and security solutions up to date to address vulnerabilities and prevent exploitation by cyber attackers.

Safeguarding Your...cont. on page 24

# Title Insurance in Prime Time

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

On a recent Thursday evening I was dozing off in my recliner in front of the television. I was between awake and sleeping when I heard the words "title insurance" coming out of the television. This must have been a dream. I sat upright and saw that President Biden was speaking. I quickly rewound the last couple of minutes and, sure enough, the President said, "title insurance". His exact words were, "And my administration is also eliminating title insurance on federally backed mortgages. When you refinance your home, you can save \$1,000 or more as a consequence".

Yes, the President of the United States mentioned title insurance in his 2024 State of the Union address in prime time on national television.





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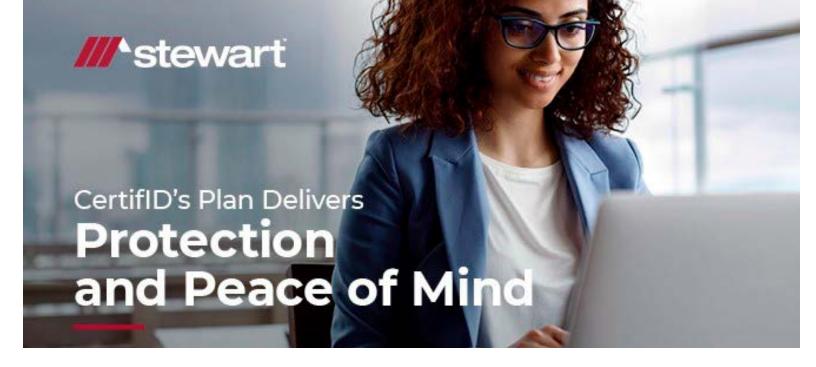


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# **ALTA Springboard 2024**

# By: Jana Segarra, EVP of Title Production at Investment Title. LLC

How was ALTA Springboard this year? Amazing! How is ALTA Springboard most years that I've attended? Also, amazing!

You would think it might be hard to top the first one I attended. When I attended my first ALTA Springboard in Denver, Colorado in early March of 2020 my company had added two additional office locations to our original one and was starting to hire remote employees who worked from home. Initially, I was not OK with this at all. At the time, remote work was still a new thing, and

I was stumbling a bit trying to find the best ways to organize, motivate and manage a remote team.

Then came the Springboard Convention from March 10 – 11, 2020. Because of the way my company was growing, when I went to Springboard, I made it a priority to attend every talk and meeting I possibly could on managing a remote team. I walked away from that convention with ideas, metrics, and procedures that I knew were going to help. Little did I know how valuable that learning would come in. Did you catch that Springboard was March of 2020? Remember, that was just as the

Covid-19 pandemic was starting to ramp up. I came home on Thursday, March 12th from Springboard. On Monday, March 16th we announced to our entire company that they were all being sent home to work remotely for what we hoped would be two weeks, but of course ended up being much longer.

The information I learned at that first ALTA Springboard on managing remote teams was priceless. I was able to run meetings, coach my employees, deal with technology and set up, and evaluate remote performances with confidence. It helped make so many things better. I've been fortunate enough to attend other









ALTA Springboard conventions since then, and I find that they are all still giving back.

ALTA Springboard is the smaller, more intimate convention relative to ALTA One. It's usually about one third the size and much more interactive. Two of the main central components of ALTA Springboard are Idea Festivals and Knowledge Communities. During an Idea Festival everyone at the convention is in one big room to hear a speaker or panel. This year the first Idea Festival speaker was Former Secret Service Special Agent and Interrogator, Evy Poumpouras, whose talk was titled "Bulletproof Strategies for Leading Fearlessly". Evy delivered. At times the room was rapt as she shared stories and gave us insights on how to

ALTA Springboard...cont. on page 25

# Safeguarding Your Digital Fortress: A Dual Perspective

#### continuation from page 18

Don't just obtain, MAINTAIN. These threats don't stay the same. They evolve and change at an alarming pace. Run faster.

