

TITLE *topics* MAY 26



PRESIDENT'S MESSAGE

By John Dyer

One of my best clients called me the other day with a question and while we were talking I realized I had not laid eyes on this person in over a year. Yes we talked, texted and were in touch about various transactions, but still. What a missed opportunity! I started thinking about relationships that we have with various clients and vendors and that led me to consider how fortunate we are and how grateful I am to so many people. We can all tick off things we are grateful for — and we are — but how often do we let those people know how we feel? For me, not often enough. They know how we feel, right? Maybe...but maybe not. How hard is it to call one these folks and thank them for their business, their faith in us, their help? Not hard at all. From those realtors that gave me a chance 25 years ago to the woman who just opened a cabinet for me at CVS so I could buy soap — it's easy and doesn't cost you anything to express how grateful you are to someone who has helped you.

Please take a moment to call an old friend, client, family member or vendor and let them know how you feel...and don't be surprised if you get a call from me thanking you for your friendship and help!



**SAVE THE
DATE!**

OLTA Annual Convention

September 1–3

Renaissance Columbus
Westerville-Polaris hotel

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MAY 2026

OHIO LAND TITLE ASSOCIATION

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Announcements should include the name, his/her position, company and other relevant information. Items should not be self-promoting or commercial. Submissions are subject to acceptance and editing by the editor of Title Topics.

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DIRECTOR'S MESSAGE

By Mark Bennett, CAE, IOM



From the Ohio Statehouse to Capitol Hill, your Association has been active and engaged on your behalf.

OLTA Legislative Update Webinar

Earlier this month, we hosted our quarterly Legislative Update Webinar, bringing members up to speed on the state and federal issues shaping our industry as well as the results of the primary election and how it will affect races this fall.

ALTA Advocacy Summit: Taking Ohio's Voice to Washington

I am back from Washington DC, where I joined title professionals from across the country, including nine from Ohio, at the ALTA Advocacy Summit. It was an energizing and productive trip, and Ohio was well-represented.

Our advocacy focused on three critical priorities:

- Support for HR 3206: We advocated strongly for the passage of HR 3206, bi-partisan legislation which would require any mortgage sold to the secondary market from Fannie or Freddie would need to be backed by a state-regulated insurance product.
- FinCEN —We expressed concern regarding FinCEN reporting requirements for the industry, the consumer frustration of having to submit their sensitive information and how it has slowed down transactions. While the FinCEN recently filed an appeal to the vacated order, if it were to be reinstated, we emphasized the need for a generous ramp-up time so the industry could comply appropriately as well as the possibility of raising the amount of minimal transaction for reporting.
- Concerns About Uninsured Title Products: We made it clear to lawmakers that the flood of unregulated title products into the marketplace poses a serious threat to consumers and to the integrity of real estate transactions. Protecting consumers means ensuring they have access to the full protection that only properly insured title products can provide.

Join ALTA's Title Action Network—Today

The TAN is ALTA's grassroots advocacy program that connects title professionals directly with their elected officials. When key votes and regulatory decisions are on the line, TAN members are the first to be called upon to send messages, make calls, and make their voices heard. Signing up is free and takes only a few minutes. Visit www.alta.org/tan to join and become part of the most important advocacy tool our industry has. The more Ohioans who are enrolled, the louder our collective voice becomes in Washington.

(Continued on page 3)

Support OLTAPAC Ahead of the General Election

State legislative races will determine the makeup of the General Assembly, and we need pro-title, pro-consumer lawmakers in office. Please consider making a contribution to OLTAPAC, our political action committee. OLTAPAC allows us to support candidates who understand and champion the value of title insurance and the critical role our industry plays in protecting Ohio homeowners, lenders, and the real estate market as a whole.

Every dollar contributed to OLTAPAC is an investment in the future of your business and your industry. Please visit <https://www.olta.org/donations/fund.asp?id=4707> and add your name to our growing list of 2026 donors.

