

The ADVOCATE

New Jersey Land Title Association

MORTGAGE FRAUD: UNDER THE EYE OF THE FBI

By: Lawrence C. Bell, Esq.

What criminal activity affords high-yield returns with relatively low risk? The answer is mortgage fraud, says the FBI, in its 2008 Mortgage Fraud Report released to the public on July 7th. The report, prepared to afford FBI program managers the data they need to prioritize investigations and allocate resources, provides the title industry with both hard data and a review of the type of schemes presently being perpetrated.

New Jersey may not be on the top of the list, but several data collection sources include New Jersey as one of the top 10 mortgage fraud "hot spots". Diligence on our part is clearly required.

Suspicious Activity Report (SAR) mortgage fraud filings increased 36% nationwide from 46,717 in 2007 to 63,713 during Fiscal Year 2008. Exact losses are unknown, but lenders reported a loss of \$1.4 billion in 2008; an 83.4% increase over 2007. Statistics clearly indicate an upswing in mortgage fraud activity.

Numerous factors, such as the sub-prime mortgage crisis of 2007, contraction of financial markets, diminishing credit availability and spike in foreclosures "fueled a rampant mortgage fraud climate fraught with opportunistic participants desperate to maintain or increase their current standard of living." Current economic stimulus legislation intended to assist a troubled economy will provide new funding streams for perpetrators to further exploit the mortgage industry. This report is an eye opener that needs to be considered by us all.

The report defines mortgage fraud as a material misstatement, misrepresentation, or omission relied upon by an underwriter or lender to fund, purchase, or insure a loan. Both fraud for property – where a borrower misrepresents their financial condition to obtain a mortgage loan; and fraud for profit – involving elaborate schemes to gain illicit proceeds from property sales, are defined and reviewed. While fraud for property is generally limited to single transaction incidents, fraud for profit often involves multiple loans and employs various techniques such as straw buyers, identity theft, silent seconds, land trusts, shell companies, and forged application documents.

In addition to the familiar schemes including builder bail-outs, short sales, illegal flips, and foreclosure rescues, to name just a few, a newly identified scheme involves reverse mortgage fraud. Unscrupulous industry players are exploiting the reverse mortgage process to defraud senior citizens. This emerging scheme involves equity theft, often with the aid of straw buyers, 'occupancy fraud', and appraisal fraud, all in collusion with the settlement agent or attorney. "As more members of the 'baby boomer' generation turn 65, their vast and expanding real estate holdings make reverse mortgage fraud an increasingly attractive scam for perpetrators."

The Federal Bureau of Investigation 2008 Mortgage Fraud Report is an excellent resource to those involved in combating mortgage fraud. The report can be found at: http://www.fbi.gov/publications/fraud/mortgage_fraud08.htm. ■

*Fraud and falsehood
only dread examination.
Truth invites it.*

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MESSAGE FROM OUR PRESIDENT

Dear Friends and Colleagues:

What a year it has been! It was Thomas Paine who said: "These are the times that try men's souls." It was published in a pamphlet entitled: "The American Crisis". It was published and read on the eve of the Battle of Trenton; perhaps the decisive battle in the American Revolution, played out in both Pennsylvania (Washington Crossing) and New Jersey (Washington Crossing and Trenton) and as depicted in General George Washington's epic and symbolic Crossing of the Delaware. The scenario remains true today, as it did back then, and while played out over 230 years ago right here in New Jersey, the quotation remains as vibrant today, as it did back then.

To counteract the above stress, I suggest another quote: "Knowledge is power" – Yes, another quote, I know, but true today, as ever. We at the Association promise increased access to information, starting with this issue of the Advocate! This has been and will continue to be a year of change. With knowledge and information obtained through publications like this, seminars hosted by the Agency Section or by select underwriters who are members of this Association, you will better handle the twists and turns on the roads ahead.

We are all faced with many common pressures on our businesses, whether agents or underwriters: Litigation – Class Actions and Claims; Regulatory Pressures – both State and Federal (RESPA Reform and insurance consolidation) and Economic –Surviving the collapse of over-extended credit markets and ill-conceived mortgage products. We have many common goals and purposes. This is the perfect time to either join or renew your membership in the New Jersey Land Title Association. Protect your investment, whether it is your firm's survival, your professional reputation or your personal resume', by joining or rejoining the pre-eminent Title Association in New Jersey.

We will get through this TOGETHER!

Richard Eland

President

New Jersey Land Title Association

BRIELLE A. GRABAS AWARDED 2009 JOHN R. WEIGEL SCHOLARSHIP

The New Jersey Land Title Association is pleased to announce that Brielle Alexandra Grabas of Freehold, New Jersey is this year's winner of the John R. Weigel Scholarship Award. Named in honor of the Association's Director Emeritus who served the title insurance industry with great distinction for over twenty years, this award will provide Brielle with an \$8,000.00 scholarship which will be paid over 4 years.

Currently a senior at Red Bank Catholic High School in Red Bank, New Jersey, Brielle is planning on attending Monmouth University in West Long Branch, New Jersey where she will study Business. The Title Association connection which made her eligible for this scholarship award is through her father, Joseph A. Grabas, CTP, Vice President and Chief Operating Officer for Investors Title Agency in Edison, NJ.

"In addition to Brielle's exceptional academic credentials," said NJLTA President Kevin Cairns after the award was announced, "she demonstrates broad extracurricular involvement, a commitment to community service, and a passion for her sport." Among her acade-

mic achievements, Brielle is a member of the National Honor Society, Who's Who of American High School Students and the National Society of High School Scholars. She is an active supporter of the Food Bank of MonOc, Habitat for Humanity – Western Monmouth and RBC Chapters, the CROP Walk, and Casey Cares for Kids. In addition to Brielle's commitment to academics and her community, she is a competitive show jumper, competing in over 130 equestrian events during her high school years.

The John R. Weigel Scholarship, which was inaugurated in 1998, is awarded once per year to a qualified candidate for higher education arising out of a title industry connection. Academic achievement, extracurricular activities and public service experience are all required of eligible candidates. In addition, award winners must continue to satisfy the eligibility requirements throughout the four-year period during which their scholarship is paid. The scholarship is underwritten by both the Underwriter and Agency Section members of the New Jersey Land Title Association. ■

Mission The ADVOCATE's Statement

To *be a voice* of our Members reaching out to each other to strengthen our common goals

To *honor* our own who exemplify all that is good about the industry

To *nurture* the relationship between the New Jersey Land Title Association and the industry

To provide a *resource* for education and best practices in the industry

And to *be a witness* to our professionalism and high standards.

