

*Conestoga Title Insurance Co.*

# WAGONLODE

*A Land Title Update*

*2017, Vol. V, No. 1*

***April 2017***

A new year and a new administration that seems bent on eliminating the CFPB. While many have seemed enthused by the possible rollback of the 'Know Before You Owe' and TRID regulations, even those who favor such seem rueful that training and integration of new systems have been so costly. Can everybody get a refund? Nevertheless, nothing has happened yet and nothing is likely until the resolution of *PHH v. CFPB* (or new legislation or July 2018, which is the end of the Director's initial appointment).

While the First Quarter of 2017 has exhibited sideways economic performance, mortgage rates have moved up, sales prices have remained strong, but lack of inventory of available homes for sale has continued to plague the industry. Fannie and Freddie prognosticators revised their end of year thoughts and have projected a flat 2017. Last year, though, was a record revenue

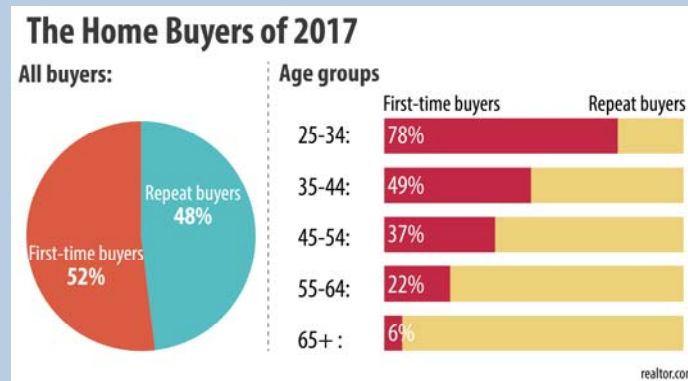
season for the industry. The first three months of the year seem to negate the projections. As the flowers bloom, we expect things to continue to improve. April is not the cruelest month, but the time for the crack of bat meeting ball and 'Sold' signs in front yards. – *Ed.*

## **Table of Contents**

President's Message	p. 2
Underwriting: Cemetery	p. 3
Marketing: Twitter	p. 5
Claims Department	p. 7
Underwriting Topics/ Industry News	p. 8
Corporate Data	p.10

## ***From the President's Desk Stay Focused in 2017 John M. Nikolaus, CLTP***

After a fairly mild winter, the spring real estate market is heating up. The predictions are favorable for an active sale market in 2017. While interest rates are slightly higher than last year at this time, the economy is doing relatively well and unemployment rates are down. One concern that we are hearing from our agents, approved attorneys, and Realtors® is that there is a lack of housing inventory. Real estate agents are seeking listings in order to fulfill the demand in the marketplace. In some areas we are hearing of properties on the market for very short periods of time and multiple bids on the same property. Refinance activity is slower thus far in 2017 versus 2016. The health of the real estate market is also producing a climate in which it is more challenging to find experienced personnel to serve the increased volume levels.



As the spring and summer markets become more active and we are working harder to serve the needs of our clients, it is important to remind ourselves constantly to focus on the basics for the protection of our clients and ourselves. In the haste of closing transactions, we must remember to be vigilant. The careful examination of title, the timely recording of documents, diligent payoff procedures, daily escrow account reconciliations, timely issuance of title policies, and conscientious information security practices are just a few of the items that cannot be overlooked.

I encourage our agents and approved attorneys to call on us for assistance during the upcoming busy time of year. Whether you have need of underwriting guidance, operational assistance or marketing strategy, please call on our seasoned staff who will readily be available to assist you and your staff. As always, we appreciate your business and look forward to serving you throughout the year.



## ***Underwriting Topics***

### ***Sleepless in Philadelphia: Disturbed Rest***

***William J. Parker, VP, Claims & Underwriting***

It is every excavator's (and title underwriter's) nightmare: You take title to an expensive piece of property. You are all set to build you dream house/office building, ground is broken, and then you get a call from the excavating crew that says "You may want to take a look at this." The company plans to build a 10-story, 116-unit apartment building onsite. The construction crew working on the new building uncovered dozens of coffins buried 6 feet below a parking lot. At first, they found just a few bones. Then they dug up an entire coffin. And then another.



