

**prep**

Property Records  
Education Partners

## "WORKING TOGETHER"

Property Records Education Partners (PREP)

[PREP Newsletter](#)

[Volume 14, mid-March 2011](#)

### Successful "Winter Symposium" in DC for PRIA and PREP

It was great to be in Washington D.C. for the PRIA Winter Symposium! We met many of the great PREP Co-chairs for the first time and were encouraged by their enthusiasm in bringing the industry together at the local level! The conference kicked off with a trip to Capitol Hill to discuss land record issues with key members of Congress. Followed by sessions that provided new updates regarding **Uniform Document Numbering**, review of the **XML eRecording Schema**, **Bulk Records Access White Paper**, **Redaction Best Practices**, to name a few. In addition, the first session of the [Land Records/GIS Initiative](#) was held. The time has come to develop standards to integrate land records descriptive information (spatial data) into GIS. Presentations regarding this topic are being developed for PREP Chapter co-chairs to use. This topic was enthusiastically received - since it's obvious now more than ever that linking GIS to spatial data is beneficial to all industry stakeholders and the public. The [PREP blog](#) was launched in DC (log on and subscribe: [www.prepchapters.org](http://www.prepchapters.org).) The goal of the blog is to provide another means of communication about the latest news from PREP Chapters, real property legislation, and industry partners press releases. If you have anything you'd like to share, please send to [Carolyn](#) and she'll post it on the blog.



#### PREP Blog is launched

- [PREP Blog](#) - our very own PREP Chapter blog is up and we look forward to your comments and to receiving posts from you! ([www.prepchapters.org](http://www.prepchapters.org))

#### Links to National News



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#### Examples of PRIA's Products

["2010/11 PREP Chapter Topics"](#)

["How to get Ready for eRecording"](#)

["Privacy and Land Records"](#)

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

#### Upcoming PREP Chapter Meetings

March 2011

[Major Changes Ahead for Mortgage System](#) - "Fundamental changes are probably ahead for the American mortgage system as the federal government pushes to unwind its unprecedented involvement in the housing market."

[Home Prices Down for Sixth Straight Month: CoreLogic](#) - "Home prices fell 5.7% in January from one year ago, the sixth straight month of declines, according to the CoreLogic Home Price Index."

[U.S. Mortgage Rates Hold Steady](#) - "Rates on the 30-year fixed-rate mortgage held below 5% this week, averaging 4.88% for the week ending March 10, according to Freddie Mac's weekly survey of conforming mortgage rates, released on Thursday."

[U. S. Families Slice Debt to Lowest in 6 Years](#) - "U.S. families by defaulting on their loans and scrimping on expenses - shouldered a smaller debt burden in 2010 than at any point in the previous six years, putting them in position to start spending more."

[Mortgage Brokers Challenge New Compensation Rules](#) - "Two groups representing mortgage brokers and other real estate industry professionals have filed suit against federal regulators over new rules governing loan officer compensation that are scheduled to take effect April 1."

## ALTA NEWS: "New ALTA/ACSM Land Title Survey Standards Go Into Effect on February 23rd"

The 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Survey Standards go into effect Feb. 23. The [revised standards](#) are the first major rewrite since they were first adopted by the American Congress on Surveying and Mapping (ACSM) and the American Title Association (now ALTA) in 1962.

Here's a glimpse at some of the primary changes, provided by Gary Kent, chair of the ALTA Liaison Committee with American Congress on Surveying and Mapping and chair of the NSPS/ACSM committee that deals with the ALTA/ACSM Standards:

- An effort was made to standardize wording with regard to the property being surveyed, which has, in the past, been referred to as the "premises," the "property," the "parcel," and the "tract." The 2011 Standards use the term "the surveyed property," except where it is not appropriate.
- Also made more consistent was the use of varying terms such as "visible " "observed " "observable " and "physical" in earlier

Washington State  
North Central Texas  
Missouri  
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:

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PRIA PREP Committee Co-Chair

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Affairs

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versions. The 2011 Standards use the term "observed in the process of conducting the survey" wherever possible and appropriate.