LETTER FROM BRIELLE A. GRABAS

Dear Mr. Cairns,

I would like to express my deepest gratitude to the officers and members of the New Jersey Land Title Association for honoring me with the 2009 John R. Weigel Scholarship Award. When I opened the letter and found that I was chosen, I was surprised and overwhelmed. I know that there is always an exceptional group of young candidates who apply for this scholarship and I am acutely aware of what an honor it is to be selected as the 2009 recipient. My first instinct was to inform my father, Joe Grabas, of my award. He has dedicated a great deal of his time to the title industry and your association; I knew he would be proud of me. My parents have instilled in me, through words and deeds, the importance of dedication and that hard work is its own reward. The Board of Governors confidence in me validates these ideals.

I have been accepted to several fine colleges and have chosen to attend Monmouth University in West Long Branch in the fall. It is my intention to seek a degree in Business. This will allow me to continue my training as a competitive equestrian while completing my college education.

I am aware it has been customary in the past for the scholarship recipient to appear at the annual convention to receive recognition and also to have an opportunity to thank the membership. Unfortunately, the graduation ceremony for Red Bank Catholic High School is scheduled for June 2 and coincides with your convention in Williamsburg, Virginia. Therefore, I will not be able to personally express my thanks. Please accept my most sincere appreciation and be assured that I will continue to work diligently to earn the confidence that you have placed in me.

Most Sincerely Yours,

A handwritten signature in dark ink, reading "Brielle A. Grabas". The signature is fluid and cursive, with the first name "Brielle" being the most prominent part.

Brielle A. Grabas

NEW JERSEY LAND TITLE ASSOCIATION APPLAUDS ALFRED D. SANTORO, JR.



Alfred D. Santoro, Jr.

The New Jersey Land Title Association bestowed its Distinguished Service Award on Alfred D. "Al" Santoro, Jr. at this year's Annual Convention at Williamsburg, Virginia. Established in 2006 as a way to recognize individuals who have gone above and beyond the call of duty for the title insurance industry in New Jersey, previous Distinguished Service Award honorees include Frank Melchior, Esq. CTP (2006), Nancy L. Koch, Esq. CTP (2007), and Lawrence J. Fineberg, Esq. CTP (2008).

Employed in the title industry for the majority of his career, Al has been generous with the time he has devoted to efforts to support and uphold the title insurance industry. A delegate to the NJLTA Board of Governors for many years, Al served as President of the Association in 1994-1995 and presently serves as a member of the management board of the NJLTA Agency Section.

Not satisfied with keeping his focus solely local, Al is also active nationally as a member of the American Land Title Association. He chairs ALTA's Technology Committee and serves on the Executive Board of the Agents and Abstractors Committee. He is a regular attendee at ALTA's various meetings including the Federal Conference where attendees make the time to meet with their legislators in Washington, D.C. to discuss matters important to the title industry.

A New Jersey native and 1980 graduate of Seton Hall Law School, Al began his career in the title industry in 1981 as Assistant NJ State Counsel for Commonwealth Land Title Insurance Company. In the ensuing years, he gained experience both on the underwriter and agency sides as he served as General Counsel for Trans-County Title Agency, Inc., State Counsel and State Manager for Lawyers Title Insurance Corporation, and State Agency Manager for Commonwealth Land Title Insurance Company. He is currently Co-President of Esquire Title Services, LLC as well as a Partner in the Law Firm of Santoro & Buonarota in Parsippany, NJ.

Al has taught numerous industry-related continuing education courses for the New Jersey Land Title Institute, Institute for Continuing Legal Education, Lorman Education, and the National Business Institute and is recognized in the legal community as an expert on title-related matters.

In 1997, Al received the Certified Title Professional (CTP) designation from the NJLTA in recognition of his experience and service to the industry. He is married to law partner and co-President of Esquire Title Services, Elissa Buonarota, Esq. Al is the proud father of two daughters, Alexa, 20, currently attending Penn State University and Devon, 17. In his spare time he enjoys golf, art, travel and vintage cars.

Reflecting on his career in the title industry after receiving the Distinguished Service Award, Al said, "One of the things I am most proud of in my career is my role in establishing the John R. Weigel Scholarship and the way the title community in New Jersey has embraced it. I am a very lucky guy to have so many friends in this business and to be able to say that I have really enjoyed every day I spend in this industry. I am really honored to have been singled out among so many who work so hard. All of us in this industry owe much to our spouses and families for supporting us and I am no exception. I really can't thank them enough."

The New Jersey title industry applauds Al and thanks him for all of his service.

*Distinguished
Service Award*

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ALTA's PRESIDENT RESPONDS TO WALL STREET JOURNAL ARTICLE

August 3, 2009

ALTA President Mike Pryor recently submitted a letter to the editor in response to a July 21 Wall Street Journal article titled "Title-Insurer Fees Draw Scrutiny." His letter appeared in the Aug. 3 edition of the newspaper.

Unfortunately, the Wall Street Journal paraphrased and only printed a third of the submitted letter. Here's a link to the letter that appeared online, (<http://online.wsj.com/article/SB10001424052970203609204574314314160690036.html>) and here's a link to the scanned page of the newspaper, (http://www.alta.org/press/09-08-03_WSJ_Letters_to_Editor.pdf).

In discussing the Wall Street Journal's letters to the editor policy, the newspaper indicated there was "no absolute word limit," but indicated short letters have a better chance of getting printed. The Wall Street Journal also said it prints letters in response to particular articles, and looks for letters that add something to the issue and are likely to be interesting to its readers. It was interesting to note that the newspaper included a letter to the editor supporting several points in the story, including the point that consumers understand little about title insurance. This letter added nothing beyond what was conveyed in the article, yet nearly the same amount of space was allotted for that letter as was given to Pryor's letter.

ALTA is awaiting a response from the Wall Street Journal as to why Pryor's letter did not run in its entirety.

Below is the entire letter that was submitted to the Wall Street Journal:

Thank you for starting a discussion on the importance of consumer understanding of the land title industry in your article "Title-Insurer Fees Draw Scrutiny." As one who sells title insurance for a living, I agree that "for most people, title insurance is just another mysterious fee." Few know that a unique, labor intensive search is required to prepare for each real estate transaction and produce every title insurance policy.

In order to maintain current records, new documents must be updated daily. Skilled and trained researchers and underwriters must interpret the effects of these documents on the title. Forged documents, invalid deeds, and incorrect property descriptions are just some of the title issues that must be examined. Searches must also look for recording mistakes, deed indexing errors, unpaid mechanics liens, judgment liens, income or property tax liens, unpaid child support, undisclosed easements, claims by missing heirs, and claims by ex-spouses. One in three real estate transactions requires the title agent to correct a problem before the deal can close.

