

NALTEA

National Association of Land Title Examiners and Abstractors

In this issue:

Message from the President

Message from the President
Front Cover

**Designing the National Certified
Abstractor Designation Test**
Page 2

When is a Full Search Needed
Page 3

**NALTEA 2008 Annual
Conference**
Page 3

NALTEA Membership Update
Page 4

Mary Mitchel, President
Email: president@NALTEA.org

I know that it does not seem possible, but January will be here before we know it. With it comes the 2008 NALTEA Conference. Based on input from our membership, and past attendees, the NALTEA Board of Directors made the decision to continue holding our conference on the Martin Luther King holiday weekend, which, being a three-day weekend for most, allows attendees the additional travel day without causing a hardship to their businesses. January, traditionally, tends to be a slower time for most abstractors. The Planning & Events Committee has done a great job in locating, and securing, a great venue for our conference this year. Again, based on your input, time has been allotted each day for you to explore the wonderful city of New Orleans.

I am very excited about the upcoming conference. Not only will we be filling many seats on the Board of Directors & Officers and listening to engaging speakers, NALTEA will be offering testing for the very first national designation for abstractors. This is a tremendous accomplishment and a real breakthrough for our profession!

Due to the importance of establishing our designations, NALTEA will be offering the NALTEA Master Abstractor (NMA) designation to those individuals who achieve a higher grade on this NALTEA Certified Abstractor (NCA) test. This will allow all of you the opportunity to achieve the highest designation available, during this first time offering, without the need to take a second test. The Education Committee wanted to be sure not to exclude those of you who would prefer to test for the higher designation. Let me say, without any doubt, that this test is not a "cake walk", by any stretch of the imagination. Each test will contain 100 multiple-choice questions, which are chosen at random, from all of the available NCA questions. For those

members taking these tests in the future, they will have a choice to test for either designation. In order to achieve the "Master" Level, it will be necessary to take the NMA test, which will contain questions that require a substantially, higher level of expertise in the field. Regardless of which level you feel most suits you, both are designations that you should be proud to carry. They are a testament to your commitment to your profession.

There will be a class offered, which will be beneficial to everyone, regardless of whether you choose to take the test or not, that will cover many key components/topics that may appear on the test. It is a great opportunity to "brush up" on your abstracting knowledge, especially since both designations attempt to be national in scope and terminologies can differ from state to state.

The Education Committee worked extremely hard to make this available for all of you and should be commended for their tremendous efforts. Please take a moment to read the article written by one of the committee members, Jeanne Johnson, which will provide you with some insight as to the challenges they faced along the way. I certainly hope that everyone takes advantage of the opportunity to be certified.

Please visit the NALTEA Website regularly, as we will be updating the conference information along the way, i.e., speaker topics, travel discounts, etc.

I look forward to seeing you there!
Feel free to contact me at:
president@naltea.org

NALTEA 2008 Annual Conference

January 18-20, 2008
French Quarter Chateau LeMoyné
New Orleans, Louisiana

For more information
Visit www.naltea.org!



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Designing the National Certified Abstractor Designation Test

Jeanne Johnson, Education Committee Member
Email: landrecs@aol.com

"You've got to be very careful if you don't know where you're going, because you might not get there." Y. Berra

It was a monumental task with hundreds of hours of work, made more difficult by the fact that title searching varies not only by state, but also by each of the 3,143 counties/parishes within the fifty states (not to mention DC and a handful of independent cities in NV, MO, MD, VA, some boroughs in NYC and Alaska...okay, enough all ready.)

"When you get to a Fork in the Road, Take it..." Y. Berra

Where to begin to create a test – land descriptions, recording of documents, types of documents, types of liens and encumbrances, public recording offices? So much material. But there *must* be core areas in the study of land titles and real estate law with which *all* competent abstractors, searchers and title examiners should be familiar. Decisions had to be made.

"You can observe a lot just by watching." Y. Berra

Our discussions about what to test often fell with watching what happened that day - a call from a customer in another area of the country who asks us a question about our work. They ask "what the heck are tenants *by the entirety*?" Another asks "Is that oil lease you show on the property a problem?" Another asks if we can search a mobile home that a customer wants a mortgage on...well, that depends.

"It was impossible to get a conversation going; everybody was talking too much." Y. Berra

So many spirited conversations. We learned that NYC has five boroughs, and that there is torrens property (a different recording system) throughout the state. That while the court system names vary (a lot), all states have courts to do the same things. At times we talked about *certificates of title*, discovering that the term meant 1) a document issued by the local DOT on a mobile home, 2) evidence of torrens property (a separate recording system used in at least 12 states, Europe, Australia, Canada and Africa) or 3) a statement issued by an Attorney giving her opinion on title.

