



"WORKING TOGETHER"

Property Records Education Partners (PREP)

[PREP Newsletter](#)

[Volume 24 - mid-August 2011](#)

It's a Crucial Time to Attend PRIA's Annual Conference in San Antonio

There's probably no better time to attend a [PRIA Annual conference](#) which will be held in San Antonio, Texas, September 24-27. PRIA's conferences represent the very foundation of PRIA - which is to listen to industry stakeholder's issues and viewpoints in order to reach consensus in developing standards and best practices. There are not many associations whose sole purpose is to bring people together at the same table; PRIA is one of them. The next few years will set the stage for the future of the land record's industry. PRIA's Annual Conference provides a forum for your input in shaping that future. See [conference schedule](#) and read complete article to find out more about the excellent sessions.

The first day of the [conference](#) will feature industry stakeholders including the American Land Title Association, Mortgage Bankers Association, Recorders, and the Mortgage Electronic Registration System (MERS) - with plenty of time for interactive participation. This is the first time in many years that industry stakeholders, with varying points of view, will be at the same table to discuss their MERS viewpoints. If there is legislation being drafted in your state regarding MERS, if you want to learn how MERS serves as an industry utility, or if you have questions about learning why mortgage assignments are no longer recorded in the county land records, this will be a critical session to attend.

Another major topic that will have both pre-session and general session programs scheduled is GIS Integration with local land records. The GIS session at the Winter PRIA Conference was very popular, and there remains a good deal of work to do to understand the integration of GIS and its effect on customers/constituents, on current state integration initiatives, and ultimately to create a workable blueprint for implementing both integration and revenue collection.

In addition, there is a new [session](#) that will discuss the consolidation of Land Records Offices. And there are many other [working sessions](#) to choose from including: Redaction Best Practices, XML Data Standards, eRecording, Notary, Archival and Disaster recovery, how to start a PREP Chapter, and issues related to document indexing to name a few.



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In This Issue

- [PRIA's Annual Conference "PREP - I Need Your Help!"](#)
- [PREP Blog and PREP LinkedIn](#)
- [News from PREP Chapters - Missouri and California](#)
- [Links to National News](#)
- [ALTA News](#)
- [Advertise in PREP Newsletter](#)

- [Examples of PRIA's Products](#)
- ["2010/11 PREP Chapter Topics"](#)
- ["How to get Ready for eRecording" Bulk Records Access and Cost](#)

It looks like PRIA's received a healthy registration response so far, so [reserve your room](#) soon. We look forward to seeing you "at the table" in San Antonio!



"PREP - I Need Your Help!"

I recently received a phone call from one of the state Escrow Association president-elects asking for "communication" help from [PREP](#). As we talked, we both realized her experience was one that could be shared nationally as well, since it seemed very representative of the type of miscommunication that happens between the government and business side of our real property records industry.

Here is her story: "I closed an escrow for people's property in our local county. Apparently I had one too many "n"s in the street name on the document, but everything else such as the legal and the APN was correct. The customer wanted to re-record the deed to correct the extra "n". I told them that the deed would have to be re-signed and re-acknowledged before we would re-record it. Our customer called the county recorder's office and he was told that "No, we don't require that, just have the notary re-notarize the document and we will re-record it." (By the way, the people who signed the deed are now out of the U.S.) I told the customer that this wasn't correct information and I called the county recorder's office and was also told that they don't require a re-signed document, just re-acknowledged. I informed them that to re-acknowledge a signature the document must be re-signed as well, as per our state's Notary Laws and that there must also be a personal appearance in front of a notary. The Recorder's office said that of course "they" don't require that, but we discussed the fact that perhaps the Recorder's office shouldn't be advising customers on proper documentation requirements anyway since they are not aware of notary laws and/or not actually in the business of advising customers on document preparation outside of the basic recording requirements.