Mark Your Calendars:

OLTA Annual Convention, September 1-3

Summer will be here before we know it, and that means it's time to start planning for the OLTA Annual Convention, September 1-3. This is the premier gathering of Ohio's land title community — to learn, connect and celebrate the best of our profession. Block those dates on your calendar now and watch for registration information coming soon. We are planning an outstanding program, and I look forward to seeing many of you there.

Thank you, as always, for your continued membership, your engagement, and your dedication to the highest standards of our industry.



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OLTA LEGISLATIVE UPDATE

By Chad Hawley, The Batchelder Company

This past month, Ohio held primary elections for Republican and Democratic candidates ranging from local offices to statewide races. Headlining the November ballot, current U.S. Senator Jon Husted will face former U.S. Senator Sherrod Brown, while the race for Ohio Governor will feature Vivek Ramaswamy and Amy Acton. In addition, all statewide offices, all 99 Ohio House seats, and half of the Ohio Senate seats will be on the ballot this fall. While campaign season ramps up, significant policy work remains underway in Columbus, including several issues that remain top priorities for OLTA.

The first item is an update to Ohio's Joint-Venture law, in the form of Substitute House Bill 230, sponsored by Representative David Thomas. Sub. H.B. 230 establishes new rules for joint venture title insurance agencies in Ohio, primarily focused on ownership and buyout provisions. The bill prohibits joint ventures from requiring dissolution or mandatory ownership buybacks more frequently than every five years, providing greater long-term stability for title agents and business partners. It also prohibits ownership interests from being tied to the volume or value of title insurance referrals, helping address potential RESPA and regulatory concerns. The legislation still allows ownership buybacks in cases involving criminal conduct, license issues, bankruptcy, leaving the real estate industry, or other misconduct that could expose the joint venture to liability. Overall, the bill is intended to create clearer operational standards while reinforcing compliance and stability within Ohio's title industry.

Next, in the near future we will also be pursuing updates to Ohio's outdated Dower statute. The anticipated goal of this

legislation is to create a statutory cure for certain marital status defects in recorded real property instruments, including deeds, mortgages, land installment contracts, and leases. Under the proposal, if a real property instrument has been recorded for more than four years, any improper, incomplete, or omitted reference to a person's marital status would automatically be cured and treated as legally valid. For the land title industry, the change could help reduce title defects and curative issues tied to dower-related technical errors, while still preserving any actual contingent or vested dower rights under Ohio law.

In addition to these two very important topics, there has also recently been introduced legislation in the form of House Bill 749 to address deed and title fraud. The bill would require additional fraud prevention training for real estate professionals, mandate government-issued photo identification as part of the deed recording process, and establish a property owner notification or waiting-period system intended to help detect fraudulent transfers before they are finalized. The legislation is designed to provide additional protections for property owners while increasing awareness and oversight among county recorders and real estate professionals involved in property transfers. OLTA is currently reviewing and participating in discussions on the bill and awaiting additional changes to the legislation before taking an official position.

There are also several other issues we are actively engaged in on behalf of OLTA, including the Ohio Property Protection Act, Condo and HOA law updates, addressing Attorney Opinion Letters (AOLs) and continuing to engage the Attorney General's office on Lien Clearances.

It is an honor to serve OLTA, and as always, if you would like to look up individual pieces of legislation or find your current State Representative or Senator, you can visit the Ohio Legislature's website at: <https://www.legislature.ohio.gov/>.

Recent Events

In April, OLTA brought together title professionals for two standout events — a sold-out AI Symposium and the perennial favorite Spring Seminar. Each day delivered thought-provoking education sessions and meaningful networking opportunities. Learn more about OLTA's upcoming programs at olta.org/events

AI SYMPOSIUM April 13, 2026



SPRING SEMINAR April 14, 2026





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OHIO TITLE STANDARDS

Practical Tools for
Everyday Title Work

A Resource Spotlight



By Jordan C. Kennedy, Esq., Senior Underwriting Counsel, First American Title Insurance Company

The title insurance industry is an industry built on knowledge. That knowledge, however, isn't always easy to find. Unlike some industries where a quick internet search can yield a plethora of wisdom, title is a bit more niche. We rely very much on institutional knowledge being passed down from generation to generation.