That is what happened to a builder in Philadelphia recently. He was digging the foundation at the site of a 300 year old Baptist church. The church was long gone and any internments allegedly ceased 200 years ago. In fact, city historians say the coffins were part of the First Baptist Church burial ground established in 1707 in the historic part of the city on what is now Arch Street. Records show that they *should have been moved* across town to the Mount Moriah Cemetery about 1859, but the job was apparently never completed.

"It costs money to move the graves and sometimes it doesn't happen," Lee

Arnold of the Historical Society of Pennsylvania told CNN. "Businesses decide to cut corners. The problem is that when you're talking about the remains of loved ones, cutting corners is tragic." It should be noted that after all this time, no one is blaming this builder. The reinternment was supposed to have happened in 1859.

While there have been many cases involving burial practices and cemeteries in Pennsylvania, this particular situation caused some monumental confusion.

The Burial Grounds Conveyance Act of June 25, 1913 (P.L. 551, No. 354) authorizes churches, cemeteries, and burial associations, if unsuccessful in notifying the owner or caretaker of the lot, to disinter (and re-inter) remains if necessitated by growth or for sanitary reasons. Disinterment may occur only if a court agrees that at least one of the following is true:

- that the property is surrounded by improvements;
- that keeping the bodies would result in a public health danger;
- that the burial ground is neglected or a public nuisance;
- that remains interfere with the "improvements, extension and general progressive interest of the Commonwealth or any city, borough, town or township."

This Act also states that burial grounds may be sold after remains have been removed, provided the court has decided that the church or other entity associated with the burial grounds is in compliance with the court order. There were at least 8 other laws

passed from 1849 to 1992 which cover various aspects of title and use of cemeteries. The problem here is that the property now, after all these years, is owned privately and not by a church or the municipality. So, who should be in charge of what is obviously a huge historical find?

The Philadelphia Historical Commission has said it has no jurisdiction in the matter, despite the fact that the burial ground, founded in 1707, lies squarely within the Old City Historic District. Because it has "no authority" to regulate the historic remains, "This lack of jurisdiction is reflected in the historic preservation ordinance explicitly limiting the Historical Commission's authority over so-called 'undeveloped' sites." The Pennsylvania Historical and Museum Commission, which serves as the state historical preservation office, also says it has no jurisdiction and no ability to intervene because of the Philadelphia commission.

A former city solicitor said he believes the matter should be under the auspices of Orphans' Court, a division of the Court of Common Pleas that has jurisdiction over abandoned cemeteries. But the interested parties were told the courts do not have jurisdiction.

Meanwhile the builder is trying to be as sympathetic as it can without breaching its contract deadlines. Executive Vice President Jonathan Stavin of the PMC Property Group, the owner and contractor of the location, said that the company believes the number of remains found will grow.

"Everyone was a bit surprised. We were not expecting to find as much as we found. There are layers to this," he said. Stavin said officials are financially committed to helping with the eventual reinterment of the bodies at Mount Moriah. "It's the right thing to do," he said.

Facing harsh weather, researchers are racing to find and remove the remains as efficiently as possible. However, Anna Dhody, the director and curator of the Mutter Institute and Museum, said "It's not OK to leave any (remains) behind," she said. "We're not stopping until we're done."

Since then, what could be as many as 300 historic gravesites have been found in the plot, some with coffins stacked three deep. According to the Mutter Institute, volunteer crews recovered more than 70 coffins from the site as of March 13, 2017.



The Institute has even launched a crowdfunding campaign to help support the analysis and reinterment of historic human remains recently discovered at the construction site in Old City. Dubbed "**the Arch Street Bones Project**," the Mutter Institute's crowdfunding effort is seeking \$20,000.00 to pay for the reinternments. The money will go in part toward "conducting the biological profile" of the skeletal remains, which the Institute says can provide a historic look at some of Philly's earliest residents.

So the next time your search notes property that either was a church (or even family graveyard), raise the red flag and go the extra mile in your due diligence. Remember dead men do tell tales.

## ***Marketing Minute***

### ***What Is Twitter and Why Should I Be on It?***

#### ***Conestoga Title Marketing Staff***

Whether you are an entrepreneur, a small business owner, a professional blogger, a CEO of a Fortune 100 company, or just someone who wants to keep up with the Kardashians, Twitter is the place to get the latest news and learn what people are thinking in real time.

Hundreds of millions of people across the globe use Twitter monthly. Just think what that means for your business. By understanding how and why to use Twitter you can reach new and existing customers quickly and build meaningful connections. Getting started is the tricky part, but once you do, you will most likely find the benefits are huge.