**5. Incident Response Plan:** This really speaks to what Lisa guides us on above. Develop a comprehensive incident response plan outlining procedures for detecting, responding to and recovering from cyber incidents effectively. If you are hit, be ready to respond immediately. Don't let it happen and then look around saying what do I do now? Know that answer, always be ready for the worst-case scenario.

**6. Cyber Insurance:** Consider this a cost of doing business and not just one form, but all forms. Each coverage available protects you from a different avenue these criminals take. A \$200K loss from wiring to the wrong location can take you out in one swoop. Be protected, be



insured. Tailor these policies as much as you can to your specific needs. Peace of mind and being able to focus on core operations is well worth the expense. Never forget though, this is never going to fully cover all losses, and to that I say, see Items 1 through 5 above and never stray too far. Don't think because you are

insured you no longer need to worry or focus on these other safeguards. You need them all and all the time, and tomorrow you may need more.

In today's digital landscape cybersecurity is not just an option, it's a necessity. Together, we can build a safer and more secure digital future and always stay one step ahead. We spend a lot of time protecting ownership, we now need to take the time required to protect ourselves and our customers digital information – whether we like it or not. We have been challenged with adversity before and we have adapted. A little bit of pain now brings all the gain later. [Lisa], am I right?

Absolutely [Heather]. This experience taught us a few things: We are more creative than we thought. The world is a little more patient because of this incident, and we have way more fortitude than the fraudsters do.

Oh, and if this happens to you, just know that it may feel like "the end of the world as we know it", but R.E.M. was right about one thing, you will feel fine.



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## **ALTA Springboard 2024**

#### continuation from page 23

have conversations, negotiations and to navigate the world with better communication and leadership. Did you know having a cell phone just sitting on a table during a discussion instantly makes communication 30% less effective? Not turned on, not in someone's hand, just present, even if face down on the table. Everyone was putting their phones away after that fun fact.

During each Idea Festival attendees are seated at round tables, and after each Idea Festival they have a focused discussion about what they just heard during what ALTA calls Knowledge Communities. In these discussions I have bonded with strangers and learned some of the most interesting and helpful things during these talks. Ever have trouble verifying or getting a copy of someone's photo ID? Be glad you don't live in a state with an Amish community. The Amish don't believe in having their picture taken so they don't have any



ALTA Board Governor Craig Haskins, CEO and President of Knight Barry Title Inc.; ALTA Member Tyler Newlon, Executive Vice President of Pioneer Title Agency Inc.; and ALTA Member Jeff Richardson, CIO of Shaddock National Holdings

photo ID. (They have some procedures for getting around it, but I would still choose a photo ID over those procedures any day.)

There are three of these Idea Festival and Knowledge Community pairings

throughout Springboard. This year the second Idea Festival was a panel discussing Industry Fraud Trends with Craig Haskins from Knight Barry Title, Inc., Tyler Newton from Pioneer Title Agency, Inc. and Jeff Richrdson from

ALTA Springboard...cont. on page 27

## **Title Insurance in Prime Time**

#### continuation from page 18

And so began my wakeup call, and yours. Make no mistake. Our industry is under attack.

Just before the State of the Union the White House issued a press release which included the following: "The Federal Housing Finance Agency has approved policies and pilots to reduce closing costs for homeowners, including a pilot to waive the requirement for lender's title insurance on certain refinances. This would save thousands of homeowners up to \$1500, and an average of \$750.... According to independent analysis, across the market title insurance typically pays out only 3% to 5% of premiums in claims to consumers, compared to more than 70% in other types of insurance.... In the coming months, the Department of Treasury's Federal Insurance Office will convene a roundtable of relevant industry stakeholders, including consumer advocates and academics, in order to discuss the title insurance industry and analyze potential reforms."