Sometimes, you don't have someone to learn from directly. This can happen if you're starting a new agency, you've joined a staff with other new title practitioners, or you're working remotely and don't have the benefit of "water cooler learning."

Fortunately, what the industry may lack in mass-market appeal we make up for in value. The OLTA, for example, has several boot camps and other education opportunities geared toward educating people new to our industry. Underwriters also offer educational opportunities for agency staff.

Another excellent resource, and one I want to spotlight for you today, is the Ohio Standards of Title Examination promulgated by the Ohio State Bar Association ("Title Standards").

The Title Standards, first adopted in 1952, exist to "promote uniformity of practice pertaining to marketability of titles." In non-1952-speak, that means the Title Standards exist to get everyone on the same page with respect to potential title defects. When you analyze a title defect through the lens of the Title Standards, you're following in the footsteps of other reasonable title practitioners statewide.

A lot of title practice boils down to answering the question, "What will future title practitioners think about what happened here?" The Title Standards answer that question with respect to many issues.

Before I highlight some of the ways you can use the Title Standards in your day-to-day work, I want to add a note: every transaction is unique, and while the Title Standards are excellent resources, please consult with your underwriter about these rules. While the Title Standards promote uniformity, a uniform approach may not be appropriate in all situations. There are circumstances where departing from the Title Standard is the prudent thing to do.

With that out of the way, here are some examples of Title Standards and how I use them in my day-to-day work:

1. I'm regularly presented with a fact pattern where, for example, "Richard J. Smith" took title but a "Rich Smith" conveyed out. From a strict title examining perspective, this could be problematic.

Title Standard 3.8(A), however, tells us that variances of name are not problematic where the variance consists of a commonly recognized abbreviation or inconsistent use of a middle initial. Indeed, it is a defect, but Ohio title practitioners have agreed that such a defect is an incredibly low risk that doesn't impair marketability and may therefore be ignored.

2. I am also regularly asked to review old leases that appear in a search. A lot of dilapidated mall buildings, for example, have outstanding leases to big-box stores. Absent a release, how should these be handled?

Title Standard 4.4(A) has an answer. It tells us that leases, other than coal or oil and gas leases, can be omitted when a lease's expressed term has expired. That's a great title-clearing tool.

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In case you're wondering, yes, Title Standard 4.4 also addresses coal and oil and gas leases. I'll leave you to investigate that on your own!

3. The Title Standards do not always tell us to just omit or ignore a potential issue. It's important to remember that the Title Standards aren't designed to eliminate title-clearing work. They're designed to promote uniformity across the state for how to handle title issues.

One such example is Title Standard 5.5. This standard addresses the situation when a decedent dies in a county different from the one where the property is situated. One question that arises is how to handle the probate records.

Fortunately, Title Standard 5.5 (not to mention several Ohio statutes) helps us determine how to handle the probate records. In addition to telling us we do need to bring the out-of-county records to our property's county's probate records, it tells us what specific documents we need to file in the property's county's probate records.

I don't know about you, but I've received substantial pushback from probate practitioners on this requirement in the past, and this standard has helped us state our case.

This is just a sample of what's available. The Title Standards cover all manner of things, including mortgage releases, liens against heirs of a decedent, powers of attorney, omissions and inconsistencies in dates, and more. There is a great wealth of industry knowledge contained in the Title Standards.

Before closing, I want to reemphasize the importance of your partnership with your underwriter when relying on the Title Standards. They are general, commonly accepted ways of approaching issues, but specific facts often alter generalities. Title insurance is not a cookbook, and we can't just follow a checklist.

I do hope you give the Title Standards a quick read-through to familiarize yourself with the various topics it covers. When presented with one of those topics in the future, I hope you consult the Title Standards to see how other practitioners may handle that issue.