#### **WHAT IS IT?**

Twitter is a networking service where registered users can post and read tweets that interest them and follow others based on categories and key words. By using a hashtag (#) symbol before a key word others can follow your tweets and you can follow theirs. The hashtag is simply a topic indicator. For example #settlementagent or #realestateclosing might allow you to find others within your industry.

#### **GETTING STARTED - WHAT TO KNOW BEFORE YOU CREATE THAT ACCOUNT**

The first thing you have to know even before you create your username - what is it you want to accomplish by being on Twitter? If you are just starting a new business, are you trying to establish your name? If you have been in business for years are you working on increasing business? Do you work for a company, but want to get yourself recognized in your industry as a leader or expert? Answering these questions will be key factors in deciding what to Tweet and how often to do it.



Jen Dalton is the CEO of BrandMirror ([brandmirror.com](http://brandmirror.com) and @BrandMirror) and bestselling author of *The Intentional Entrepreneur*. I asked her about Twitter and what she saw as the best way to get started and use it: "Twitter is a bit of a long haul, between following people every day and sharing content every day - it is a marathon when it comes to getting followers and engagement. Not everyone needs to be on Twitter, depends on their audience."

One of the easiest ways you will be found and followed by your clients and those new clients you are hoping to attract is by your username. In Twitter language it is called a handle. This should be something easily recognizable since it is viewable by the public and will be used to identify you. Using your business name or some variation of it usually will make the most sense, however it may not be available so it is important to give some thought to how you want to be recognized. Keep in mind that the name of your company will take up some of the 140 characters allowed in a Tweet so keep your name at a reasonable length so others have enough space to write something great about your business.

Create a bio and upload a photo or image that captures the essence of your business. Bios can have up to 160 characters so it is prime real estate! Always add a photo or image (preferably your business logo). More people will see you on Twitter than will see you on other social networking sites so make it count! Visit some sites before you create your bio so you can see what others have created and then come up with some ideas of your own. If you are unsure, ask your friend or colleague or even a client for feedback. Think of it as your "elevator speech" in 160 characters.

### **WHO WILL FOLLOW YOU?**

Once you create your account, Twitter does offer some help. There is a set-up wizard that will walk you through the steps and suggest some accounts to follow based on the criteria you input. Determining who you follow on Twitter is going to impact the content you have access to, can learn from, or retweet. Be picky about who you follow - there are only so many hours in a day and Twitter, especially in the beginning, will take some time and focus. In the beginning, follow businesses that are similar to yours so you can see how they are engaging others. Determine who has good content that is important to your business and adds to your reason for Tweeting in the first place (remember...strategy). Create a list of hashtags (start with 10) that are pertinent to your business so you can find the conversations that are most meaningful to you.

### **HOW DO I GET PEOPLE TO FOLLOW ME?**

Getting started can be tricky because you have to get the word out. What better way to do that than with people who already know you? Let your clients, colleagues, Facebook friends, book club, and networking groups know you have established a Twitter profile. Send an email to everyone you know and invite them to connect with you. Don't forget to add a Twitter connection to your website, Facebook page or other social networking sites. Make it as easy as possible for others to connect with you.

Here are some thoughts from Jen Dalton ([www.BrandMirror.com](http://www.BrandMirror.com) and @BrandMirror). "I think the biggest things for Twitter to really work is to:

- 1) "Understand what conversations you want to be a part of using keywords. For example, you want to know the 10 key words that you can search on from a conversation point using 'hashtags.' Hashtags are like breadcrumbs so you can use them to find a conversation around one topic across all of Twitter. Every person on Twitter should have a set of hashtags they use/follow.
- 2) "It is critical to know which people are having these conversations and are the most influential on the topic so you can follow them and retweet them to begin to share or curate credible content.
- 3) "Create shareable content leveraging clear messaging, intentional hashtags, and images/videos. One tool I love is Canva which can help create images with text that reinforces your Tweet and makes it more shareable. Always look at what are trending conversations and try to engage in those on Twitter using those hashtags, keywords, and stories. Start tweeting a few times a week and move to daily, as long as you have something tweet-worthy."



Using the best tools that work for you is the key to success. If LinkedIn is your lifeline, great! If Facebook gets you noticed, terrific! If you can add a tool like Twitter to make your business stand out from the rest, wonderful! Social media is the way of the world today; how you choose to get onboard is up to you.