[\(other PRIA Standards and Publications\)](#)

PREP Chapter Meetings

August/September 2011

SE Minnesota
Central Florida
Central Texas
South Carolina
Metro Minnesota
So California
Nebraska
North Central Texas

Contact Information

Do you have questions or suggestions on this newsletter or any updated information on co-chairs, emails, phone numbers etc. please contact us:

[Carolyn Ableman](#)

PREP Coordinator

[Mark Monacelli](#)

PRIA PREP Committee Co-Chair
Recorder

St Louis County, Minnesota

[Nick Hacker](#)

PRIA PREP Committee Co-Chair
ALTA, Manager of Government
Affairs

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This kind of inaccurate document information seems to be counter-productive and a disservice to the customer, so I hope we can discuss this to clarify our respective roles in advising customers on appropriate document preparation."

I was glad that this escrow association president-elect realized that PREP, as a group that includes both the government/business partners, was the place to go to reach out for clarification and better and wider communication...since this is the entire point of PREP. We appreciate her reaching out and thought you all would like to hear her concerns first hand.

By Carolyn Ableman, PRIA's National PREP Coordinator
(ableman@priamail.us)

Communication Tools you can Use - [PREP Blog](#) and [PRIA/PREP LinkedIn Group](#)

- Go to or subscribe to the [PREP Blog](#) and join the [PRIA/PREP LinkedIn Group](#)
- We try to put many of the [PREP Chapter Minutes/Agendas](#) on the [BLOG](#) when we receive them, so you all can track what is going on in other PREP Chapters. We also post daily articles of interest and legislation that may affect real property records and related industries - on both the [BLOG](#) and on [LinkedIn](#).

News From PREP Chapters:

In this newsletter volume, we'll be highlighting the [Missouri and California PREP Chapter\(s\)](#). Each PREP Newsletter will post the most recently received "minutes" from PREP Chapters. You can also always go to the PRIA/PREP Webpage - click on the [map](#), and see minutes/agendas/handouts from all the meetings held across the country. Read complete article.

Missouri PREP:

Co-Chairs: Government, Shawn Hennessee at hennesha@jacksongov.org
and Business, John Winkler at jwinkler@us-title.com

The Missouri PREP Chapter met on June 16, 2011. The guest speaker was Jim Borchers from Danna McKittrick, P.C. to discuss the following topics: A) Limited Liability Companies (LLC) in real estate transactions: he discussed the points that LLC's are NOT corporations and how and why they are different; who has the authority to execute real estate documents (and why) and what LLC documents are essential to document authority and why. B) Trusts as borrowers, buyers and sellers: he discussed documenting authority to bind the trust, Affidavit & Certification of Trust - and what it must include; why is it necessary to require an Affidavit, and can one demand a copy of the Trust document. The next PREP Meeting will be held on August 25, 2011 and the speaker will be: David A. Townsend, President and CEO of Agents National Title Insurance Company, a regional title insurance underwriter based in Columbia, Missouri. David will be speaking on

two subjects: MERS and Affidavits of Affixation.

California PREP:

Co-chairs: Government, Theresa Rabe at trabe@smcare.org and Tauna Mallis at tmallis@asrclkrec.com and Business, Yianni Pantis at ypantis@corelogic.com and Zachary Zaharek at zzaharek@firstam.com

