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## "Maine supreme court upholds law setting copying fees for counties"



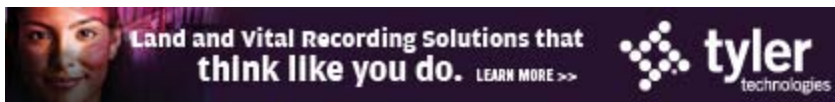
A recent legal action was described in an article in the Maine Sun Journal on 3/28/12 that could have serious affects on both government agencies and businesses who rely on copy revenue of land records. The Maine Supreme Judicial Court recently ruled unanimously in favor of six counties in a lawsuit over the bulk copying of electronic documents in registries of deeds. The decision preserves what is considered an important revenue stream for counties. "The Legislature was required to balance the public's interest in access to the records with the governmental costs of making those records available," Chief Justice Leigh I. Saufley wrote for the court in the 28-page decision. The law the justices upheld set standardized fees that replaced those charged by each individual county for copies of documents at registries of deeds. Before the law was passed, there was no statewide standardized fee schedule.



There was considerable criticism of this decision, however. Comments made include: "The Legislature changed the rules of game more than halfway through the legal process and without a statewide website, people seeking online records must search each county's website individually and pay for documents separately if they are obtained from different registry of deeds offices." The American Civil Liberties Union of Maine also criticized the court's decision. "The legislature erected unreasonable barriers to public access, and we believed that those barriers were also illegal. We are disappointed in the court's ruling... Information about land records and real estate transactions are matters of serious public concern, as the recent global economic crisis demonstrated. The public needs the ability to access public information as easily as possible. It is now up to the legislature to fix the situation." Historically, counties around the state have relied on income from selling copies of documents filed with their registries of deeds and, to a lesser extent, probate. [Please read the entire article.](#)

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## News from PREP Chapters

Each PREP Newsletter will highlight one or two PREP Chapters with a brief summary or overview of recent meetings. You can also go to the PREP Chapter locator [MAP](#) and look up all minutes/agendas from each chapter. In this newsletter, we'll be highlighting these chapters: [Central Florida and Colorado](#)

### Central Florida PREP Chapter:

**(new) 2012 Co-chairs: Government, Justine Winik at [justine.winik@brevardclerk.us](mailto:justine.winik@brevardclerk.us) and Business, Vicki DiPasquale at [vicki@simplifile.com](mailto:vicki@simplifile.com)**

The Central Florida PREP Chapter met on 2/21/12 in Orlando, FL. New co-chairs were elected and updates were given by Orange and Brevard counties. The primary presentation for this meeting was a panel discussing "The Future of Title Plants". Panelists included participants from RealMetrix, Property Insight, and the Orange County and Brevard County Clerks Offices. Discussion included how title examiners, lender services and research companies use title plants, use of national parcel registries and sharing information between government and the private sector. [Read complete minutes.](#)

### Colorado PREP Chapter:

**Co-chairs: Government, Sandy Hook at [SandyHook@elpasoco.com](mailto:SandyHook@elpasoco.com) and Business, David Floyd at [dfloyd@skld.com](mailto:dfloyd@skld.com)**

The Colorado PREP Chapter met on 2/23/12 - via conference call and webinar due to inclement weather. Sandy Hook, the recently elected Government Co-Chair announced several items about the recent PRIA Winter Symposium, future Colorado PREP Meetings in July and December, and the upcoming election of a new Business Co-chair to replace David Floyd. Topics for discussion included: 1) the "Impacts of Oil and Gas Development on Recording Offices and Land Records Use" by Steve Moreno, Weld County Clerk and Recorder, Sadie Lyons, Adams County Recording Manager, and David Floyd, President SKLD; 2) an update on the Colorado Privacy Task Force White Paper - by David Floyd, President of SKLD; 3) Death Certificate Recording and Privacy Issues by Tamara Slusher, Larimer County Recording Manager; and 4) "Word on the Street" - open forum to discuss what's currently happening in "your" world. The next meeting will be on July 19, 2012. [Read complete minutes.](#)



## "Increase Revenues for Tax Liens, Tax Deed, and Property Foreclosure Sales" - a "Government Technology" White Paper

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

### PREP Chapter Meetings April/May 2012

Connecticut  
Metro Minnesota  
Central Florida  
SE Minnesota  
Red River MN/SD  
Pennsylvania

### 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  
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"Conducting your judicial sales of tax lien, tax-defaulted and foreclosed properties online brings considerable administrative cost savings, improvements in efficiency and greatly reduced staff time. In most cases deploying this technology is revenue-neutral providing the ability to do more for Government Agencies in these budget conscious times."