I am also proud of the fact that my work contributes to the greater good. Title insurance actually saves borrowers money because it speeds closing times, reducing the costs that lenders (and therefore borrowers) must pay to lock in an interest rate prior to closing. Through our constant searching, correction and improvement of public property records, title insurers are also America's first line of defense in the protection of private property rights. Without this work, public real estate records would fall into disarray, leading to increased fraud, false claims against legitimate property owners, and decreased mortgage lending as risks to lenders multiplied because of an increasingly unreliable public record.

While I don't agree with all of the points made in your story, I appreciate anything that can contribute to a wider understanding of what our industry is all about because as with many "mysteries" in life, there's more value there than meets the eye.

Mike Pryor
President
American Land Title Association
Little Rock, Ark.

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■ **Session I: Meet The Tax Collector: NJ Real Estate Tax Issues - 3 CE credits**

A panel moderated by Joseph A. Grabas, CTP will discuss current real property tax issues with a prominent tax collector and tax assessor from New Jersey and explore the tax searching process. The panel will feature Neptune Township officials Michael J. Bascom, CMFO, CTC and Bernard C. Haney, CTA along with tax search experts from Signature Information Solutions.

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■ **Session II: #2 Pencils, Clipboards and Analyses: The Art of Title Searching - 3 CE credits**

A panel moderated by Joseph A. Grabas, CTP will discuss the practice of land title research and how it has evolved in New Jersey, developing technology with emphasis on electronic database title plants, and a demonstration of that state-of-the-art technology. The panel will feature title search experts from Signature Information Solutions.

**For information or to register,
visit the Grabas Institute web site at
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*Presented by The Grabas Institute For Continuing
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By: Jean L. Temple

When I was asked to write an article for the Advocate as the outgoing chairperson, I wasn't really sure what to write about....

When Robert Palmisano stepped down, I filled in for the remainder of his term, for one year. I remember getting sworn in at Hershey, Pennsylvania, and indicating that I had big shoes to fill after the prior chairpersons and asked our members to be patient with me as I take small steps; I thank you for doing that. Al Santoro, Esquire, provided and updated the Agency Section with the new rules and regulations – Michael Huddleston kept us informed on the finances – Thomas Rafferty kept us up-to-date with our memberships and George Watson, Steven Goldstein and Nancy Walters filled in the seats with their expertise and knowledge all around.

We had a few meetings, which were attended by 15 to 20 people, including the board members, and also one or two free seminars for the Agency Section members and their staffs, which were well attended.

Unfortunately, with the downturn of the economy in the last few quarters, we had a drop in our membership due to agencies dissolving, merging and/or not interested in renewing their membership for the annual fee of \$250.00. I could not quite understand the reasoning; if you and/or your staff attend the free seminars, that pays for itself in no time. We struggled with how to renew the interest in the title agencies to become members. The Agency Section, once again, helped out with the cost of the 2009 NJ/PA Convention in Williamsburg, Virginia, this year which helped defray the cost of attending the Convention for Agency Section members, as did the NJLTA Board of Governors.

The Agency Section Management Board is continuing to attempt to keep our costs down while providing meaningful services to our members and with everyone's help, it can be accomplished.

I wish good luck to Michael Huddleston as the incoming chairperson and am honored to continue to serve as one of the Trustees on the Agency Section Management Board.

Sincerely yours,
Jean

*The only way of
finding the limits of
the possible is by
going beyond them
into the impossible.*

Arthur C. Clarke

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WHY DOESN'T NEW JERSEY DUMP THEIR GARBAGE ON STATEN ISLAND?

Author: Joseph A. Grabas, CTP

When I was a young boy growing up in Sayreville, I would often take my bicycle over the Old Victory Bridge across the Raritan River and into the historic City of Perth Amboy. These jaunts of wanderlust resulted in my discovery of Thomas Mundy Peterson, the first African American to vote under the 15th Amendment (March 31, 1870), who lies peacefully in the graveyard at St. Peters Church and the Proprietary House where William Franklin, last Royal Governor and son of Ben Franklin, was arrested during the Revolutionary War.

Invariably I would be drawn down to the waterfront, along the Arthur Kill (Dutch for riverbed or creek) to gaze across at the mysterious Island of Staten. Mysterious because of the foul odors that drifted across the waters from a place oddly named Fresh Kills. But even more peculiar because it was inhabited by New Yorkers! How could an island that was no more than 1400 feet away from the foot of Fayette Street, not be part of New Jersey? I may have been a curious fellow, but I was not yet so stout of heart to ride my bike over the Outerbridge onto a smelly island inhabited by foreigners. I would have to wait until I was older and drive over to watch the sun rise on Great Kills Beach with a few friends and a few beers.

So why is Staten Island part of New York? If you were to draw a line from Jersey City to the tip of Sandy Hook, Staten Island would lie fully within what would appear to be the boundaries of New Jersey. The Hudson River channel, a natural boundary, obviously runs through the Narrows and could not be alleged to run through the Kill Van Kull and Arthur Kill. It is only 1200 feet at the Bayonne Bridge and a mere 672 feet at the Goethels Bridge. The closest point between Staten Island and the rest of New York is at the Verrazano Bridge, a whopping 4,620 feet away. You can row a boat from Jersey to Staten Island and not even break a sweat, but don't try to cross the Narrows that way! From a geographic, commercial and real estate point of view it just doesn't make sense.

As early as 1609, Henry Hudson had claimed the area of New York and New Jersey as part of Nieuw Netherlands for the Dutch. He named Staaten Eylandt after the Staaten General, the Dutch Parliament. The island of Manhattan was officially settled in 1625, south of what is today known as Wall Street (because there was an actual wall built there by the Dutch for defensive purposes). By 1630 the Dutch attempted to increase their settlement.

As discussed in previous articles, the Dutch seemed to have some difficulties getting along with the local Lenape tribes, hence the Wall. Each time the Dutch attempted to expand out beyond Nieuw Amsterdam, they ran afoul of the locals. There were continued hostilities in New Jersey up until 1660 when the first successful fortified Dutch settlement in New Jersey was established at Bergen, today known as Jersey City.

The Dutch had similar problems on Staten Island. Settlements were plagued by three wars, the Pig War (1641), the Whisky War (1642) and the Peach War (1655). In 1661 the Dutch established a permanent settlement called Oude Dorp, or Old Town, which was later expanded to include Nieuw Dorp. Just three years later the English came to town and claimed EVERYTHING for England.