The above statement tells you all you need to know about the ignorance of the Federal Housing Finance Agency (FHFA) with regard to our industry. And it is their intention to initiate reforms based upon their misinformation.

ALTA was quick to respond issuing the following statement which I quote in part. "By announcing this only hours before the State of The Union address, without outreach to, or engagement with, the title insurance industry, the Administration has reduced the crucial role of the industry to nothing more than a politicized talking point."

I wonder if the President and his administration know that a lot of us put food on the table by providing title insurance for refinance transactions. I have a feeling the President, although a lawyer, does not really know a lot about title insurance. As any lawyer will tell you, they don't teach you about title insurance in law school. And I would doubt the President has much practical real estate law experience as he entered politics at a young age.

He probably bought his first home back before title insurance was even common. (I'm 10 years younger than him and I remember those days.) On the other hand, I have a feeling Donald Trump, as a real estate developer, knows all about title insurance. He reminds me of every developer who tried to get out of paying even the \$1.00/thousand reduced construction rate premium I was offering. And I would not be surprised to find that the Trumps have an interest in a title insurance joint venture or perhaps their own agency connections. This does not give full assurance Trump would not call out our industry in his most important speech of the year in prime time, if reelected, but I doubt it.

Keep in mind that regardless of who is serving as President after January 2025, the same bureaucrats who succeeded in getting the words "title insurance" into the State of the Union will still be serving as misguidedly as ever. They, and not the President, are the uninformed who can truly hurt us by their actions. It is time for our industry to mobilize. And education is the key, if only the government is willing to be educated.

This reminds me of another moment on Sunday, December 27, 1987, when I opened the Sunday Newark Star-Ledger and found a front-page story about how title insurance is a bad deal for New Jersey consumers. It was the holiday season, and our industry was under attack. The Department of Insurance (now Banking and Insurance) had leaked a report about title insurance from New Jersey's Director of Consumer Affairs, Leonard Karp. The Karp Report's basic premise was based upon the same misunderstanding the FHFA is making today. Karp quoted that same statistic about less than 4% of title premium being paid out in claims. What this statistic fails to appreciate is the unique nature of title insurance's risk avoidance strategy through search and examination, as opposed to other insurance lines whose premium structure is based upon risk assumption for future events.

I am grateful to Rick Wilson, the NJLTA President in 1989-1990, for refreshing my memory of the Karp Report fallout and its aftermath. The NJLTA commissioned a report on our industry to present to the Insurance Department. It was not well received. The Liaison Committee was created to work with the Department of Insurance, but Rick reports that the initial meetings were adversarial. Consumer Affairs threatened to issue a follow-up report in 1992. According to Rick, that report included, "multiple inaccuracies and derogatory information about our industry". Our Liaison Committee was able to work with the state to squash the report. It is a shame the Department of Banking and Insurance shut down meetings with our Liaison Committee before COVID and has shown no desire to resume the meetings with our Association or other lines of insurance.

Which brings us back to today when our industry is under attack on a national level. There is no better time to renew or consider membership in the NJLTA and ALTA and to assure your participation in TIPAC.

Fortunately, title insurance was not the only demon called out in the State of the Union Address in prime time. The President also included other targets like Big Pharma, which develops miracle drugs, and the snack food industry, which provides tasty treats. We are in good company. According to our President, among the important issues facing this country is the fact that, "there are 10% fewer snickers in a Snickers bar". Let's get on that one, Mr. President.

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 expressed are those of the author, a sympathetic well-meaning elderly man with a poor memory.

## **ALTA Springboard 2024**

ALTA SRINGBOARD 2024

#### continuation from page 25

Shaddock National Holdings. These easy to listen to expert panelists were informative and relevant. Many of us were taking notes as they must have mentioned at least 20 different tools, websites and programs that can help with everything, from making email safer to preventing wire

fraud to checking ID's.

