



"WORKING TOGETHER"
Property Records Education Partners
(PREP)



[PREP Newsletter](#)

[Volume 51 - September 2012](#)



Newsletter Sponsors



MISMO developing universal tracking system for mortgages, properties

excerpted from Housing Wire, 9/17/12

"The **Mortgage Bankers Association** subsidiary, **Mortgage Industry Standards Maintenance Organization**, is seeking industry experts to work on development groups that will shape the way properties and mortgages are tracked in the future.

MBA CEO David Stevens told a crowd of risk managers in Dallas Tuesday that MISMO is likely to remain the [standard bearer](#) of guidelines for dealing with data, information security and risk in the mortgage industry. But it is incomplete. He sees the process of streamlining loan data as even more critical as the industry rebuilds itself with the goal of eventually creating a new secondary mortgage market.

The MISMO entity develops residential and commercial property and technology standards. It was [pulled back](#) under the MBA umbrella last year after being managed by the **Mortgage Electronic Registration Systems** platform. The first MISMO development work group will develop improved property identification technology and procedures. There is currently no standard process for identifying properties - a situation that can lead to fraud or mistakes when tracking home locations. This development group will discuss what systems and processes can be used to perfect that process.

The mortgage industry currently uses a combination of postal addresses, legal descriptions, assessor parcel numbers and geospatial coordinates to track homes. MISMO wants this group to focus on the development of a universally accepted system for the future mortgage market." ([Read complete article](#))

If you'd like to advertise in this newsletter please contact: cbaleman@priamail.us

In This Issue
MISMO Universal Tracking System

News from PREP Chapters - Southern California
Loss of Maricopa County Chief Deputy



New York State Begins eRecording

Both Rockland County and Westchester County in New York State went live with eRecording starting on Monday, September 24, 2012. And as of Wednesday, September 19th, 2012, the standards governing electronic recording have been enacted and published in the State Register. The standards can be found at the [New York State Office for Technology](#), which served as facilitator during the standards-setting process. Please see both [Rockland](#) and [Westchester](#) counties webpages for their eRecording education and training.

There will also be a symposium on eRecording sponsored by the [New York State Land Title Association](#) on November 7 in New York City and PRIA's Vice President, [David Ewan](#), will be presenting on behalf of PRIA and its' eRecording initiatives.



B. Frerichs-Mendoza, chief deputy recorder, dies at 58

excerpted from AZCentral.com 9/20/12

We at PRIA were very saddened at the news of the passing of one of our dear colleagues, Barbara Frerichs-Mendoza. She most recently served as the co-chair of PRIA's XML Work Group and as a board member for the National Association of County recorders Election Officials and Clerks.

"B. Frerichs-Mendoza, chief deputy recorder, dies at 58 - Woman was known for her friendliness, innovative ideas"

"Chief Deputy Maricopa County Recorder Barbara Frerichs-Mendoza died Wednesday. She was 58. The cause of death was not immediately clear. County Recorder Helen Purcell said Frerichs-Mendoza recently was diagnosed with cancer, and had not been working the past three weeks while she went through various medical tests. Frerichs-Mendoza joined the County Recorder's Office 39 years ago as her first job out of high school, sending out recorded documents in the mail-out department. Since then, she has held nearly every job in the office, becoming a central figure in the office and a go-to person known for her friendliness and willingness to help employees.

"Our whole office is her. She was the one that thought of most of the innovations. This was her life. Her heart was here," Purcell said, fighting back tears. "She had a heart as big as all outdoors. I love and miss her terribly."

The tight-knit Recorder's Office was shaken Wednesday after its staff received the news. "It would be hard to find somebody who would be more of an embodiment of public service. She genuinely cared about the people she provided service for. She was a great partner here," said County Elections Director Karen Osborne. The Recorder's Office oversees elections. Frerichs-Mendoza was crucial in transitioning the office to an automated system from a manual, paper-based system. In her last interview with *The Arizona Republic* about technological changes at the Recorder's Office, she explained her role giving employees typing and computer lessons, and helping them change their mind-set from completing solely paper recording to implementing electronic recording. Now, 80 percent of recordings are done electronically." ([Read complete article](#)).

News from PREP Chapters -
Southern California

MERS is winning

US Bank Mortgage System

Links to National News

ALTA NEWS

PREP Blog and PREP LinkedIn

Advertise in PREP Newsletter

Examples of PRIA's Products

["The History of Public Records"](#)
["2010/11 PREP Chapter Topics"](#)

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

[Bulk Records Access and Cost \(other PRIA Standards and Publications\)](#)

PREP Chapter Meetings
October/November 2012

Pennsylvania
Red River Minnesota
Washington State
Metro Minnesota
South Florida
Northern California

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

[Join Our Mailing List!](#)

[Find us on Facebook](#)

[View our profile on LinkedIn](#)



- All media
 - Quick turn-around
 - Comprehensive review
- more*

News from PREP Chapters

In each PREP Newsletter, we'll highlight one or more of the PREP Chapters meeting across the country. In this edition, we'll be spotlighting the **Southern California Chapter**. You can also go to PRIA's PREP page at any time to find a [local PREP Chapter in your area](#).