- With regard to the boundary, other significant additions include a sentence that defines what constitutes an ALTA/ACSM Land Title Survey, guidance on Land Title Surveys of non-standard types of properties (such as marinas, trailer parks and campgrounds), a recognition of the existence of the normal standard of care, and a section that addresses need for the application of proper boundary law principles in the resolution of boundaries. The issue of junior/senior rights has also been addressed. Where there is a water boundary, there is now a requirement that the feature located on the survey (e.g. bank, edge of water, low water line, etc.) should bear some relationship to how that boundary is described in the writings.
- The measurement standards have been fully incorporated into the Standards for the first time since 1986, rather than being a separate attachment. In addition, the term Relative Positional Accuracy has been changed to Relative Positional Precision (RPP) to properly reflect what the term actually represents. The definition of RPP (formerly RPA) has also been clarified and the points involved in the analysis are now limited to the actual corners of the property surveyed. To assist in the understanding and application of RPP, the committee is working with volunteers to develop a document that will not be part of the Standards per se, but that will be a reference for surveyors with respect to the measurement standards.

Other changes include several sub-sections and a new Table A item that clarify the surveying and depiction of easements - both on-site and off-site. Other new Table A items include one related to wetlands locations and one which requires the surveyor to have professional liability insurance. A new section on deliverables gives a nod to digital copies.

Finally, the section on the certification now includes wording requiring that "the plat or map shall bear only the following certification, unaltered ..." (emphasis added), except as may be required by jurisdictional requirements (some states require additional specific wording).

In anticipation of the new requirements, there has been some confusion regarding zoning information. According to Kent, integrated services director for The Schneider Corporation, the new survey standards do not require title companies to incorporate zoning into their title search. **The requirement in Table A item 6 is optional.**

Kent said the surveyor need not address zoning and the title company need not provide any related information unless the client elects so. Such an election would typically be driven by the lender's wish that the title company provide a 3.0 or 3.1 zoning endorsement.

"When a 3.1 zoning endorsement is requested, title companies determine the applicable requirements outlined in the zoning

ordinance, such as setback, height and floor space area, and apply those requirements to the facts shown on the survey," Kent said.

The survey will show the actual measured dimensions from the building(s) to the boundary lines, the height, the ground level square footage of the building(s) and the area of the property. With that information, the title company can determine compliance with the ordinance.

The essence of Table A Item 6 is that IF a zoning endorsement is requested (which is typically the only reason this item would be requested in the first place), the title company will provide a copy of the information that it relies on to make its determination to the surveyor, according to Kent.

## PREP Chapter News

In this newsletter volume, we'll be highlighting both the [SE Pennsylvania and South Florida PREP Chapter](#). ([Read complete article](#)). You can also read the minutes from any of the [PREP Chapters](#) on the PRIA/PREP website.

### **SE Pennsylvania PREP:**

Co-chairs: Business, Dallys Novarina at [dallys@dallys.com](mailto:dallys@dallys.com) and Government, Nancy Becker at [nbecker@mail.montcopa.org](mailto:nbecker@mail.montcopa.org)

The SE Pennsylvania PREP met on February 10, 2011. Issues on the agenda were as follows: 1) National Record Services: This company is sending out a letter soliciting fifty plus dollars from property owners to obtain a copy of the deed to their properties. The PREP co-chair explained that this is an actual business attempting to make money and is not a scam. She emphasized that it is preferable for the property owners to use the Recorder of Deeds Office to obtain a copy of their deed since it is much less expensive. She also offered handouts to anyone interested in seeing the National Record Services letter. 2) Montgomery County's RecordFusion was bought out by PropertyInfo Corporation. Copies of the press release were made available to anyone interested. 3) reQuire: Mandy Cutters from reQuire discussed tracking current mortgage issues. She offered brochures to those who would be interested in learning more about the company.

4) George Reiff from Charles E. Shoemaker, Inc., Engineers and Surveyors discussed tracking down surveyors and the retrieval of old plans. Most of these plans have not been recorded. He has formatted a list of engineers no longer doing business with reference to where their plans may be accessed and had them published. The plans are primarily from Berks, Bucks and Montgomery Counties. 5) The Department of Agriculture has contacted Nancy Becker to inform her that any foreign national country who buys farmland has to register

with the Department of Agriculture. Additionally, the IRS has contacted Nancy stating that they are conducting a search, starting from 2006, of properties that were transferred into an estate wherein no inheritance taxes were paid. She said that these are difficult to track and that a list of all deeds are now going to the IRS. Also, the FBI is looking at trusts, transfers in and out of trusts, and whether or not they are a true trust. Nancy's Recorder of Deeds Office has a new Guide to Good Deeds and a new News Letter available to anyone interested.

