



# TITLE TALK

Old Republic National Title Insurance Company

Fall, 2009

Volume 20, Number 3

PENNSYLVANIA EDITION

Visit Us On The Web...[www.OldRepublicTitle.com/PA](http://www.OldRepublicTitle.com/PA)

## What To Do When You Receive Notice of a Claim

No one likes to hear about them. No one likes to talk about them. Surely no one likes to see one come in the mail. However, if you think about it, there would be no need for the issuance of insurance if there were no risks to insure against. Those risks, unfortunately, sometime turn into claims. Sometimes they come two months after closing; sometimes they come two years after closing. Sometimes they're the result of human error; sometimes they're a latent defect. Just remember: They will come, they will go, the seasons will change, and you'll survive.



You must remember, however, that you have certain obligations when you encounter a claim as a policy-issuing agent for Old Republic. Both your Agency Agreement and Agency Manual address these obligations. We urge you to review Paragraph IX of your Agency Agreement and Section VII of your Agency Manual. These sections outline your obligation as a policy-issuing agent as they relate to claims. You'll note that both of these sections require that you notify Old Republic Title immediately upon learning of a claim and do not admit or deny liability to the claimant.

So, whether you have never experienced a claim or have experienced a few, let's agree that they are real and they exist. In these times of rampant foreclosures, title defects, old and new, are popping up left and right. It is of the utmost importance in these times that you immediately forward any claim you become aware of to counsel for Old Republic Title. Our counsel are experienced in dealing with these situations and need to be involved in the claim at the earliest possible point in time. As always, we appreciate your cooperation and loyalty to Old Republic Title.

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## 2010 HUD-1 Software

January 1, 2010 is quickly approaching and we want to make sure you are ready to prepare the new HUD-1. Your software provider is probably sending you notices of when the upgrade will be available. If you have let your maintenance agreement with your provider lapse or haven't upgraded your software in recent years, you need to contact your software provider immediately. Some software packages have made great advancements over the years and if you have not kept up, you may need more than just a simple upgrade to include the new software for the HUD-1.

If you currently do not use an all-inclusive software package like Title Express or SoftPro, but have software just for HUD-1 purposes, you will need to find software that enables you to produce the new HUD-1. A possible solution can be found on at [www.freehud-1.com](http://www.freehud-1.com).

While some software providers are encouraging agents not to upgrade their software until they need the form, we would like you to verify now that you are easily able to receive the upgrade. Don't wait until you receive the first package with the new GFE and it has to close in a half hour to discover your system cannot support the upgraded package.

Also, talk to your largest customers and ask them when they anticipate the implementation of the new GFE; ensure them that you will be ready to meet their needs. In this competitive market, do you want to be *that* agent who couldn't close the transaction because of software issues?

## Old Republic Title Information on Your Website

Many agents have Old Republic Title information, links and even logos on their websites – we love it! However, we have recently changed our logos and financial rating information is constantly fluctuating. As a result, please take a quick moment to verify you have our current logo on your site. It should look like this:



In addition, any mention of our ratings must be dated, the most recent is dated 9/25/09. We strongly encourage agents not to specifically list our ratings, but rather use the following language:

*Since 1992, the Old Republic Title Insurance Group has been the highest rated title insurance group in the nation. No other title insurance group can make that claim.*

You are more than welcome to create a link on your site to our ratings page. By doing this, we will ensure the page is updated accordingly – one less thing for you to think about!

Should you have any questions, need a copy of our updated logo or web address for our financial ratings information, please contact Sue Morgan at [smorgan@oldrepublictitle.com](mailto:smorgan@oldrepublictitle.com).

### Keep Your Producer License Information Current



If you recently moved and did not update your address information with the Department of Insurance, you need to do so immediately. The Department requires you update your information within 15 days of relocation. This update can easily be done online through [www.sircon.com](http://www.sircon.com). It is imperative you keep your

email and mailing addresses current with the Department in order to receive notices of license renewals.