[Download the paper here.](#)



## Keep Up With Land Records Issues Across the Country

Almost every day, we post news articles, and PRIA and PREP Chapter information, so feel free to subscribe to both the [PREP Blog](#) and the [PRIA/PREP LinkedIn Group](#) to stay in touch.

## Recent Links to National News

[Mortgage Application Volume Falls 2.4% In Week](#) - "The number of mortgage applications filed in the U.S. last week fell 2.4% from the prior week, the Mortgage Bankers Association said Wednesday, even as interest rates slid across the board."

[FHFA Chief: Fannie, Freddie Might Save By Cutting Mortgage Loan Balances](#) - "DeMarco says data show savings of \$1.7 billion by writing down the principal for some homeowners."

[BLM to offer E-recording for land record documents](#) - "The public will soon be able to file land record documents related to mining claims, geothermal, and oil and gas, electronically with the Bureau of Land Management (BLM), Nevada State Office."

[Q&A: What you need to know about real estate now](#) - "After weeks of mixed housing news, many Main Street Americans are wondering just what's going on with the housing market."

[Occupiers arrested during protest at Southeast Raleigh foreclosure](#) - "More than a half dozen protesters were arrested after they took their movement to a new location Monday, a foreclosed home in Southeast Raleigh, NC."

## ALTA NEWS: "ALTA Works with Freddie Mac on Michigan and Minnesota Issue with Short Sales During Redemption Period" - from the 4/9/12 ALTA Advocacy Update by Michelle Korsmo, ALTA CEO

In late March, ALTA members reported that a [policy change](#) by Freddie Mac caused servicers to cancel a series of short sale closings in Michigan and Minnesota and reject all short sale offers if a property has been previously foreclosed, even if the Borrower/Owner had redemption rights

under State law. After hearing these reports, ALTA reached out to Freddie Mac to learn more about the issue and determine how to get these transactions moving again. A special thank you to Tom Richardson at Liberty Title for bringing this issue to our attention.

**Background:** Based on ALTA's discussions with Freddie Mac, it appears the issue arose because of changes Freddie made to its REO Rollback Policy. This policy is used to undo a wrongful foreclosure sale where Freddie was the successful bidder because the borrower filed for bankruptcy or servicer did not meet its obligations for considering the borrower for a foreclosure alternative. On March 13, 2012, Freddie published [a bulletin](#) requiring servicers to pay a \$1,000 fee for applying for an REO Rollback. This guideline change, along with some miscommunication between Freddie and servicers, caused servicers to decline all short sale files that were in the redemption period. While the REO Rollback policy was never intended to allow the servicer to approve a short sale after the foreclosure sale was complete and the borrower was in the redemption period, Freddie recognized that in some cases this may be beneficial to the investor.

**Next Steps:** ALTA met with Freddie Mac last week and in our discussion, they indicated that they will continue to approve short sale offers during the redemption period on a case-by-case basis. As always, these offers will have to be serious offers that make financial sense for the company. In addition, ALTA and Freddie Mac are exploring ways to reduce the confusion surrounding this policy change. In the coming weeks, Freddie will be working with servicers to educate them about the March 13 bulletin and the situations in which Freddie will accept a short sale offer during a redemption period. Freddie is also exploring ways to educate title agents, attorneys and Realtors on this issue.

ALTA encourages title agents to continue to work closely with their customers on these transactions. While getting approval for these transactions will take time, if a transaction that is about to fall apart because the parties have not received a decision from Freddie, ALTA may be able to help. If you have a transaction like this, please reach out to ALTA Legislative and Regulatory Counsel Steve Gottheim at [steve@alta.org](mailto:steve@alta.org).

While Freddie was aware of the issue, it asked ALTA to help them understand the size and scope of the problem. On Friday, ALTA sent out an email to all of our members and licensees in the two states where we have heard this policy change is causing a problem, Michigan and Minnesota, asking:

- The number of transactions (per month) that were/are affected in your market by this change?
- How many of these transactions (per month) could potentially be saved if Freddie were to consider the short sale offer?
- Are there other states that are impacted by this change?

If you have answers to the questions above or questions about this topic please contact ALTA Legislative and Regulatory Counsel Steve Gottheim at [steve@alta.org](mailto:steve@alta.org). We will keep you informed to our progress and are grateful to Freddie Mac for their willingness to work with ALTA on this issue.

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