The July 14, 2011 CA PREP meeting discussed several topics. The first topic involved planning for the Southern CA meeting scheduled for September 14th in Orange County. This meeting will include the following topics and panelists: Panel 1 - County Recorder Hot Topics (panelist from LA, OC, San Bernardino and Riverside); Panel 2 - District Attorney Real Estate Fraud Hot Topics (panelist from LA, OC, Riverside); and, Panel 3 - Titans of Data regarding business sectors use of public records (panelist from Data Tree, Data Quik). The second topic planned the Northern CA meeting scheduled for October 26th in Marin County. Topics and panelists aren't finalized but the following topics are of interest: Real Estate Fraud (Florence will reach out to John Tutuer who has recently been appointed to the CA AG Real Estate Fraud Task Force); Electronic Recorder (Theresa will contact national submitters to participate on panel - perhaps San Mateo and Santa Clara counties could also participate as they are both e-recording); Bulk Records (Theresa will reach out to PRIA again re speakers, however CA PREP can not pay for travel); and, Open Forum (potential topics transfer tax, recorder special times). Finally the CA CORE discussed redefining the regions. There was an understanding and agreement to simply advertise that there are currently 2 active regions (Northern CA and Southern CA). However, we should not list counties as participants in one or the other regions. Also, it should be added that CA is looking for more geographical diversity for additional PREP meetings. The next PREP conference call is scheduled for September 20th, Tuesday at 10am. Call in number is: (916) 552-2828.

Links to National News

[Pennsylvania County Expands Electronic Recording Options](#) -

"Montgomery County's electronic recordings have increased from 10 percent in 2007 to 50 percent in 2011, according to the county recorder of deeds."

[Home Listings Fall but Woes Persist](#) - "The number of homes listed for sale declined sharply in a number of U.S. cities during the second quarter, offering glimmers of hope that some housing markets are starting to recover."

[Banks Continue to Struggle with Housing Fallout, Despite Bailout](#) -

"The recent swings in the stock market have hit U.S. banks hard, but falling share prices are only one in a long list of troubles for financial institutions. Nearly three years after the government infused the

banking industry with hundreds of billions of taxpayer dollars, many large banks continue to struggle with the fallout of the housing bust."

[The Future of Mortgage Interest Deduction Remains Unstable](#) - "After much hype about the possibility of an elimination of the mortgage interest deduction (MID) as part of the debt ceiling agreement, the August 2nd accord included no such provision."

[Mortgage Rates Fall Amid Plunge in Stocks](#) - "The stock market sell-off over the past week has created a surprising - albeit likely short-term - silver lining for consumers: ultra-low interest rates."

[Foreclosure Filings in U.S. Plunge 35% to Lowest in Four Years](#) - "U.S. foreclosure filings dropped 35 percent last month to the lowest level in almost four years as lenders and state and federal agencies increased efforts to keep delinquent borrowers in their homes, RealtyTrac Inc. said."

ALTA NEWS: OLTA Asks Ohio Supreme Court to Reject County's Excessive Fees for Electronic Documents

The Ohio Land Title Association (OLTA) urged the Ohio Supreme Court to uphold the Public Records Act and preserve the public-private system of computer-enhanced property title assurance by rejecting Cuyahoga County's excessive reproduction fees for electronic real estate records.

OLTA's [amicus brief](#), filed in *Data Trace Information Services, LLC, et al. v. Recorder of Cuyahoga County, Ohio*, argues that the \$2 per page fee charged by the Cuyahoga County Recorder's Office for electronic copies of public records is astronomical in comparison to the office's actual cost.

According to the brief, since the Cuyahoga County Recorder's Office went electronic 11 years ago, it charged \$50 each day to provide digital images of all deeds, liens, mortgages and other instruments recorded in the county. This equated to roughly \$1,100 for an average month's data, given 22 business days per month. The county is now requiring a fee of \$2 per page (or electronic image of a page). This averages out to more than \$208,500 to obtain CD copies of two months' worth of documents.

The brief argues this fee violates Ohio's Public Records Act and that the dramatic rise in fees would result in higher fees passed on to clients for accessing and searching databases.

"These astronomical fees would essentially constitute a tax on real estate transactions that likely would prevent valuable transactions from event taking place," OLTA said in its brief. "Recorders' offices were created to facilitate commerce by providing access to documents so parties can check titles. By charging a price that will drive up the cost of transactions and drive businesses out of the market, the Cuyahoga County Recorder's Office would undermine the very reason for its existence."

ALTA's position is that the cost to obtain a reproduction of a public record or document in any format should be the public record custodian's actual out-of-pocket cost to produce the reproduction.

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