

The MLTA Commitment

MARYLAND'S NEWS SOURCE FOR TITLE PROFESSIONALS

2017 LEGISLATIVE REVIEW



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Want to Write an Article?

The MLTA Commitment Committee is seeking people to write articles and contribute items for the next issue. Articles and contributions submitted should inform the MLTA membership of topics affecting the title industry in Maryland. As an added benefit for those working toward earning the Certified Land Title Professional (CLTP) designation, submission of articles can be used toward points for the CLTP designation. Contact MLTA at MLTA@mdlta.com.

Did you know?

- The Weekly Legislative Update is available for all members. Request it from MLTA@mdlta.com or register as a member on our website, MDLTA.org
- If you would like to renew your MLTA Membership, [click here](#).
- For members, MLTA offers free online and take-home CE credit classes, including two 3-hour Ethics courses. [Click here](#) to see our catalog.

The Maryland Land Title Association (MLTA) is a professional organization working on behalf of title industry service providers and consumers. We hope that you will consider joining the many title insurance agents, abstractors, attorneys, and underwriters who already have benefited from their membership.

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President's Message

Richard N. Harvey, Esq.



It is difficult to believe that we are already more than halfway through 2017! It seems like just yesterday we were attending the convention in Ocean City and gearing up for the new year. It has been a very busy year for the MLTA and I am extremely impressed by the hard work of our Board members, as well as our Committee and Chapter chairs and members. I have always thought of our Association as a boat, with the President steering while the Committees did the rowing. But I have come to realize it is really the Board of Directors who steers the boat...it just so happens that the President gets to wear the Captain's hat. Without the day-to-day rowing and grinding of our wonderful committees, and Executive Director Margaret Webb, we wouldn't get anywhere.

The Technology Committee has been diligently working to launch the new MLTA website. It has been quite an undertaking, and I am confident our membership will like the finished product. The Legislative Committee had a very busy and successful legislative session, beginning with Lobby Day and ending with the passage of several bills favorable to the title industry. I was proud to be one of our 23 members who went to Annapolis in January to discuss industry concerns with our legislators. I also was fortunate to spend time on Capitol Hill in early May, with other MLTA members, as part of ALTA's federal lobby day.

In February, members of the MLTA met with Montgomery County officials to discuss recordation issues, and did the same in April, with Prince George's County officials. Our local Chapters continue to liaise with other local county officials to gather information relevant to our membership and to discuss industry concerns. In late 2016, the MLTA filed an amicus brief with the Court of Appeals in a case involving front foot benefit priority. Arguments were held in March, and we are awaiting the Court's decision. More recently, the MLTA has been asked to join the national Mortgage Bankers Association and the MMBBA in an amicus brief regarding a foreclosure case that could have title industry ramifications.

The first meeting of the newly-launched Title Counsel Committee was held in early June with the next one planned for September. I am very excited about this new Committee and what it can offer our membership. Our Pre-Licensing Committee continues to do a tremendous job of preparing applicants for the title licensing exam. The classes continue to fill up, which is good for two reasons. First, I think it is reflective of a strong market. Secondly, it is a tribute to our wonderful instructors who donate their valuable time to educate these future (and current) members of the title industry. Students taking the MLTA pre-licensing class continue to have very high exam passage rates when compared to students taking the classes of other providers.

While I must admit I have been a little disappointed at our inability to increase our membership numbers this year, I have been pleasantly surprised at what seems to be more involvement by current members. The Membership Committee was able to sell 177 tickets to the Crab Feast in June.

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It was a fantastic event at a new venue with good food, music, and camaraderie. We were able to encourage donations to the MLTA PAC, which plays a vital role in advocacy for our members. I expect you will see increased PAC fundraising efforts throughout this year and the years to follow.

Once again this year, MLTA will have an Exhibitor booth at the Maryland Association of Realtors (MAR) Conference in Ocean City. We are also appearing on their agenda with a presentation titled "The Top Ten Things That Could Affect or Delay Your Clients Closing." This is a follow-up to last year's presentation to MAR Conference attendees regarding the importance of Owners Title Insurance. Over the past few years, the MLTA has made an effort to reach out to, and work closely with, other real estate industry groups, including MBA, MMBBA, and MAR, on common issues.

Finally, we are very much looking forward to this year's Fall Convention, at Wisp Resort, near Deep Creek Lake in September! The Convention Committee has lined up an excellent agenda of speakers and activities. Please check it out on the website at www.MDLTA.org. We hope to see you there!