"Think! How the hell are you gonna think and hit at the same time?" Y. Berra

With the busy lives we lead, we realized it is easy to go on auto-pilot, and not really *think* about issues from our customer's side or our comrades in arms. We had to open our minds – *think* from a broad national perspective. We discussed the grantor-grantee indices vs. the tract indices; metes and bounds vs. subdivided lands; The public land survey system; the various

locations to search for taxes and assessments. There is so much to know – so many variations of a theme.

"This is like deja vu all over again." Y. Berra

So, what core information and concepts do we, as abstractors and searchers, need to know to deal effectively with a national clientele? After a while, revising and rehashing, the concepts for the test began to take form. Certain themes appeared over and over.

"You better cut the pizza in four pieces because I'm not hungry enough to eat six." Y. Berra

Too much information. We can't cover it all. How do we pare it down, cover enough but not too much, and make it *manageable*? How do we make it *memorable*? In due course, we uncovered commonalities, a flow, and recognized the variations of national themes. Yes, there are key concepts - often different words for the same or similar thing. After much discussion and with much deliberation, a test was born. Plenty of meat for fodder and plenty of food for testing.

"It ain't the heat; it's the humility." Y. Berra

It was a daunting task. It was a humbling experience for all of us. But, in addition to carefully thought out questions for the multiple choice NCA test, a practical abstracting and searching handbook was developed. The handbook will be provided to all who pre-register for the NCA examination at the annual conference in New Orleans, January 08. Although printed and copyright by Jeanne Johnson & Associates, the manual is truly a joint effort and labor of love by all members of the NALTEA Education Committee. The manual, consisting of over 200 pages represents what the education committee considers core information for land title searchers, with copies of indices and documents, along with a glossary of terms. It is not perfect, but it is a good start and it embodies a broad summary of the key ideas being tested for the professional NALTEA Certified Abstractor (NCA) Designation. To see the overall outline of the NCA Designation Exam, and the optional review session that will be given at the conference, go online to www.naltea.org. Other suggestions for study guide materials are listed there as well.

Comment: The NCA accreditation is the first national designation for independent abstractors. It is designed to demonstrate both a significant level of national knowledge in the industry and a commitment to a higher level of service to the consumer. The NCA accreditation, while currently the highest level achievable, will ultimately be the first of three achievable levels. Each stage will be awarded after a higher level of rigorous evaluation by the organization.

The certification test will be offered to attendees at the NALTEA 2008 Annual Conference in New Orleans. The testing fee is \$125 and includes a copy of *Principals of Abstracting, Searching and Land Records Management*.

When is a Full Search Needed?

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Each underwriter may have its own requirements on when to a full search is needed, but here's some advice from Conestoga Title Insurance Co. on when a full search is needed and when a short search is sufficient.

When is a full search needed?

- All purchase transactions;
- All refinance transactions when the amount of insurance is \$250,000 or more;
- When issuing an owner's policy or Conestoga Enhanced Policy;
- Any time you have knowledge that there is a tax sale, mortgage foreclosure or unusual risk.

"The full search requirement does not mean that you may obtain back title from a prior underwriter and bring it forward," Conestoga advises. "A full search means that your searcher searches the land records back to the requisite amount of years, for example, 50 years in Indiana, 60 years in Pennsylvania and 42 years in Ohio."

When is a short search sufficient?

- When the amount of insurance does not exceed \$250,000;
- When you are not issuing an Owner's policy or the Conestoga Enhanced Policy;
- You do not have any unusual underwriting risks.

For agents conducting short searches, Conestoga advises all reasonable efforts should be made to secure back title policies and a search of the land records must be performed from the execution date of the current deed of record for the subject property forward and complete information from that deed — including legal description — must be reported, along with complete information regarding open mortgages, judgments, federal tax liens, pending suits, real estate taxes, municipal claims, water and sewer, PUD claims, UCC's and all other matters affecting the subject real estate.

Conestoga also suggests if an open or satisfied purchase money mortgage to an institutional lender is found in a search, agents should report the complete information regarding the instrument and can conclude the search. If an open or satisfied purchase money mortgage to an insured institutional lender is not evidenced in the search, an agent must search the chain of title, fully abstracting each interest, until a bona fide conveyance with a purchase money mortgage to an institutional lender is evidenced in the search.

Family conveyances, dollar deeds, estates as grantors and other non-bon fide conveyances do not count as prior owners and are not considered bona fide transactions, Conestoga said, thus there will be instances where agents need to extend the search report.

All commitments and polices must contain both the following Schedule B exceptions, according to Conestoga:

- Covenants, conditions and restrictions, if any, appearing in the public records; and
- Any easement, rights of way or servitudes appearing in the public records.