The Title Standards are available from the Ohio State Bar Association for free here: <https://www.ohiobar.org/member-tools-benefits/practice-resources/Ohio-Title-Standards/ohio-title-standards/>



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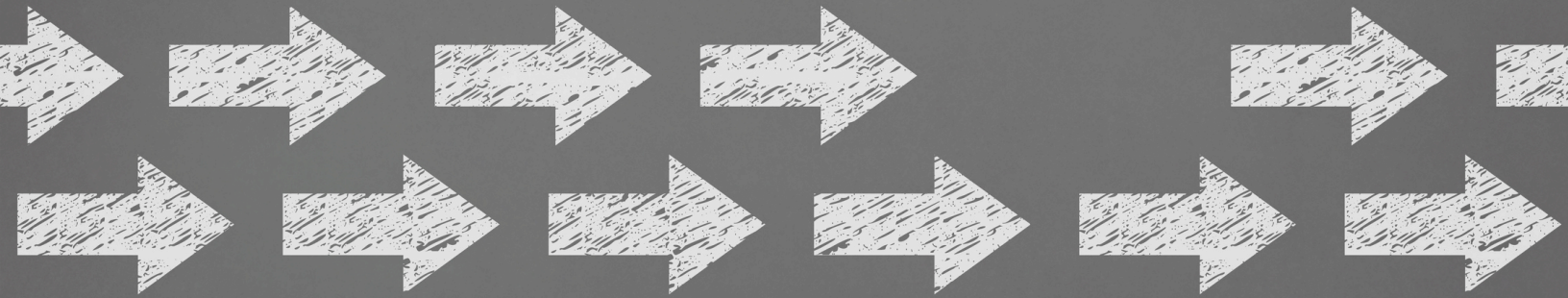
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ADAPTING & EMBRACING CHANGE

An 80-Year Lesson in Resilience



By James Lindsay, CEO/President and Legal Counsel for Louisville Title

By any measure, title insurance is a business built on stability, precision, and trust. Yet, for those of us who have spent decades in the industry, we know that change sometimes gradual, sometimes abrupt, has always been a constant.

Our agency has been in business for 80 years, and as a mid-size title agent, we have experienced virtually every market cycle, regulatory shift, and operational evolution the industry can produce. Longevity, however, is not achieved by standing still. It is achieved by adapting, sometimes uncomfortably, to what the moment requires.

The Reality of Change in a Long-Standing Organization

From 2022 through 2024, our agency went through one of the most challenging transitions in its history. The external pressures were familiar to many in our industry: declining transaction volume from the previous two years, tighter margins, and heightened compliance expectations. But the more profound challenges were internal.

During this period, we experienced considerable staff turnover, including transitions within our leadership team. Tenured team members accustomed to remote flexibility, were resistant to transition back into the office, and some chose retirement, taking with them decades of experience and institutional knowledge. Others ultimately chose not to continue with the organization as we implemented a renewed focus on operational discipline, accountability, and consistency.

These moments are difficult for any organization, but especially for one with deep roots and long-standing relationships. Yet

they also force clarity. They require leadership to ask hard questions:

- Are our processes aligned with today's regulatory and underwriting expectations?
- Are we structured to scale, adapt, and compete?
- Are we rewarding tenure alone, or performance and accountability as well?

Operational Discipline Is Not Cultural Decline

One of the myths in long-standing service organizations is that structure and accountability would weaken our culture, and to be transparent, we were concerned that this transition would have that impact. Our experience has been the opposite. As we modernized workflows, standardized procedures, and clarified performance expectations, we found that the right people leaned in. Others, good people who had served the agency well, found the changes inconsistent with how they preferred to operate. Those departures were not failures; they were inflection points.

Today, we have a strong, cohesive leadership team that shares a common vision:

- Clear expectations
- Transparent communication
- Consistent execution
- Mutual accountability

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ALTERNATIVES TO FORECLOSURE

The Title Agent's Role in Real Estate Loss Mitigation



By: Frank J. Rose, III, Esq. – Ohio State Counsel, Old Republic Title

According to the United States Census Bureau, roughly 60% of homes in America are mortgaged. (<https://www.census.gov/library/stories/2026/01/mortgage-free-homes.html>)

Fortunately, less than 1% of those mortgages end up in foreclosure. However, when default occurs, homeowners and lenders often look for alternatives to the often costly and emotionally painful process of foreclosure. When that happens, the title industry becomes an indispensable party to the proceedings. Let's explore some of the issues related to foreclosure alternatives, and how we can ensure good title is the result of the process.