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Snapshots of ALTA in 2017

Cerissa O'Neal, Rick Harvey, and Ted Rogers visit Senator Cardin's office during ALTA's lobby day.



Dr. Ben Carson speaks at the ALTA Advocacy Summit.

Lobby Day 2017, Annapolis



Susan Zuhowski, Esq.
Old Republic Title

MLTA members gathered at the Maryland Inn in Annapolis on January 25, 2017 for the Fourth Annual MLTA Lobby Day.

As in the past, the group was a mixture of first timers and seasoned veterans, who were grouped together by legislative district. Scheduled appointments were made for meetings with the members' elected officials in both the House and Senate.

Illustrating that you never really know what a meeting with a legislator will lead to, one group went to meet with Sen. Ed Reilly (R- Anne Arundel County) regarding his sponsorship of Senate Bill 76, which was an effort to change the name of the Land Records Improvement Fund to the State Judiciary Technology Fund. Senator Reilly indicated that he had sponsored the bill at the request of local county official, and then picked up his office phone, called the local official, and sent our intrepid MLTA members over to meet with the local official to discuss MLTA's opposition to the bill. While our members did not change the local official's mind, he also did not show up to testify with the bill's sponsors at either the Senate or House hearings on the bill. (House Bill 280 was the cross filed version of the same bill, sponsored by Del. Malone.) Senate Bill 76 received an unfavorable report from the Senate Judicial Proceedings Committee; House Bill 280 met a similar fate in the House Judiciary Committee, and was eventually withdrawn by its sponsor. As there is a fair amount of money in the fund, we anticipate that the effort may show up again in the 2018 session.

Speaking of the House Judiciary Committee, another group decided to drop in to the office of Del. Joseph Vallario, the powerful chair of that committee to see if he would meet with them, even though they did not have an appointment. Del. Vallario invited them into his office and spoke with them for the better part of an hour, including giving tips on how legislators like to be approached, and which questions he would like the answers to regarding the bills before him.

MLTA's Secretary/Treasurer Mark Schweitzer has participated in each of our Lobby Days thus far. Mark says that Lobby Day is, "Lots of fun and a great opportunity to talk to your elected representatives." When asked for his thoughts about Lobby Day 2017, MLTA lobbyist Bill Pitcher said, "From my perspective, the members' participation in this year's Lobby Day was instrumental in the success we had in passing three bills: our own bill to amend the law regarding Attorney Certification of Preparation of Deeds [Senate Bill 376]; and the two bills that MLTA and the MIA jointly worked on to streamline the State regulations of the Title Insurance Industry [Senate Bills 31 and 40]. I can't remember a more productive legislative Session."

As always, after the morning appointments were completed, participants were provided with a soup, salad, and sandwich lunch, accompanied by deserts, before being sent home, or back to the office, or wherever their lives may have taken them.

We encourage you to consider joining us in 2018 for Lobby Day, which gives our members an effective way to let members of the General Assembly know MLTA's positions through personal meetings. With 2018 being an election year, members of the General Assembly will be particularly interested to hear from their constituents. Most elected officials want to make sure that they understand the consequences and benefits of any particular piece of legislation on their constituency. Lobbying provides elected and appointed officials with the information they need to make the best decisions for their constituencies. Legislators also like to meet people who have expertise in various industries, so that they know whom to call should they have any questions at any point about an issue they find themselves needing to understand better.

The information and education that you can provide may be critical to the decisions legislators make on issues that concern the title industry. Lobby Day 2018 will present a great opportunity to continue to demonstrate MLTA's leadership in the title industry.

Member Highlight: Katie Turner

Animal Advocates of Howard County is an all-volunteer, nonprofit 501(c)(3) organization dedicated to preventing the suffering of animals in the Howard County area. Although they focus primarily on the plight of homeless pets, they also are interested in animal health, safety, and environmental issues, and they promote activities that strengthen the human-animal bond. They promote the adoption of pets from Howard County Animal Control. They provide free spay/neuter services to income-eligible residents, and provide information regarding reduced-cost services to all others. They participate in many humane education programs for young people of all ages, in schools and through other organizations.

They work extensively with dozens of species, breeds, and wildlife rescue groups, all of which pull animals in trouble from local shelters. They provide financial, volunteer, and administrative support to these groups, and secure temporary shelter to save countless animals each year. They are a member of the Maryland Link Coalition, an organization of social and law enforcement agencies that understands that violence toward animals, spouses, and children is closely connected.