Southern California PREP:

Co-chairs: Government, Tauna Mallis at tmallis@asrclkrec.com and Business, Zachary Zaharek at zzaharek@firstam.com

"On September 12, 2012 the Second Annual Southern California Property Records Education Partners (PREP) conference was hosted by *First American Data Tree* and *Data Trace Information Services*, and was held on First American's campus in Santa Ana, California. PREP is designated as an official work group of the Property Records Industry Association (PRIA).

PRIA is a coalition of government and business established to foster dialog among property record industry participants, to promote mutual understanding of different perspectives on issues of common interest and to develop consensus leading to shared standards and practices.

The morning began with compelling interview of Bill Beckmann, President and CEO of MERSCORP Holdings, Inc. and its subsidiary Mortgage Electronic System, Inc. (MERS) by First American's Vice President Division Counsel, Zachary Zaharek. Beckman explained his straight forward business model and MERS' three-pronged approach to assure record accuracy. On the foreclosure topic, Beckmann addressed the issue by stating that MERS does not decide whether to foreclose on a property. Further, due to the confusion sprouting during the mortgage crisis, MERS no longer acts on behalf of lenders in the filing of foreclosures. For more information on this interview, please visit the Orange County Register online at: <http://lansner.ocregister.com/2012/09/12/mortgage-registry-cleaned-up-its-act-chief-says/166271/>

The next panel spotlighted the Clerk-Recorders including: Tom Daly (Orange County Clerk-Recorder), Dean Logan (Los Angeles County Registrar Recorder/County Clerk), De Ana Thompson (San Bernardino County Chief Deputy Recorder-Clerk-Archivist), and Larry W. Ward (Riverside County Assessor -County Clerk-Recorder). The recorders discussed their everyday duties, hot topics relating to real estate filings, organizational structure, and the impact of the state budget crisis.

The final panel showcased law enforcement's deputy District Attorneys-Real Estate Fraud Divisions including: Lance Cantos (San Bernardino County Deputy District Attorney), Peter W. Pierce (Orange County Senior Deputy District Attorney), Raymond Ramirez (Riverside County Deputy District Attorney), and Vance Welch (San Bernardino County Deputy District Attorney). This riveting panel held the audience's attention by discussing hot topics relating to real estate

fraud, the significance of prosecuting white-collar criminals, jail overcrowding, and steps private businesses can take to prevent fraudulent activity.

The PREP conference attracted approximately 100 attendees from a wide array of industries including: title, law, government, media, and other various fields. This symposium fostered the ultimate goal of uniting real estate professionals from all sectors in one room to discuss current topics, learn and network. First American Data Tree and Data Trace will host this event again in the Fall of 2013."

E-Recording Made Simple



MERS is winning recording-fee dodgeball game

excerpted from Thomson-Reuters News and Insight 9/18/12

"Last winter, when state and federal regulators agreed to a \$25 billion nationwide settlement with five of the banks responsible for the mortgage and foreclosure crisis, one set of claims was expressly carved out of the deal. As I reported at the time, the mortgage servicing settlement left state attorneys general and other local governments [free to sue the Mortgage Electronic Registration Systems](#) for allegedly shortchanging them on the recording fees that are supposed to be paid when mortgages change hands. The Massachusetts, New York and Delaware AGs had already asserted such claims against MERS, the mortgage registry established by its member banks to facilitate securitizations. So had municipalities in Ohio, Florida, Kentucky, Iowa, Arkansas and other states. Considering MERS's role as a mortgage assignee, its potential exposure in these recording-fee suits was truly mind-boggling; New York claimed MERS cost local governments hundreds of millions of dollars a year.

So far, however, MERS hasn't been found to owe a dime in unpaid recording fees. On Monday an Arkansas state judge dismissed a class action on behalf of all the county clerks in the state, finding that MERS had no responsibility to record mortgage assignments so it owed no fees to Arkansas counties. That's the latest of a string of wins for MERS in these cases. In August, an Iowa state court judge [dismissed a recording-fee class action](#). In June, [a Florida case was tossed](#). In February, in the first recording-fee ruling, a judge in Kentucky ruled that [county clerks don't have standing](#) to pursue the recording-fee claims. MERS's [settlement with the Delaware AG](#) in July also makes no mention of unpaid recording fees." ([Read complete article](#))

Aptitude Solutions
a division of

HARRIS

Acclaim™

Cut Paper – without cutting corners

State court ruling deals blow to US bank mortgage system

excerpted from Business Recorder 9/16/12

The highest court in the state of Washington recently ruled that a company that has foreclosed on millions of mortgages nationwide can be sued for fraud, a

decision that could cause a new round of trouble for the nation's banks. The ruling is one of the first to allow consumers to seek damages from Mortgage Electronic Registration Systems, a company set up by the nation's major banks, if they can prove they were harmed.