Though Sircon's website, you can also renew your agency and individual licenses, view your current credit transcription, license expiration dates, and make other changes to your license.

**Need credits? Take a look at these quick online resources:**  
[www.pltionline.org](http://www.pltionline.org)

### UPCOMING SEMINARS:

**November 17, 2009**

#### **PLTI Seminar**

3 Credits in the Morning Session;  
2 Credits in the Afternoon  
Marriott Pittsburgh Airport  
9:00 AM to 4:00 PM  
Register at [www.plta.org](http://www.plta.org)

**November 18, 2009**

#### **PLTI Seminar**

3 Credits in the Morning Session;  
2 Credits in the Afternoon  
Williamson's Restaurant, Horsham, PA  
8:00 AM to 4:00 PM  
Register at [www.plta.org](http://www.plta.org)

## Amendment to Mechanic's Lien Law

An amendment to the mechanic's lien law was signed by the governor as Act 34 of 2009. The amendment changes the permissible occasions when a waiver of lien may be filed from contracts under \$1,000,000 to residential properties of three stories or less, excluding any basement. The prohibition on waivers on commercial projects continues. The amendment still leaves questions unaddressed, for example, about the types of residential projects for which waivers of liens may be used—clearly not on a five floor condominium project, but what about a five level split level home that is really only the equivalent of three stories tall? Requirements for the filing of waivers have also changed with the ability of subcontractors of subcontractors to file liens the expansion of the use of waivers maybe of assistance in underwriting construction projects where we are not able to obtain priority over mechanic's liens. New construction remains an area of great risk from these types of liens and you should consult with the Underwriting Department before insuring a new owner or mortgagee.

If you would like a copy of the statute, please contact Sue Morgan or Shayna Best in our Wayne Office.

## Is the Notary Legitimate? Search and Find Out!

Do you think it's peculiar when a borrower walks in with a deed already signed and notarized, you just need you to record it? Have you ever wondered if that "mobile notary" you used in a pinch because you couldn't attend a closing is a valid notary? If you think, "Something like that would never happen to me," think again!

An agent was handed a fully executed deed that needed to be recorded as a part of the insured transaction. Fortunately, this savvy Philadelphia agent thought it was strange that the borrower already had this document executed and it wasn't part of the closing. The search records indicated the grantees currently owned the property, but something just didn't feel right.

The agent went to <https://www.notaries.state.pa.us/Pages/EServices.aspx?notariesNav=> and searched for the notary. There was a match to a similar name, but not the specific name stamped on the deed. The agent took the investigation one step further and searched the Philadelphia records for a copy of the notary's appointment filing. Nothing recorded.

The agent confronted the borrower – low and behold, it was a fraudulent deed. Unfortunately, this means that title agents not only need to on their toes about fraudulent checks, but also deeds and most importantly notaries. The next time you get that feeling in the pit of your stomach that something just doesn't seem right, don't ignore it. Follow this agent's lead – take your investigation to the next level and run a quick search on the notary. It could save you time and a significant amount of money.

The screenshot shows the Pennsylvania Department of State Notaries eServices search interface. The page has a dark blue header with the Pennsylvania Department of State logo and navigation links for 'PA STATE AGENCIES' and 'ONLINE SERVICES'. Below the header, there is a search form titled 'Option 1 - Find Notary by Name'. The form includes input fields for 'First Name', 'Middle Initial', and 'Last Name', a dropdown menu for 'Suffix' (set to 'None'), and radio buttons for 'Commission Status' (with 'All' and 'Current' options). A 'Find By Name' button is located at the bottom of the form. On the left side of the page, there is a sidebar with the 'Bureau of Commissions, Elections & Legislation' logo and a list of links: 'What is a Notary', 'Become a Notary', 'Notary Education Providers', and 'General'. A 'How to Search' link is also visible in the top right corner of the search area.