I volunteer to help at the annual Spring Yard Sale, at the photos with Santa Paws event, and at the Walk For Paws, which is being held this year on Saturday, October 7, at Lake Elkhorn, in Columbia, MD. The Walk For Paws is an annual fund raiser that includes people (and sometimes their dogs) walking around Lake Elkton. Numerous vendors, such as rescue groups, pet food stores, and artists set up tents to provide information and display their creations. There is a large raffle table where people take a chance on donated items or gift certificates.

Title Counsel News

The “kick off” luncheon meeting of the MLTA Title Counsel Committee took place on March 16 at the law offices of Joseph, Greenwald & Laake, in Greenbelt, MD. The meeting was attended by 10-15 attorneys from various title insurance underwriters and agency members of MLTA. The group discussed the goals and plans for the Committee and, in particular, carried on a discussion of (1) the proposed amendments to the Maryland statutory requirements for attorney certification of various instruments (SB 376 and HB 595), as well as individual experiences with the attorney certification process and the potential liabilities associated with it; and (2) the Select Portfolio Servicing, Inc. v Saddlebrook West Utility Company LLC case status, how agents are addressing the current risk and what the future may bring as far as legislation addressing the priority of utility liens, centralizing payment status sources. We also watched a portion of the Court of Appeals oral argument from March 6.

This new group is intended to be an interactive group and is open to attorneys and paralegals (agent and underwriter) who are current members of MLTA. The group plans to meet quarterly at different locations to try to draw a geographically diverse group. The second meeting took place June 8 at the Law Offices of Council Baradel located in Annapolis, Maryland. Topics during this meeting included E-notary, closing instruction letters, solar leases, and foreclosure titles.

If you are an attorney or paralegal and would like to join us, please contact MLTA at MLTA@mdlta.com to begin receiving notices of upcoming meetings.



The General Assembly ended its session on April 10, 2017. A number of bills that affect, or are of interest to, the title insurance industry were passed. Below are some of the highlights.

Senate Bill 31 (Chapter 38)

This bill authorizes the Insurance Commissioner to issue a rating organization license for title insurance. The bill also authorizes, but does not require, a title insurer to fulfill its rate filing obligation to the Commissioner by (1) being a member of or subscriber to a title insurance rating organization that makes filings and (2) authorizing the Commissioner to accept filings on its behalf from the rating organization. A title insurance rating organization also may request a hearing on behalf of its members or subscribers on notice of disapproval of a filing. The bill exempts title insurance rate filings made by a rating organization on behalf of a title insurer from the requirement that the Commissioner make a determination on the filing within a limited time period or the filing is considered approved. Finally, the bill establishes that a title insurance rating organization is subject to the same regulatory oversight provisions as other rating organizations, including being examined at least once every five years.

Senate Bill 40 (Chapter 41)

This bill repeals the requirement that each partner or officer of a title agency hold a title insurance producer license and instead requires each controlling person and each trust money controller to hold such a license, and makes technical and conforming changes. If an applicant for a license is a business entity, the application must include an entity authorization that contains specified information. Furthermore, the Insurance Commissioner must investigate the character of each individual identified as a controlling person or trust money controller by the entity authorization. The bill also expressly authorizes a title insurer to limit the review of a title producer or agency that holds appointments with more than one title insurer to files, separately held accounts, and written documentation relating to its title insurance policies

Senate Bill 111 (Chapter 63)

This bill exempts from recordation and transfer taxes the transfer of real property from a sole proprietorship to a limited liability company, if the sole member of the limited liability company is identical to the converting sole proprietor and specified other conditions are met. The bill also clarifies that the transfer of a controlling interest in a limited liability company that is the product of an untaxed conversion from a sole proprietorship is subject to the recordation and transfer tax under specified circumstances. The bill took effect July 1, 2017.

Senate Bill 376 (Chapter 521) THIS BILL WAS SPEARHEADED BY MLTA

Effective October 1, 2017, the certificate of preparation, stating that an instrument has been prepared by or under the supervision of a Maryland attorney will no longer be required on Deeds of Trust. The requirement remains for leases and deeds.