Now the legend goes that in 1668 the question of ownership for Staten Island was settled by a boat race. The story, recounted in an 1873 newspaper article (over 200 years later) and erroneously repeated by Mayor Bloomberg a few years ago, stated that James, The Duke of York granted all the lands west of the Hudson River to New Jersey with the exception of all the "small" islands in the Bay. A small island was defined as any island that could be circumnavigated in less than 24 hours. A stalwart English Captain named Christopher Billopp and supposed resident of Staten Island, rose to the occasion and got around in a few minutes under 24 hours and thus the Island was claimed for New York!

This is a very romantic yarn but is utterly unsupported by facts. Capt. Billopp did become a resident of Staten Island, his home still stands near Tottenville, but it was not until 1674 that he purchased 932 acres from The Duke of York. He did not achieve the rank of Captain in the Royal Navy until 1671. There is no proof that such a race ever took place.

This is the true story. James, The Duke of York received title to all of New York, New Jersey and Part of Connecticut by Grant from Charles II on March 12, 1664. This grant not only included the title to the land but also the right of governance. It was 3 months later when the Duke "subdivided" his property and created New Jersey. He gave New Jersey to Berkeley and Carteret, once again along with the right to govern.

The problem begins in the interpretation of the descriptions contained in these two Grants. Neither one refers to Staten Island by name or metes and bounds. The only reference in the Duke of York's March 12th Grant is "together also with the said river called Hudson's River, and all the land from the west side of the Connecticut river to the east side of the Delaware Bay; and also several other islands and lands..." This description although extremely vague, most certainly includes Staten Island.

The description in the June 24th "Subdivision" Grant to Berkeley & Carteret sets the easterly boundary line for New Jersey as "lying and being westward of Long Island, and Manhitas Island and bounded on the east part by the main sea, and part by Hudson's River..." No mention of the Kill Van Kull. No mention of the Arthur Kill. No mention of the Narrows. No mention of Staten Island and most certainly NO mention of the "small islands." New York would later argue that this meant they had jurisdictional

authority right up to the Low Water Mark of the New Jersey mainland.

What we are discussing here is sovereignty and jurisdiction. In the Colonial or Provincial period New Jersey and New York were Proprietary Colonies and were governed by Proprietary Governors. Richard Nicolls was the first Englishman to exert political control over NY & NJ in 1664 when he arrived to conquer the Dutch. He governed until 1668. He was replaced by Francis Lovelace, who would later suffer the misfortune of being “out of town” when the Dutch recaptured Nieu Netherlands in 1673. Lovelace would lose all his lands and die a pauper in the Tower of London just two years later.

From 1668 to 1674 New Jersey did not have a resident Governor. Philip Carteret would arrive in 1674, be deposed by a popular uprising led by his cousin “President” James Carteret. Philip Carteret was later abducted, beaten and arrested by Governor Edmund Andros who believed that he was the rightful Governor of New Jersey. In the 17th Century it was a very long way from England to the American colonies. This was a period of political and social unrest and governance was a right to be seized. In the 1680’s East and West Jersey had separate Governors. In 1702 the rights of governance were revoked by Queen Anne and thus began the period of Royal Governorship. New York and New Jersey would share the same Royal Governor from 1702 to 1738.

So one can see how the question of who had sovereignty over the Island of Staten was not a significant concern prior to the Revolution. They were too busy just trying to keep their Governor’s scorecard accurate. It was not until after the Revolution that the former colonies, now States, would start to flex their territorial muscles. Although they had entered into a Union, the individual States conducted themselves more as individual nations. You were a New Yorker, a New Englander or a Virginian before you were a citizen of the United States. So of course these burgeoning economies were extremely protective of their commercial rights. One author would refer to it as “Commercial Warfare.”

That brings us to 1798 and the Hudson River Steamboat franchise. Now this is where the story gets interesting because of the cast of characters involved. New York granted Robert Livingston, Founding Father and negotiator of the Louisiana Purchase, the exclusive rights to operate steamboats within the waters of the Hudson River and New York Bay. That would include the Arthur Kill, Kill Van Kull, Raritan Bay, Newark Bay and the entrances to the Passaic and Hackensack Rivers! New Jersey objected, seeing this as an obvious move to establish the right to regulate all navigational commerce along their eastern coast. New Jersey claimed that the boundary line should be down the middle of the River. The two States unsuccessfully attempted to resolve this dispute in 1807.

Meanwhile both Connecticut and New Jersey reacted harshly to this monopoly. Connecticut passed a law forbidding monopoly vessels from all their waters and in New Jersey the owner of any vessel seized by the monopoly for violations, was authorized to return the insult by commandeering any and all monopoly vessels in Jersey waters. Once again piracy had returned to the Jersey Coast!

In 1818 Thomas Gibbons had hired a young 24-year-old Capt. Cornelius Vanderbilt, a native of Staten Island, to run a steamboat ferry service from New Brunswick to Manhattan. Vanderbilt was particularly resourceful and elusive. He was able to avoid seizure by the monopoly vessels time and again. His early experiences on these High Seas would serve him well in becoming the second richest man in America, worth more than 143 billion dollars in today’s money.

Vanderbilt’s success would cause his employer’s competitor, Aaron Ogden, a former New Jersey Governor, to file suit against Gibbons, which suit would result in the landmark Supreme Court decision in *Gibbons v. Ogden*, 22 U.S. 1 (1824). The Court decided in favor of Gibbons in establishing that only the U.S. Congress had the right to regulate interstate navigation. Unfortunately the Court did not address the specific sovereign boundaries between New York and New Jersey.

Once again both sides sat down in 1827 to hammer out an agreement, unsuccessfully. So New Jersey turned to the Supreme Court to resolve the question in *New Jersey v. New York*, 28 U.S. (3 Pet.) 461 (1830). However, before this case was decided the two States came to an agreement in 1833, which was approved by Congress as the Compact of 1834, and enacted into federal law, Act of June 28, 1834, ch. 126, 4 Stat. 708. Article I of this Compact set the territorial boundaries between New York and New Jersey as follows:

“The boundary line between the two states of New York and New Jersey, from a point in the middle of Hudson River, opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the Bay of New York, of the waters between Staten Island and New Jersey, and of Raritan Bay, to the main sea; except as hereinafter other-wise particularly mentioned.”