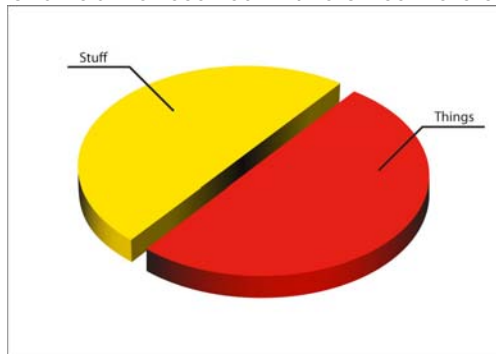
# Claims Corner

## 2016: Claims Statistics [Edited]

### Joseph John Kambic, VP, Claims & Recovery

Polonius, speaking for William Shakespeare, said "Since brevity is the soul of wit/And tediousness the limbs and outward flourishes, I will be brief..." And Mark Twain, quoting Benjamin Disraeli, observed that there are three kinds of lies: "Lies, damned lies, and statistics." Let me then be briefly witty as I present the truth about Conestoga's claims' history in 2016 by utilizing some statistics I calculated myself. [To this day, I liked the statistics and the analysis courses during my Psych major.]\*

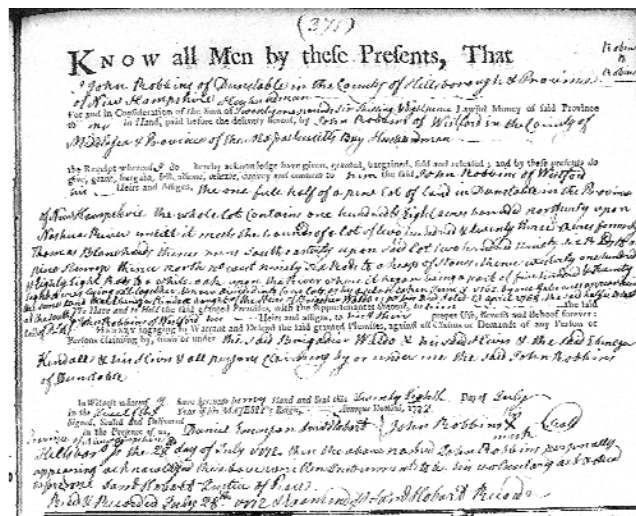
Historically, fifty percent (50%) of all claims received in this office were caused by Agent error.



In 2016, only seventeen percent (17%) of the claims we received were on policies written by Agents who were still active with Conestoga.

Policies written in 2015 presented the most claims caused by active Agents. Policies written in 2006 generated the second most claims associated with active Agents.

Active Agents are still committing errors when preparing legal descriptions, an error that is preventable. (See, "Ye Olde Pet Shoppe," Vol. IV, No.3.)



Definitely brief. Polonius would still applaud the brevity with a citation to get wit it.\*

\*Note: Extra sidebar materials added by the Editor with the Author's blessing.

***Underwriting Topics***  
***Around the Horn/Industry News***  
***R. Michael Smith, VP, Underwriting***



**News of Interest within the Footprint:**

***New York*** – In no surprise to anyone in the title industry, the Department of Treasury's Financial Crimes Enforcement Network (FinCEN) reissued and extended its Geographic Targeting Orders (GTO) that affects the five boroughs of New York City, as well as other jurisdictions beyond our footprint. Agents writing in NYC should be aware that there is a report required to be filed with FinCEN for any residential real estate acquisition by a business entity, which acquisition is funded by cash (i.e., without financing from a lender who otherwise has reporting requirements). There is a threshold amount for the acquisition, at which level the reporting is mandatory. For the Manhattan Borough the level is five million dollars (\$ 5,000,000) and for the other boroughs, it is one and a half million dollars (\$ 1,500,000). Conestoga's underwriters will remind you of this reporting requirement as part of an agency's overlimit approval for these large transactions. The duty to report, however, remains with the agency.

***Ohio*** – New statutes went into effect in Ohio this month. The first law has updated Ohio's archaic title curative statutes. This law was championed by Mike Sikora and the OLTA. Also, going into effect in April 2017 was a good funds statute that was guided through the legislative process by the OLTA. These subjects will be discussed at Conestoga's title seminar in October (more information below). Also in April, OTIRB announced technical amendments to numerous endorsements and republished its rate manual effective April 1, 2017.