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Senate Bill 487 (chapter 595)

This bill prohibits a ground lease holder from bringing any suit, action, or proceeding against the current leasehold tenant to recover ground rent that was due from a former leasehold tenant before the date that the current leasehold tenant acquired title to a property subject to a residential ground lease, if the property is (1) owned or acquired by the current leasehold tenant by any means and (2) abandoned property as defined in the Public Local Laws of Baltimore City. The bill clarifies that, for any property subject to such a limitation (as well as an existing limitation related to distressed property as defined in the Public Local Laws of Baltimore City) on recovery of past-due ground rent, the ground lease holder may request, in writing, that the current leasehold tenant acquire the reversionary interest under the ground lease for the established market value, as specified.

Senate Bill 823 (Chapter 616)

This bill establishes a task force to study tax sales in the State. The President of the Senate and the Speaker of the House must designate the chair of the task force. The Department of Housing and Community Development (DHCD) must provide staff for the task force. By December 1, 2017, the task force must report its findings and recommendations to the Governor and the General Assembly. The bill took effect June 1, 2017, and terminates June 30, 2018.

Senate Bill 1033 (Chapter 617)

This bill authorizes secured party to petition the circuit court for leave to immediately begin an action to foreclose a mortgage or deed of trust on a vacant and abandoned residential property, and it requires the court to promptly rule on the petition. The bill establishes criteria for determining whether residential property is vacant and abandoned, and if the court finds that a residential property is vacant and abandoned and the secured party is entitled to judgment, the court must grant the petition. The bill applies prospectively and has no effect on any order to docket (OTD) or complaint to foreclose that is filed before its October 1, 2017 effective date.

House Bill 1604 (Chapter 148)

This bill establishes a county transfer tax exemption, applicable only in Howard County, for county law enforcement officers or fire and rescue services members. To be eligible for the exemption, the individual must meet the following requirements: (1) the property must be the individual's principal residence; (2) the individual must be a first-time home buyer in Howard County; and (3) the individual must be employed as a county police officer, county deputy sheriff, or a fire and rescue services member for a minimum of three years following the home purchase. In addition, the bill limits the county transfer tax rate to 0.7% for a second and subsequent residential purchase by these individuals. The bill takes effect July 1, 2017.

MLTA led the opposition to Senate Bill 76/HB 280 that sought to rename the Land Records Improvement Fund the State Judiciary Technology Fund. Although MLTA requested that the bills be referred to summer study, they were defeated outright. We argued that this was a "money grab" to support the Electronic Courts initiative at the expense of the Land Records, when the fund was created, and supported by, the recording surcharges in the Land Records. We suggested that the two projects have separate funds supported by separate charges. MLTA expects that the bill will be back in some form in the 2018 session.

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Lender Collaboration: Email and Phone Are Not Your Friend

By Vicki DiPasquale, Vice President, Simplifile

Communication and collaboration technology has progressed leaps and bounds over the past decade, yet when it comes to lenders and settlement agents, phone calls, emails, and even fax are still the primary workflow methods. Of course, as the saying goes, "if it isn't broke, don't fix it," but perhaps this workflow is more broken than many realize.

Email and Phone Miscommunication

Communicating via phone and email creates an inconsistent process that can result in errors, missed information, and delays. Think about it: if information is being communicated via multiple channels, it's impossible to know how that information is going to be communicated at any given time. For example, let's say the lender is expecting a phone call from the settlement agent regarding an updated fee. If the agent sends an email instead, the lender may not be checking his or her inbox for that information, thus creating a delay that could affect closing. Furthermore, if the information is communicated by phone, it can be misheard or written on a sticky note that's easily misplaced.

Using email or phone for communication also prevents both sides from working with real-time data. What may have been true on Thursday afternoon at 4 pm, when the information was initially communicated, may not be true by Friday morning at 10 am, when the information is received. Not only does this create additional complexity, but it also opens the door for errors and wasted effort.

A Matter of Security

While most organizations have security measures in place to protect data on their servers, they may not provide the same level of security for their email or telephone, especially VOIP, systems. Thus, communicating via these mediums can inadvertently expose sensitive consumer data to unauthorized access by outside parties. Not only does this represent a clear violation of consumer privacy laws, but communication via phone or email also raises concerns about the ability of both parties to provide a record of communication in the event of a regulatory audit.

Proving the content of a conversation held verbally is next to impossible. Even if notes are taken and included in the loan file, how can regulators verify that those notes accurately reflect what was said? Emails can be accidentally deleted, end up in spam filters, or just get lost in the shuffle. In auditors' minds, without a verifiable audit trail, it's as if those conversations never happened. Furthermore, this points to the instability of email and phone as a means of communication. Systems fail. Data gets corrupted. Outages happen. General office software and systems aren't designed to facilitate the kind of collaboration lenders and settlement agents need to be effective and secure.