NALTEA 2008 Annual Conference

The NALTEA 2008 Annual Conference will be held in New Orleans, Louisiana at the beautiful Holiday Inn Chateau LeMoyne, located in the French Quarter. Ample time has been allotted this year for you to visit the local sights and take in the wonders of the French Quarter. Below is the conference agenda and registration information—for full details, please visit www.naltea.org.

CONFERENCE AGENDA

FRIDAY, JANUARY 18

7:00 - 11:00 PM

WELCOME RECEPTION

SATURDAY, JANUARY 19

8:00 - 9:00 AM

BREAKFAST BUFFET

9:00 - 9:15 AM

Mary Mitchel, NALTEA President
Opening Remarks

9:15 - 10:15 AM

NALTEA Business

Treasurer's Report & Committee Reports

10:15 - 11:00 AM

NALTEA Business

Board Openings & Candidate Introductions

11:00 - 11:15 AM

BREAK

11:15 - 12:15 PM

Jeff Schurman, Director TAVMA

12:15 - 1:15 PM

LUNCH

1:15 - 3:00 PM

REVIEW MATERIAL FOR CERTIFICATION TESTING
- or -
OPEN FORUM WITH ROUND TABLE DISCUSSIONS
ON TOPICS SUGGESTED BY ATTENDEES

SUNDAY, JANUARY 20

8:00 - 9:00 AM

BREAKFAST BUFFET

9:00 - 9:15 AM

Mary Mitchel, NALTEA President
Opening Remarks

9:15 - 9:30 AM

ELECTION OF BOARD MEMBERS

9:30 - 10:30 AM

Matt D. Monson, Esq., Pajares & Schexnaydre

10:30 - 11:00 AM

ELECTION RESULTS AND INTRODUCTIONS

11:00 - 12:00 PM

Debbie Thibodeaux, Ten Star Corporation

12:00 - 1:15 PM

LUNCH

1:15 - 3:00 PM

CERTIFICATION TEST **

- or -

BREAK-OUT SESSIONS FOR COMMITTEE MEETINGS
AND GENERAL ATTENDEES DISCUSSION

CONFERENCE FEES

Registration Fees: *(if received by 12/5/2006)*

- Member: \$150 per person
- Non-member: \$175 per person
- Non-industry spouse/guest: \$100
- Certification Test: \$125* *(You must be an active member to take the certification test.)*

Late Registration Fees: *(if received after 12/5/2006)*

- Member: \$175 per person
- Non-member: \$200 per person
- Non-industry spouse/guest: \$125
- Certification Test: \$125* *(You must be an active member to take the certification test.)*

* Includes a copy of *Principles of Abstracting, Searching and Land Records Management*.

NALTEA has worked out discounts on airfare with American Airlines, and car rental with AVIS. NALTEA conference attendees will also receive a discounted room rate with the Holiday Inn Chateau LeMoyne of \$119 per night, upgrades to balcony suites are also available for an additional charge of \$15 to \$30 per night. For more information on how to take advantage of these special offers, please visit www.naltea.org.

You can register online for this conference at www.naltea.org. Once you have completed the online registration form, you can pay with your credit card or print an invoice and mail it to NALTEA with a check.

Please direct any questions or comments to Tim Lunn at 607-727-1900, Kristi Eth-Duncan 314-842-8329 or Jan Vogeler at 847-639-7355. If you prefer, you may also email info@naltea.org.

Attention: The NALTEA Members' Only Section of the Website has been updated. The 'Resources' page now contains a list of recommended reading that includes a list of books that may help with your preparation for the certification test. It also includes a link to an outline for a study guide.

You can request a password directly from the Web site and access the members' only information that is currently available. We will continue to update that section of the site as new information becomes available.

NALTEA Membership Update

Nikky Eisenhuth, Committee Chairperson
Email: membership@NALTEA.org

NALTEA Welcomes the following new members:

MMI Abstract East Brunswick, NJ
Gregory Savad

Title Abstracter's Association of East Brunswick, NJ
New Jersey

This brings the active membership of Naltea to 71 members.

Membership and Public Relations Committees Work Together on Membership Drive.

The Membership and Public Relations Committees began working together on a new membership drive and public relations campaign. Both committees are working hard to get the word out about NALTEA to both possible new members and possible clients. In order to help avoid duplication of efforts, both committees will be working together in gathering contact information on abstractors and their possible clients.

The first phase is the gathering of sources of abstractor lists and client lists including, but not limited to, state land title associations and state bar associations. The second phase will be to gather the vital information of both abstractors and clients into two separate databases. The third phase will be to contact prospective members through e-mails and faxes and to launch a public relations blitz promoting NALTEA abstractors.

We have just completed Phase I and are launching Phase II. We anticipate beginning Phase III soon after the January Conference. Both the Membership and PR committees are looking for additional help with Phase II. Any help would be appreciated. You can contact the Membership Committee at membership@naltea.org or the Public Relations Committee at publicrelations@naltea.org.