***Maryland*** – Effective October 1, 2017, Maryland title insurers may be able to join a ratings bureau. Legislation was passed by the 2017 General Assembly (SB 31) that permits the Insurance Administration to accept filings from a ratings bureau. Rick Harvey, President of the MLTA, will speak on this bill and other matters at the Conestoga seminar at Turf Valley on May 9, 2017, which is mentioned below. Come and learn more about this industry-changing legislation.

***Virginia*** – The Virginia General Assembly adopted legislation that permits a local county clerk's office to charge a \$ 5.00 additional recording fee *for paper documents* if the County prefers to record electronic documents. This is the reverse of the situation currently in place (i.e., a Clerk's office could charge the \$ 5.00 fee to record electronic documents if paper documents were regularly accommodated). Meanwhile, the concept of a flat, single recording charge for an instrument was tabled indefinitely. The VLTA and Clerks Association groups will be studying the matter over the next several months.

### **Conestoga College 2017**

The 31<sup>st</sup> Anniversary edition of Conestoga College with more than 125 registrants in attendance, was held on January 16-17, 2017. Up to nine hours of CE and/or CLE credit from four states was available. Topics included claims, cyber/fraud insurance, access, surveys, and a general review of current underwriting issues. The highlight of the day-and-a-half program was a federal regulatory update that included presentations from representatives of Wells Fargo Bank and ALTA. If you are already thinking ahead, as we must, next year's program will be Monday-Tuesday, January 15-16, 2018. We are working on topics; if you have a matter you would like to see discussed, please send me an email: [msmith@contitle.com](mailto:msmith@contitle.com).





*Attendees at Conestoga College, January 16, 2017, in Lancaster, PA*



*Conestoga College 2017*



*TRID Update Panel at Conestoga College*

## **Upcoming Seminars**

On Tuesday, April 18, 2017, Conestoga held its third title insurance seminar in Fairfax, Virginia (the Waterford at Fair Oaks) with six hours of CE, six hours of CLE (CLE pending), and, for the first time, two hours of VLTA VCTE credit. Comments and evaluations have been highly favorable, particularly on the presentation by Susan Pesner on deeds and unauthorized practice of law. Next on the schedule is our second annual seminar in Ellicott City, Maryland (Turf Valley) on Tuesday, May 9, 2017. Six hours of CE

are pending approval. Maryland agents and real estate attorneys should have received information on that program recently. Conestoga is returning to the Ohio Union in Columbus, Ohio, again this year. Mark your calendar for Thursday, October 19, 2017, for our fourth event at The Ohio State University. More information on this program will be forthcoming.



*George Pawlak, WashingtonFirst Bank, speaks to attendees at Virginia Seminar*

***Conestoga Title Personnel Contact Information***

	Position	Direct Dial	Other Direct	E-mail
Adam Kossove	Direct Dept. Account Executive	717-431-2775	800-257-9414	akossove@contitle.com
Bill Parker	Vice President/Claims & Underwriting	717-735-7083	800-861-9414	wparker@contitle.com
Colleen Sheerin	Marketing Assistant	717-431-2764	800-272-6535	csheerin@contitle.com
Don Delgado	Vice President/Agency Administration	717-431-2752	800-724-0935	ddelgado@contitle.com
Doug Riggan	Vice President/Sales	717-431-2781	800-257-4176	driggan@contitle.com
Jill Funk	Agency Support Administrator	717-431-2788	800-672-2985	jfunk@contitle.com
Joe Kambic	Vice President/Claims & Recovery	717-431-2783	800-257-5217	jkambic@contitle.com
Joel Angelo	Agency Audit Manager	717-431-2784	800-830-9031	jangelo@contitle.com
John Nikolaus	President	717-431-2763	800-272-3570	jnikolaus@contitle.com
Jonathan Markel	Regional Agency Representative	717-431-1260	844-509-0490	jmarkel@contitle.com
Michael Smith	Vice President/Underwriting	717-735-7082	800-861-9352	msmith@contitle.com
Patti Reese	Executive Assistant	717-431-2755	877-502-5157	preese@contitle.com
Rebecca Breault	Claims Paralegal	717-286-2347	800-478-8630	rbreault@contitle.com
Robin Wolbert	Treasurer	717-431-2772	800-257-1966	rwolbert@contitle.com
Sheryl Childs	Policy Administrator	717-431-2785	800-257-7921	schilds@contitle.com
Susan Anderson	Paralegal	717-431-2757	877-502-5158	sanderson@contitle.com