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Modern Collaboration

More and more companies are using integrated communication platforms for collaborating on projects. For example, Google offers tools for multiple users to work together on documents and spreadsheets in real time, with instant visibility into each other's changes and live chat. At the enterprise level, many tech companies rely on Atlassian's integrated tools like Confluence, JIRA, Trello, and more to constantly stay informed and work together. These solutions take direct email and phone communication out of the equation and often offer the peace of mind of data encryption and high security standards.

For settlement agents and lenders, there are now similar tools available for consolidating collaboration workflow and increasing security. For example, Simplifile Collaboration connects settlement agents and lenders under the secure and time-tested Simplifile platform. All parties are able to receive, track, share, and validate documents and fees using Simplifile. With built-in messaging, lenders and settlement agents can discuss changes, updates, and deficiencies instantly on a document and fee level. Since all work is done within one system, there's real-time visibility into each other's processes, which prevents errors and miscommunication.

Being tied to Simplifile E-recording, the nation's largest electronic recording network, it's also seamless for settlement agents to begin the recording process and return post-closing documentation to the lender once collaboration is finalized. This creates an end-to-end audit trail that protects all parties if questions ever arise down the road over who did what, when, or why.

It's time to rethink traditional workflows and communication processes. Phone, email, and fax should no longer be the gold standard for collaboration. The right technology can offer efficiency and peace of mind to businesses in this new regulatory environment with ever-changing security risks.

About the author:

Vicki, who has a doctorate degree in management, manages Simplifile's sales team, overseeing and supporting all sales activities for the company. With more than 30 years of title industry experience under her belt, Vicki has worked for underwriters, attorney, and corporate agents, real estate-related companies, and has independently lent her real estate experience to a number of consulting projects and as a traveling notary and closer. Vicki's expertise encompasses all aspects of title insurance, closing, sales, agency, and management, and she has an affinity for using technology to simplify business processes.

For more information, contact Vicki DiPasquale at vdipasquale@simplifile.com or 801.223.1070.





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MLTA Technology Committee Update

The MLTA Technology Committee is excited to announce the rollout of our redesigned website. The new design includes changes to navigation, mobile device access, and online payment and registration options. We've also improved the structure of our content so you'll have easier access to the information that's important to you. Additionally, you'll find that the overall feel of www.MDLTA.org is more inviting and interactive. Our primary goals are to streamline the registration and payment for our members and to provide access to MLTA's services and solutions, as well as to provide up-to-date industry news. Our new website is interactive and gives better access to legislative updates, on-line and take-home classes for continuing education credits, MLTA live classes, and much more. Our current and prospective members will find useful information about our services and events right on the homepage.

Among the new features, is the addition of social media icons for Facebook, Twitter, and LinkedIn, which have been added to foster improved communication with our members. We are continuously updating our content with helpful information, articles, blogs, newsletters, announcements, and member achievements in the "Industry News" section. Over the next few weeks, we will begin contacting our members via email with instructions for accessing information that is accessible only to current MLTA members.

We hope you will enjoy the new website with its fresh look, easy-to-access information, and enhanced industry and association information. Please visit our site... and start exploring!

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In Memory of Bayard H. Waterbury, III

The title industry lost an important pioneer with the passing of Bayard Waterbury. Bayard was the fifth president of the Maryland Land Title Association, serving in the 1980s and 90s as an officer, director, and for many years, a tireless leader of the MLTA Education Committee while he built up his company, "Montgomery Abstracts", one of the largest title abstracting companies ever serving Montgomery, Prince George's, and Frederick counties. He trained several generations of title searchers, and authored The Maryland Title Searchers' Handbook, one of the only published works on the process of examining real estate titles at the time.

He was an active member of the American Land Title Association, serving on the Board of Governors of ALTA, and assisting the ALTA Education Committee on early development of videos and workbooks for educating members on title abstracting and examination. Prior to his retirement, Bayard worked as a Commercial Title Officer for one of the major underwriters in the Atlanta, Georgia area.

A US Navy veteran submariner, Bayard was an enthusiastic tennis player, whitewater rafter, fabulous cook, and host of some infamous pig roasts and holiday parties. He was a prolific writer of essays, articles on politics, economics, and government, as well as works of poetry. A BIG man, with a BIG heart and a friend to many. Bayard will be missed.