If you go to MapQuest or look at any Hagstrom Map you will see that only half of the Raritan Bay is in New Jersey and all of the Narrows is in New York. The Proprietors and our fore fathers did us no favor in the vague and ambiguous way in which they described lands and boundaries 350 years ago. Although those ambiguities have offered great opportunities for our profession. They are our *Raison d’être*. ■

MORTGAGE FORECLOSURE STATUTE OF LIMITATIONS ENACTED

By: Lawrence J. Fineberg

The Legislature has enacted P.L. 2009, c. 105 (S250 / A3269), effective Aug. 6, 2009, which will be codified as part of N.J.S.A. 2A:50-53 et seq., the Fair Foreclosure Act ["FFA"]. It amends the FFA by establishing periods of limitations for mortgage foreclosures. The statute represents the culmination of several years of efforts by NJLTA, but it also incorporates compromise wording which was inserted in order to gain the support of the mortgage lenders. Prior to the enactment of this law, New Jersey had no specific statute of limitations governing mortgage foreclosures. Our courts had generally applied the 20-year period of N.J.S.A. 2A:14-6 and -7, which are usually cited in the context of adverse possession suits.

What connection do mortgage foreclosures have with adverse possession? In earlier times, a mortgage was characterized as a type of deed – a conveyance by the borrower (or mortgagor) to the lender (or mortgagee) of the title to the mortgaged realty, subject to the following condition. If the mortgagor paid the debt on the day it was due (the law day), then the conveyance was null and void. If he failed to redeem, the conveyance became absolute. Thus, if the mortgagee took no action to recover possession of the mortgaged property following the mortgagor's default, the mortgagor adversely possessed the land. After a period of 20 years, the mortgagee was barred from proceeding against the mortgagor to obtain possession; the mortgage was deemed unenforceable.

Although our conception of the nature of a mortgage has evolved over the years, so that we now view it more as a type of lien than as a deed of conveyance, the "adverse possession" rule survived. But now, as the result of the enactment of the new statute, our courts will no longer need to apply N.J.S.A. 2A:14-6 or -7 in order to determine if a mortgage is enforceable. Rather, the provisions of P.L. 2009, c. 105 will be employed to test the enforceability of mortgages.

Because the law amends the FFA, which applies only to residential mortgages, it adopts the FFA's definition of "residential mortgage": an owner-occupied, one-to-four family house or condominium unit. N.J.S.A. 2A:50-55. Under the new law, an action to foreclose a residential mortgage may not be commenced once the earliest of the following three (3) time periods has expired:

- (a) six (6) years from the date the last payment is due or the maturity date set forth in the mortgage or note; or
- (b) thirty-six (36) years from the date of recording of the mortgage (as long as the mortgage itself does not provide for a repayment term in excess of 30 years); or

(c) twenty (20) years from the date on which the borrower defaulted.

Nevertheless, if the period in which a mortgage must be repaid has been extended by a written document (whether or not recorded), the time periods set forth above are adjusted to conform with that document.

In many (if not most) cases where a mortgage made by a prior owner is returned in a search, the Inter-Underwriter Indemnity Agreement [the "Treaty"] enables title examiners to omit the same as an exception. However, in cases where the Treaty is not applicable (e.g., where no owner's policy exists), the new statute will enable examiners omit certain residential mortgages as unenforceable, even though they remain open of record.

For example, assume that a thirty-year FHA mortgage was made and recorded in March, 1970, and thus its maturity date is April, 2000. The mortgage satisfies criteria (a) and (b) because: (a) more than 6 years have elapsed since the maturity date; and (b) more than thirty-six years have elapsed since the recording of the mortgage. So the mortgage is unenforceable under either (a) or (b), unless the term of the mortgage has been extended by a written document (whether or not recorded). It is possible, but probably unlikely, that this has occurred. Therefore, many underwriters would consider omitting the mortgage to be an acceptable underwriting risk.

What about criterion (c)? This test was inserted in order to codify the holding in *Sec. Nat'l Partners v. Mahler*, 336 N.J. Super. 101 (App. Div. 2000), discussed in *Handbook of N.J. Title Practice*, §8120. Criterion (c) is more difficult to apply, because title examiners normally have no way of knowing when (or if) a borrower has defaulted under the terms of the mortgage or note. A notice of *lis pendens* is evidence of default, but the lack of a sheriff's deed may suggest that the default was cured, and that the borrower and lender entered into an agreement which modified the terms of the loan. Thus, as a practical matter, test (c) will probably be of limited assistance to title companies.

In sum, use of the statute as a basis for omitting mortgages will usually be confined to those cases which fall within criterion (a) or (b). Nevertheless, before omitting a mortgage on account of the statute (in cases where the Treaty does not apply), it is suggested that the examiner contact his or her underwriting supervisor for guidance. ■



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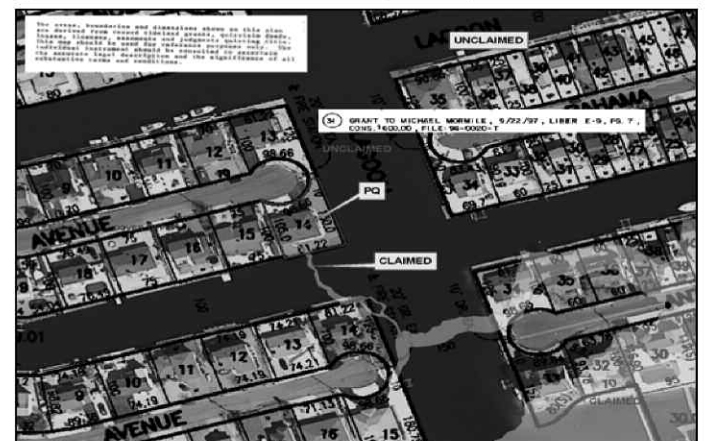
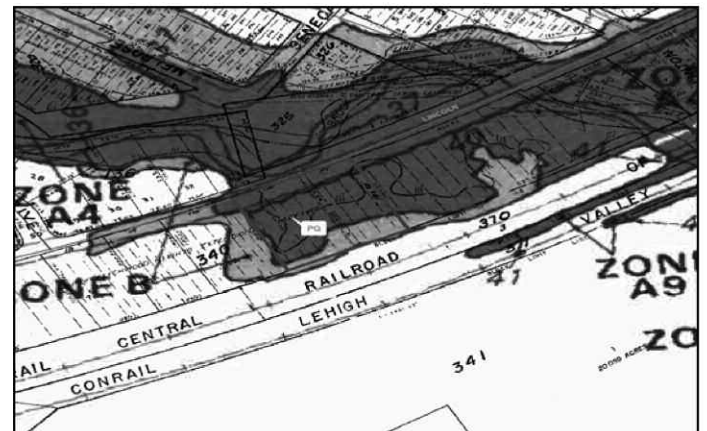
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NJLTA CONVENTION - SOMETHING FOR EVERYONE

By: Jim Loughman & Nancy Koch

Where can you go in the Title industry to meet other title professionals; to share thoughts and ideas in a relaxed atmosphere? The answer is the NJLTA Convention which this year joined with the Pennsylvania Land Title Association (PLTA) to present a super convention. Set in Colonial Williamsburg, Virginia, this year's Convention had something for everyone.