The most common foreclosure alternative is a Deed-in-Lieu (DIL) transaction. In a DIL, a borrower in default agrees to surrender the property in exchange for being released from the obligation to repay the loan. Seems simple and straightforward, but there are potential issues for which title agents should be aware. First, many lenders require "non-merger" language to be included within the deed. Essentially, the lender has agreed to forego its right to sue the borrower in foreclosure, but maintains the mortgage on the property. This is done mainly to prevent the possibility of losing secured-lien rights in the event of a claim of Preferential Transfer in a subsequent bankruptcy by the borrower. Should you be asked to insure a sale from the lender that took title via DIL, you will need to insist upon a release of the mortgage that was retained. Further, if the sale being made by the lender occurs within 90 days of the DIL transaction, you will need to confirm whether the amount owed to the lender met or exceeded the value of the real estate itself to eliminate the risk of possible loss of title due to Bankruptcy Preference (as noted above.)

Another DIL issue may result due to the timing of the execution of the DIL instrument. Ohio law permits a borrower and lender to agree later to a DIL after entering into a loan/mortgage agreement. But, one default tactic (used typically by hard-money

lenders) is to require the execution of a DIL at the time the loan and mortgage are given. Here, as a condition of granting the loan, the lender requires the borrower to execute a deed granting title to the lender which may be recorded upon the event of a future default by the borrower, thus circumventing the foreclosure process. (This may also be accomplished by the granting of a Power of Attorney to the lender permitting the lender/AIF to grant a deed to said lender upon default.) Such requirement/tactic is considered void under Ohio law (see *Shaw v. Walbridge*, 33 Ohio St. 1 (1877)). It would stand to reason that a deed given under such a requirement would also be considered void. Therefore, agents insuring the subsequent transaction must be keenly aware of the timing of the execution of the DIL upon which title is vested.

Foreclosure alternatives may also come in the form of sales to investors, or "Wholesalers", who swoop in to save a defaulting borrower by agreeing to purchase the asset, often at a discount. The goal of the Wholesaler is to obtain the asset at a reduced price (often deflated due to the seller's immediate need or desire to sell to avoid foreclosure), and sell quickly at a profit to a third-party buyer. In most cases, these sales are perfectly legal. Recent changes, however, in Ohio law now place specific requirements on Wholesalers to provide certain notices to such desperate sellers of their intentions. ORC Section 5301.95 (effective March 2, 2026) mandates disclosure requirements for certain parties defined as "Wholesalers" in the statute. The statute prescribes the language for the disclosure, which must be provided by the Wholesaler to the seller prior to entering into a binding contract for the sale of qualifying property and is to be signed by both parties. Failure to make the required disclosure under this section allows for a cause of action by the seller against the Wholesaler and provides other relief to the seller. This includes the right of the seller to rescind the contract prior to close of escrow without penalty (with any earnest money deposits issued to the seller.) Title agents handling such sales should be aware of the notice requirements and should seek to enforce them.

(Continued on page 11)

Culture does not mean the absence of standards. Culture is built when standards are clear, fairly applied, and tied to a shared mission.

Building Forward—Not Just Holding On

Emerging from this transition, the agency is stronger, more agile, and better positioned for the future. We are intentionally investing in:

- Developing next-generation leaders
- Leveraging social media and marketing to reinforce credibility and visibility
- Modern technology and workflow tools that support compliance and efficiency
- A culture that values collaboration, professionalism, and ownership

Importantly, we have not abandoned what made us successful for 80 years. We still pride ourselves on relationships, service, and problem-solving. But we now deliver those values through systems and practices designed for today's environment, not yesterday's.