The third Idea Festival

The third Idea Festival this year was on the use of Artificial Intelligence in our Industry. This is a hot topic right now and there are valuable tools here. We need

to not be afraid to use them. The discussion covered what is AI, what it does well, how it does it, what it does not do well and what we can expect to see more of in the future. The speakers gave great guidance. Their main takeaways were recommending that people identify processes that could be fixed or automated in their business and investigate how AI can help them with those situations from there.

Besides the Idea Festivals and Knowledge Communities, the other main component of Springboard is something called Braindates. Braindates are one-on-one or group conversations that you book with other conference participants. When I went to my first Springboard, I asked someone, "should I sign up for these?". And their reply was, "Yes, a lot of those people are consultants who charge hundreds of dollars an hour to share their knowledge and you get to meet with them for the price of admission.". The experience is focused on removing networking barriers so you can share knowledge and experiences right away.

One of the Braindates I went on during this year's convention was with Lisa Steele from Mother Lode Holding Company on "Having Difficult Conversations". In addition to getting some great tips on how to handle difficult conversations with employees, partners, and clients better this Braindate, like many conversations with people at Springboard, was an ideal way to connect with your industry peers. One attendee said to me, "I'm not going to talk about these things with my staff, or my competitors. But here you talk about it with people with other states and it helps." You'd be surprised how many people in other states are dealing with the same issues we have in New Jersey.

In addition to the Idea Festivals, Knowledge Communities and Braindates there are other smaller breakout talks throughout the schedule on a number of relevant topics. This year I attended "Making Yourself More Efficient in a Changing Market" from Toni Carroll, NTP, and also "Successful Company Mergers and Transitions" from Richard H. Welschons, NTP. But there are talks on so many things. This year's range of topics included social media, cybersecurity, and mentorship.

At night this year I attended the ALTA Good Deeds fundraiser the first night and the TIPAC Fundraiser the second night. TIPAC is extremely important right now. Many people are still talking about the mention of Title Insurance in the State of Union Address and TIPAC is working hard to protect our businesses and livelihoods. There was much talk of ALTA Advocacy in May throughout the entire event as well. I strongly encourage anyone who is able to attend the ALTA Advocacy event in Washington, D.C. to get involved and help out.

Springboard is always a special and valuable experience. In addition to all the worthy offerings packed into the official schedule, you also find yourself connecting and learning from people sitting at breakfast, or on the elevator. The people who go to events like this go for a reason. What you put into it is what you get out of it, and often these people are there to learn, help and connect. Everyone always seems to be friendly, energized and smart. It's an event that pumps you up, gets you excited about what we do and gives you so many ideas to bring back home and help you and your business work differently and better. I promise, if you go to an ALTA Springboard event, you will walk away with something you did not have before you went and you will likely want to go back and attend more than once.

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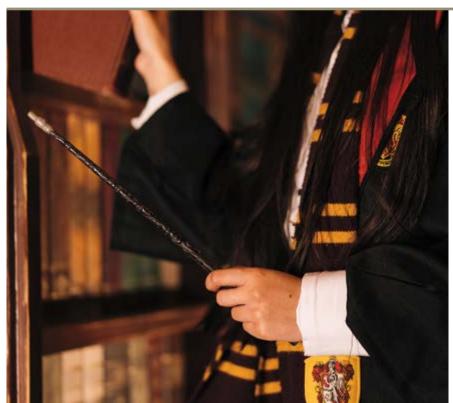
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Arthur H. Bennet has joined First American Title Insurance Company as an Underwriting Counsel.





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

Cyber threats, tax sales and title on TV, OH MY! If only we could link arms and follow the yellow brick road to see the wonderful wizard, who would fix all this and find us a way home. Unfortunately, that won't be happening, my friends. This is reality, and so are all three of those scary villains. However, I would say that this industry has not one, but quite a few wizards, working hard for it behind many curtains. Together we are unstoppable. Be diligent and feel confident we can face any challenge that comes our way, like a breath of fresh spring air.

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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