The meeting of the two states' Associations for a combined Convention was historical and created a unique opportunity for attendees. We made new friends and connections and learned a lot about how each other's real estate and especially title insurance practices work. The Convention also offered the annual opportunity to network with all underwriters, agents, and vendors in friendly social setting.

Monday's general session featured Chris Abbinante, Chair of ALTA's Underwriter Section and President of Eastern Operations for Fidelity National Title Group. Chris spoke on "Title in Transition" which provided an optimistic outlook on the title industry nationwide. He presented a terrific slide show outlining opportunities in hard times and recommended a book entitled, "The Mystery of Capital" by Hernando DeSoto. This book explains the importance of our work in maintaining land records and the nature of releasing capital in the USA. This is a must read for all in our profession. Chris was joined by Justin Ailes, ALTA Director of Government Affairs. Completing the program was Ivy Jackson, Director of the Office of Real Estate Settlement and Procedures Act (RESPA) & Interstate Land Sales for the US Department of Housing and Urban Development who spoke on RESPA Reform. For better or for worse, it looks like it is here to stay.

A time to learn, a time to network and a time to relax.



Tuesday's Continuing Education Seminar entitled "Title Insurance Top Ten Frequently Asked Questions" was sponsored by the New Jersey Land Title Institute and the PLTA Education Committee. A team of top experts outlined and explained the common questions in both states. The differences between our two states were surprising to some and the information helped to bridge the gap of understanding between the two states. It was a very interesting seminar.

Always a source of great information, the exhibitors didn't disappoint. Not only did they come in support of our Convention but they also gave us the opportunity to learn what is new in the market place. One realizes quickly how things can be done easier, cheaper and more efficiently with new technology and products. The vendors also shared information from a statewide perspective on the state of the economy. The Association is so appreciative of the vendors' continued support.

As always, the Convention offered the opportunity for the Board of Governors and the members of the Agency Section to get together for business meetings. The Agency Section meeting focused on membership and addressed a variety of issues that

affect the independent agent's business. Continuing a dialogue on these issues surely brings the members closer together and gives them a greater understanding of what is going on in our industry.

Most of all, the Convention offered the opportunity to engage in a variety of activities; it was truly the best of the past in the present. Colonial Williamsburg offered something for everyone. One could not help but be drawn in by the historic nature of all that surrounded us. From the refurbished buildings to the rolling countryside, to the reenactments going on all of the time,

you could really get a feel for the living history all around you. Who knew that in the 1700's you had to shave your head to get a good fit for your wig, and then decide which kind of hair to use, human, horse, goat or yak? Some visited the Jamestown Settlement which dates from 1607. Others visited Yorktown. Many played a hot round of Golf on the Golden Horseshoe Golf Club while others spent time at the beautiful spa. The College of William and Mary was within walking distance and a short drive away was Busch Gardens. Many sampled several of the Historic Restaurants and all enjoyed memorable experiences.

The Convention culminated with the Annual Banquet featuring a fine dinner and music. Both Associations installed next year's office holders and acknowledged individuals who made special contributions to the industry and/or Association. It was a time to celebrate being together and for looking to the future.

Thanks to Danny May and his Convention Committee for putting on such a relaxed, informational, and overall enjoyable Convention. See you next year at the historic Sagamore Hotel on Lake George, New York when we will again bring New Jersey and Pennsylvania together for another terrific Convention! ■



NOTARY QUIZ QUESTION

An elderly signer accompanied by a companion comes to you to witness and acknowledge her signature on a deed. As she starts to sign the deed, you notice she's having difficulty writing. Her companion says "Let me help you." and takes her hand and begins assisting her to write.

- a) Smile compassionately and offer to help.
- b) Leave the room so not to embarrass the senior.
- c) Stop the signing and refuse to continue.
- d) Confirm that the party has signed as her voluntary act and notarize the document

Answer: *A signature by statutory definition (NJSA 46:15-9) includes ANY mark made on a document by a person who intends to give legal effect and it also includes ANY mark on behalf of a person, with that person's authority. The duty of the Notary Public is to verify the identification of the signatory and through the process discern whether they are executing the document voluntarily. If it appears that there is undue influence or duress then the Notary should be cautioned about proceeding. Although the keeping of a Notary Journal is not required in New Jersey, it is an excellent practice particularly if you find yourself called to testify at a later date. So the answer is d.*

HUD PUBLISHES FAQ ON NEW RESPA RULES

New RESPA regulations were published November 17, 2008 and are scheduled to take full effect on January 1, 2010. In an effort to advise the public and industry members alike, HUD has published the Answers to Frequently Asked Questions on their website. The "New RESPA Rule FAQs" were comprised from industry questions and are posted to facilitate implementation of these new requirements.

These new rules represent a significant change in the manner in which settlements are conducted. All title industry professionals are encouraged to visit the site and familiarize themselves with these new rules.

Visit HUD at

http://www.hud.gov/offices/hsg/ramh/res/respa_hm.cfm

New Jersey Land Title Institute

The Institute is honored to welcome
Lawrence J. Fineberg, Esquire, CTP,
as a member of the Board of Trustees.

The Institute acknowledges and thanks Board member
Emeritus **Frank Melchior, Esquire, CTP,**
for his invaluable contributions to the Institute
over the last 20 years.

The Third Edition of the
Handbook of New Jersey Title Practice
by Lawrence J. Fineberg, Esquire, CTP,
(revised through January, 2009) is now available.

The Institute is now offering **online Continuing Education
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ASK THE EXPERT

Dear Mr. Expert,

Several times over the last two months I've gotten questions about the 2007 bulk sales change. While I know it is not technically a title question, it seems to come up a bit. It goes something like, "Our purchaser wants affirmative insurance as to Bulk Sales requirements." Can you tell us what they are looking for and whether or not we can give it?

Signed: Nan

Dear Nan,

The 2007 legislation involving "bulk sales" has led to much confusion because a quick reading thereof leads one to believe that the act affects real property transactions, which it probably does. The act also creates a lien for unpaid taxes on such transactions, which results in the requests you're getting. What most "scanners" miss, however, is that the lien is on the proceeds (which the seller has) and not on the land. Accordingly you need not make any changes in your procedures. As to the above requests: You may wish to point out to your purchaser that, by taking no exception, you are insuring them that there are no liens against the land as a result of the transaction (it would be unusual, but they might wish to read the policy!).

Dear Mr. Expert,

I'm doing a refinance on property owned by a single member LLC. The property is the principal matrimonial residence of the sole member of the LLC and his wife. Does the wife have to join in the execution of the mortgage?