Legal experts said last month's decision from the Washington Supreme Court could become a precedent for courts in other states. The case also endorsed the view of other state courts that MERS does not have the legal authority to foreclose on a home. "This is a body blow," said consumer law attorney Ira Rheingold. "Ultimately the MERS business model cannot work and should not work and needs to be changed." ([Read complete article](#))

Links to National News

[Upcoming House Regs Put Focus on Consumer Protection Bureau](#) - "The financial industry and consumer advocates are watching the Consumer Financial Protection Bureau (CFPB) with bated breath as it works on new regulations most believe will define the future of the housing market."

[Why Housing Could Boost Confidence](#) - "When the Federal Reserve announced its latest round of bond buying ("QE3"), it noted that "The housing sector has shown some further signs of improvement, albeit from a depressed level." To help boost the nascent housing recovery and the weak jobs market, the central bankers have vowed."

[Three States Join Lawsuit Challenging Dodd-Frank Law](#) - "Three U.S. states have joined a lawsuit that challenges the constitutionality of the 2010 Dodd-Frank law that overhauled U.S. financial oversight and created the Consumer Financial Protection Bureau."

[Idaho Federal Court Dismisses Claim Challenging MERS Authority as Beneficiary](#) - "MERSCORP Holdings, Inc. today announced that Judge Lynn G. Norton of the Elmore County District Court recently ruled in favor of Mortgage Electronic Registration Systems, Inc. (MERS) and Fannie Mae, while dismissing the borrowers' third-party complaint against MERS related to a completed foreclosure sale involving a MERS deed of trust."

[Arkansas Judge Dismisses Recording Fee Suit Against MERS](#) - "An Arkansas judge dismissed a recording fee suit filed against Mortgage Electronic Registration Systems, Inc., (MERS) by a Hot Spring County circuit clerk."

ALTA NEWS: Market Demands on Lenders Impacting Settlement Service Providers

Uncertain regulatory requirements coupled with recent monetary settlements have forced lenders to be more sensitive to the types of companies they do business with. Consequently, regulators' increased demand to protect consumers has forced lenders to adjust their relationships with service providers.

Recent bulletins and consent orders from the Federal Reserve, Consumer Financial Protection Bureau (CFPB) and Office of the Comptroller of the Currency (OCC), and requirements for more oversight of foreclosure practices by lenders and servicers coming out of the national mortgage servicing settlement all point to increased focus on service providers and holding lenders responsible.

While lenders have been responsible for their service providers' actions for years, it's only been until recently that enforcement orders and corrective actions have

demonstrated regulators' intent that the banking organizations are expected to oversee actions of third parties.

ALTA's Board of Governors recently met in Chicago to address the increased regulatory pressures, and consequently, the rising trend of lenders demanding more information from settlement agents.

"Since the housing bust, lenders have been reassessing their operations, looking for areas that could lead to losses," said Frank Pellegrini, chief executive officer of Prairie Title and ALTA president elect. "Lenders have put a focus on settlement services because of the potential for significant losses due to escrow theft and the significant regulatory penalties written into federal laws, including TILA and RESPA."

Keep Up with Land Records News 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.

Advertise in the PREP Newsletter - we reach 10,500 email addresses every two weeks!

We now distribute the PREP newsletter to over **10,500** addresses in the real property records industry every two weeks...and we'd love to have your business sponsor and advertise in this newsletter.

For [2012-13](#) you can select bundled ads that includes banner ad space in both PRIA's *In Touch* and the PREP *Working Together* eNewsletters. *In Touch* is distributed 12 times each year, while *Working Together* is sent 24 times each year - that's 36 exposures to a circulation ranging from 550 to over 10,000 industry movers and shakers. See **page 4** of the newly released [PRIA Media Kit](#) for rate and sign up information.

[Forward email](#)



Try it FREE today.

WkL#hp dLz dv#hgw#r frrugldwruC sublxv#e |#dedp dqC subp dLxy |#
[Xscdw#Surib2Hp dLgDacuhv](#) ; Iqwdq#hp rydcz Wk#WdihXqvxevfueh0 #; [Sulvdf | Srdf | 1](#)

SUID ; 5834#DhudeFhgw#Sanz d | ; Vx.W#436 ; P rulylon ; QF ; 5:893