6) Marcy Toepel, Nancy's former First Deputy and now State Representative, is co-sponsoring a bill to not allow another 1% Realty Transfer fee that would go to the developer. This new legislation has been passed already in 12 states. 7) Greg Gress, Sr. Project Manager from Bursich Associates, Inc. discussed a Surveyor's Perspective of what a Realtor, Lawyer and Title Company want from an ALTA/ACSM Survey and how we get around it. 8) Mark Chalphin asked about plans being rejected because of needing to have the plan on Mylar. He mentioned that it is difficult to put a stamp, etc. on it, and could we get rid of Mylars. The audience responded that Mylars are used to maintain quality and that paper can fade unlike the Mylar. However, scanning is not an original copy and is legal but not original. Greg Gress answered that unless there is a raised stamp, the document is not legal. Greg DeTommaso, Foveonics, added that electronic format is a possibility; like a thumbprint. It is probably moving towards this. He stated if you sent something electronically, there cannot be fraud. The disclaimer is the security. Many people raised the idea that anyone can produce a seal. And that more protection electronically is needed. Mark Chalphin also asked if Mylars are a customary thing. An answer came from the audience: Yes they are and have always done it that way. Greg Gress discussed about plans being digitalized.

9) Charles W. Proctor, III discussed MERS, H.R. 6460, and the impact on our industry. MERS is supposed to be an innovative process that simplifies the way mortgage ownership and servicing rights are originated, sold and tracked. Created by the real estate finance industry, MERS was supposed to eliminate the need to prepare and record assignments when trading residential and commercial mortgage loans. Charles discussed how, with MERS, it is hard to track who holds the mortgage after it has been assigned and reassigned. He stated that MERS wants to be the mortgagor but does not want the responsibility. Charles also discussed the fact that a note is a negotiable instrument and to sign only one note to avoid reassignment. In addition, he mentioned that they are trying to secure notes on Wall Street. Charles then spoke about Bill HR 5460 Land Registration and the Torrence System, which refers to when you get a certificate stating that you have clear title to the property. Also, that HUD is conducting a 1 to 2 year study on MERS and the situation concerning how hard it is to track notes. He asked us to have our representatives support this bill. Charles also addressed the issue that MERS is dealing with a lot of title claims, and that MERS withdraws cases if an attorney is present because they cannot find the note and then brings it up at a later date when they find it.

### **South Florida PREP:**

Co-chairs: Government, Tony LoBianco, at [alobianco@mypalmbeachclerk.com](mailto:alobianco@mypalmbeachclerk.com) and Business, Pat Sponem at [pat.sponem@simplifile.com](mailto:pat.sponem@simplifile.com)

The South Florida PREP Meeting was held on February 24, 2011. Agenda items included the following: 1) Beverly McReynolds, representing the Florida Land Title Association, gave a brief overview of the mission of FLTA and the benefits of membership for area title companies and law firms. 2) Ivey Cherry of the Broward County Recorder's Office, David Rooney of the Miami-Dade County Recorder and Tony LoBianco of the Palm Beach County Recorder all gave updates on the activities in their respective offices, including on the slight rise in document volumes, revenues collected, pages recorded and names indexed. All stated they follow the statutes for recording, but not "police" the documents per se, their role is ministerial. Beginning March 1<sup>st</sup>, Broward will accept Discover, MasterCard and AmEx for fee payment. Miami-Dade noted that when a Quick Claim Deed is filed, their office mails out a card advising the property owner of this - it is an effort to detect deed fraud and was instrumental the investigation of one particular large fraud case.

3) The main topic of the day was "Foreclosure Related Documents and their Recordation with the County Recorder." The first presenter was Vanessa Ceide, Foreclosure and Tax Deed Operations Office with the Miami-Dade Clerk of Court, who talked about the process of getting issuance of certificate of title, certificate of sale, Orders, Objections and tips relating to those tasks. The second speaker was Paul Minoff, VP and Trial Attorney for Fidelity National Title's Southern Regional Title Litigation office and former Chase Bank and WaMu official. He spoke about tips, pitfalls and items to be cautious about as a law firm proceeds with the processing of documents in the foreclosure process. His viewpoint and suggestions were from the lender, title underwriter and foreclosure processing law firm perspective, although he noted examples of what foreclosure defense attorneys do to delay, stop or hinder the process. Finally Stephanie Patten of the Broward County Recorder's office gave the perspective similar to Ms. Ceide of Miami-Dade and some final highlights, suggestions and contact names to work with in Broward County. The next meeting will be June 23, 2011.