Signed: Larry

Dear Larry,

You will find that there is a divergence of views on this situation. Some parties believe that the possessory interest applies and others that it does not. The applicable statute reads (in part) "a. During life every married individual shall be entitled to joint possession with his spouse of any real property which they occupy jointly as their principal matrimonial residence . . . One who acquires an estate or interest in real property from an individual whose spouse is entitled to joint possession thereof does so subject to such right of possession, unless such right of possession has been released, extinguished or subordinated by such spouse or has been terminated by order or judgment of a court of competent jurisdiction or otherwise." Note, please, that it does not specifically require the property to have been vested in the mortgagor. More importantly, the statute does not define when the right comes into being, which might be when first acquired and first moved into or it might be that it re-attaches each day of conjugal occupancy. Likewise, the question of what constitutes "principal" as it relates to marital residence is also undefined.

As a result many underwriters believe it prudent to have the non-owning spouse join in all mortgages (except purchase money mortgages which are specifically exempted in the statute) or which have been clearly disclaimed in accordance with the statute, regardless of present residence unless the property is clearly not susceptible to residential use. The ultimate answer, of course, is ask your underwriter!

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By: Joe Grabas

On June 24th of this year I was presented with an extraordinary opportunity. I received an invitation to a birthday party at the State Library in Trenton. There would be all types of dignitaries there, Governor Corzine, Secretary of State Wells, Commissioner of Education Davy, Director of DARM, Karl Neiderer and of course me.

It was a packed house, everyone buzzing about anxiously awaiting the guests of honor. As I moved forward through the crowd I spied a very long table laden with Birthday Cake and cupcakes, plenty for everyone. I finally emerged from the throngs and there they were, our special guests had arrived, the two Birth Certificates for the State of New Jersey.

On the left was the Royal Grant from His Royal Highness, James Duke of York, and Albany, Earl of Ulster, Lord High Admiral of England, and Ireland, Constable of Dover Castle, Lord Warden of the Cinque ports, and Governor of Portsmouth to the “Fathers of New Jersey”, John Lord Berkeley, Baron of Stratton, and one of His Majesty's most Honourable Privy Council, and Sir George Carteret of Saltrum, in the County of Devon, Knight and one of His Majesty's most Honourable Privy Council dated June 24th, 1664. It had been brought out from protective custody in the State Archives for all to see on this one special day.

On the right was an original broadside of the Declaration of Independence, one of only 200 original broadsides that were printed by John Dunlap of Philadelphia on July 4, 1776. Two copies were sent to King George and the rest were dispersed throughout the colonies, to be read aloud amongst the citizenry. This copy before me was one of only 25 remaining in the world. It was rediscovered in 1998, behind a picture that was purchased at a flea market for \$4.00. The document was later purchased at auction by famed television writer and producer, Norman Lear, for a much higher amount. It is the only traveling copy of the Declaration of Independence, made possible through Mr. Lear's generosity.

So there I stood with a 345 year old document to my left and a 233 year old document to my right, one establishing the birth of the Proprietary Province of New Jersey and the other establishing the Free and Independent State of New Jersey. Well you know which one I was inexorably drawn to. It occurred to me that on that day in 1664, some 295 years before I was born, my career in the title business began. I had spent so many hours scavenging through the basements of County Records Vaults, Surveyors General's Offices and the State Archives, where the smell of damp parchment infused my brain. Many enjoyable hours with Fred Gerken meticulously searching through the Records of the Board of Proprietors of the Eastern Division of New Jersey for Certificates of Mislocation, trying to find answers to the hard questions. Here I was finally at the source, feeling like Ponce De Leon.

The other partygoers swarmed around the Royal Grant and began asking questions aloud, “What is an Indenture?” “Where are the Seals?” “Who was the Duke of York?” “Why is the top of the document wavy?” “What is New Caesarea?” My passion welled up and I found my self serving as an impromptu docent, explaining the history of the document and answering their questions. It was a glorious day, a day in which I felt like I was reconnected with ghosts of the past who whispered in my ear the profound words of Blackstone.

“There is nothing which so generally strikes the imagination,
and engages the affections of mankind, as the right of property.”

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MEETING DATES

September 9, 2009	March 10, 2010
November 11, 2009	May 12, 2010
January 13, 2010	June 12, 2010 (<i>at convention</i>)

** Meetings will be held at the Holiday Inn - Edison, NJ*

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By: Frank A. Melchior, Esq.

During the current legislative session your Legislative Committee, with the able assistance of the Marcus Group, Liz Opacity and Tom O'Neill, and our Executive Director, Ed Eastman, has monitored well in excess of 200 bills that were introduced and were likely to affect our industry if enacted. Some of them were favorable and we supported them. Others were potentially harmful and we, therefore, opposed them. The majority, as is usual, were of minor interest, as introduced, but were monitored for potential changes which would have affected us.

The most important bills, for good or bad in the eyes of your correspondent and not in order of importance, were bills relating to a change in recording practices (to update the laws and practices to accommodate changes in technology as well as practice and needs), requiring information concerning the square footage of structures, the number of dwelling units, and the year a structure was first built be included on deeds, to change laws relating to taxation and recording related charges, to revise the adverse possession rules, affecting possession of age-restricted real property, affecting the rights, and costs, of access to public records.

In addition to the foregoing, we've had bills relating, inter alia, to condominiums, PUDs, small business, mortgage lending and foreclosures, ad nauseam. Just remember the dictum (slightly paraphrased) that "the legislature is in session; the country is in danger"!

Below is a much-abbreviated list of the more important legislative matters that the NJLTA Legislative Committee was actively involved in (among many others):

S250 / A3269 – residential mortgage statute of limitations – passed by both houses and sent to the Governor for his signature.

A3308 – limits access to real estate tax information. NJLTA is part of a coalition, which is working with the sponsor to obtain favorable amendments.

A3862 – "Residential Mortgage Satisfaction Act" – based on NJ Law Revision Commission report, which was prepared with assistance of NJLTA. Pending before Assembly Financial Institutions Committee.

S2188 / A1642 – allows riparian grants and leases to be signed by DEP Commissioner (rather than Governor); intended to expedite process of obtaining grants. Enacted as P.L. 2009, c. 40, eff. Aug. 1, 2009.

S1622 – provides that affordable housing restrictions are not extinguished by mortgage foreclosure. Although opposed by NJLTA, the bill was reported favorably by the Senate Community & Urban Affairs Committee.

A1501 – "Real Estate Installment Contract Act"; well-intentioned but poorly-drafted legislation. Sponsor refuses to consider changes. Passed Assembly and received in the Senate.

S130 / A2054 – revises NJ's archaic, overlapping and inconsistent statutory scheme regarding adverse possession. The bill was originally drafted by a special committee of the NJSBA Real Property, Trust & Estate Law Section. We supported the bill in its original form. The bill was recently reported favorably by the Assembly Judiciary Committee, with amendments (drafted by NJDOT) intended to protect the State (and its departments, agencies, etc.) from adverse possession claims, despite vigorous opposition from Mr. Eastman and Liz Opacity. We oppose the bill (as amended), because the amendments are too broad. We are seeking a sponsor for an alternate bill, based on a report of the NJ Law Revision Commission, which addresses adverse possession against both private and public entities (including tidelands claims) in a fair and responsible manner.

For a COMPLETE list of the monitored bills send an e-mail to fmelchior@njtic.com with the subject matter listed as "Send list of current NJ legislation"



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NJLTA LOOKING FOR CTP's

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Like other Professional Designations, CLC, CLU, CLS, CPCU, ChFc, CTC, PLTP, etc, the CTP is not handed out randomly. There is an application and a specific set of requirements that each applicant must fulfill. After an extensive review and examination, the NJLTA has revised the program to address the significant changes that have occurred in the title industry over the last 18 years. You may find that you have the right stuff for the CTP Program.

There are many deserving title professionals in New Jersey who are currently eligible and you may very well be one of them. There are currently only 20 Certified Title Professionals in the State. Isn't it time you stepped up and were recognized for your expertise and dedication. Isn't it time that you set yourself apart from the rest?

If you are interested, visit the CTP Page online at <http://www.njlta.org/mastctp.htm>. Or call Joe Grabas at 732-985-9600.

*Luck is what
happens when
preparation meets
opportunity*

Attend a Town Hall Meeting and Meet with Your Congressional Representatives on the Consumer Financial Protection Agency Act of 2009 (H.R. 3126)



ALTA Grassroots ACTION ALERT

Dear ALTA Grassroots Advocate,

Big legislative issues are often won or lost over the August recess. The Obama Administration kicked up a firestorm on June 30 when it proposed creation of a new Consumer Financial Protection Agency (CFPA) to "promote transparency, simplicity, fairness, accountability, and access in the market for consumer financial products or services."

The reality is that a new federal agency will be given unprecedented power to write and enforce rules for all consumer financial products and services and the individuals that provide them. This means **you**. Settlement services providers, abstracters, attorneys, title insurers and potentially real estate appraisers, pest inspectors, surveyors and others who are part of a mortgage closing transaction are swept under the new agency.

Some elements of the plan make sense, like combining existing authority under RESPA and TILA into a single regulator. However, the CFPA powers are so broad that they conflict with existing state regulation of the title industry. ALTA strongly believes that CFPA authority should be limited to existing authority as spelled out under RESPA and TILA.

We need to make our concerns heard, which means that it is in the interest of everyone employed by the title industry to attend a town hall meeting and set up individual visits with your Members of Congress over recess.

Congress needs to hear from the land title industry. Everyone who is employed by the title industry should attend a town hall meeting near their home and meet with their Congressional representatives or their staff during the month of August.

Follow this link to find an upcoming town hall meeting in your state or district.

[http://www.alta.org/advocacy/cfpa/Town%20Hall%20Meetings%20-%20August%202009%20\(2\).xls](http://www.alta.org/advocacy/cfpa/Town%20Hall%20Meetings%20-%20August%202009%20(2).xls)

Please do not hesitate to contact me, Justin Ailes at justin@alta.org or (202) 261-2937 or Alyssa Marois at alyssa@alta.org or (202) 261-2935 with any questions.

Sincerely,
Kurt Pfotenhauer
CEO

UPDATE ON PAST WEIGEL SCHOLARSHIP WINNERS

1998 – Katherine Ramler Elliott graduated cum laude with a Bachelor's of Science in Mathematics from Clemson University. She is currently teaching middle school math in South Carolina and will begin a Masters in Education program at Southern Wesleyan University this year.

1999 – Theresa Hayes continues to pursue a PhD in Biomedical Engineering at Northwestern University in Chicago. She recently accepted a position at the National Institute of Health in Washington, D.C. where she will work while finishing her PhD.

2000 – Elliott Fineberg is employed by a property management firm and lives in Columbus, Ohio with his wife Rachael and son Joseph Edward (born 6/29/2008).

2001 – John Wenzel is currently a third year medical student at Drexel University College of Medicine in Philadelphia. He will be receiving his M.D. in May of 2010 at which time he plans on pursuing a career in anesthesiology. John continues to be an active EMT with Villanova Emergency Medical Service and Radnor Fire Company Ambulance.

2002 – Katie Cannito is completing her Masters Degree in History at Montclair State University. She is student teaching at the Bergen County Academy and is seeking a career as a history teacher.

2003 – Lauren Usignol graduated from the University of Notre Dame in May, 2007. After a short stint as a management trainee, Lauren decided to pursue a career in education. She is enrolled in the Masters in Education program at Rowan University in Glassboro, NJ and anticipates attaining her Masters degree this May after which she will pursue a full-time teaching position.

2004 – Alex Fineberg is a first year law student at the Rutgers School of Law in Newark, NJ.

2005 – Pamela Kubinsky will be graduating cum laude from Rowan University this May, receiving a Bachelor's degree in Engineering with a major in Chemical Engineering, minors in Chemistry and Mathematics, and a concentration in Bioengineering. She continues to receive awards and recognition for her academic work. The research that Pamela has been working on was recently published in the Organic Process Research and Development Journal. Pamela is planning on attending graduate school in the Fall of 2010.

2006 – Danielle Panaccione is a Junior at The College of New Jersey. She is a chemistry major with a psychology minor. This summer she will intern with one of her professors at TCNJ researching in the forensic chemistry field. She has continued her active involvement in the Student Chemists Association, the Swing Dance Club, and is a certified first-aider for the campus emergency medical system group.

2007 – Kyle Wilson is a Sophomore at The College of New Jersey majoring in Electrical Engineering. His academic efforts have earned him placement on TCNJ's School of Engineering's Dean's List. He is very active in the NJ Christian Fellowship at TCNJ.

2008 - Michael Ham is completing his freshman year at Franklin & Marshall where he was a finalist selection in their Phyllis C. Whitesell Expository Writing Competition. Completing a broad spectrum of liberal arts courses in his first year at F&M, next year his studies will focus on courses in Government. Mike was a member of the 2009 F&M Baseball team that finished with a regular season record of 22-13-1, tying for second place in the Centennial Conference with Johns Hopkins.



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