A Broader Reflection for Our Industry

Title agencies across Ohio, particularly small and mid-size agents, are facing similar crossroads. Experience is invaluable, but experience alone is not a strategy. The agencies that will endure are those willing to:

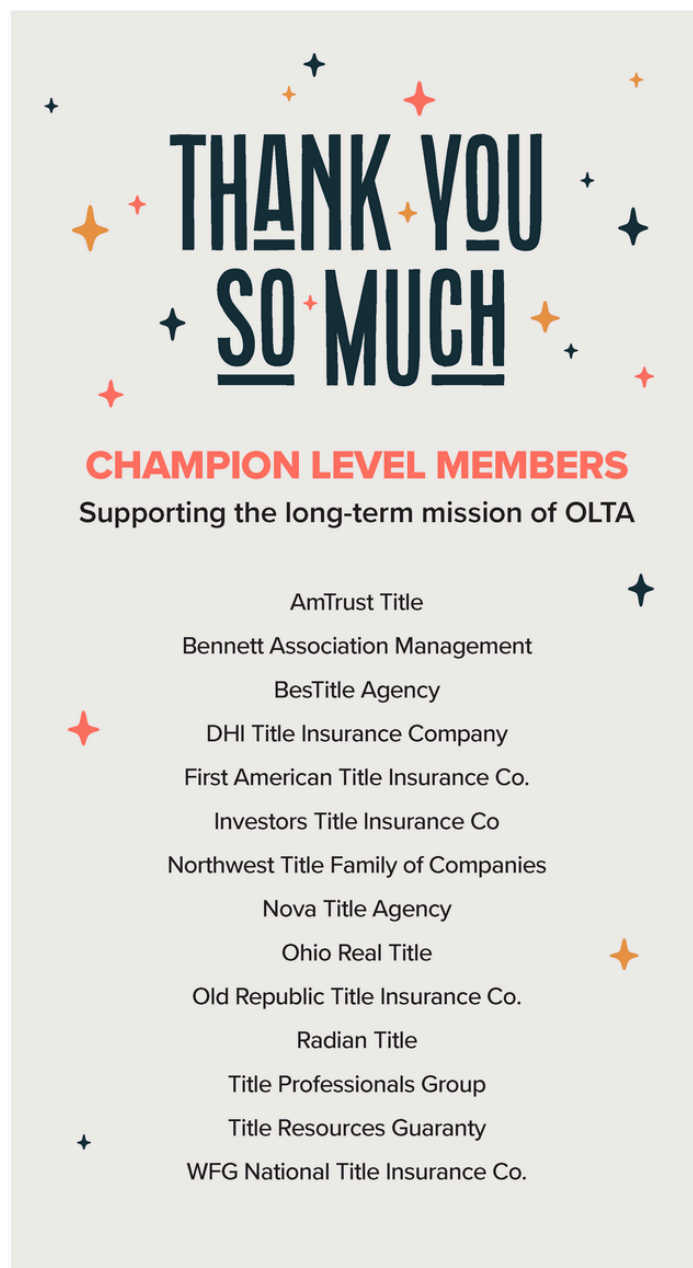
- Examine their operations honestly
- Embrace leadership development
- Invest in people who are adaptable and accountable
- Let go of practices that no longer serve the business or the client

Change is rarely comfortable, but stagnation is far more dangerous.

Closing Thought

Eighty years in business does not entitle an organization to a future. It earns the responsibility to evolve.

Our recent transition reminded us that resilience is not defined by avoiding disruption, but by responding to it with clarity, discipline, and purpose. As our industry continues to change, as it always has, those qualities will matter more than ever.



Relatedly, beware of “foreclosure rescue” schemes wherein the investor/buyer “agrees” to assume the mortgage. Such transactions are often predatory in nature as the buyer typically does not formally assume the loan/mortgage (i.e. the lender is not informed of or agree to the sale or “assumption”), and the seller is left with the loan obligation and likely has no right of redemption should the buyer fail to satisfy the loan upon a future sale of the property. Insuring such sales is a risky proposition and may not be considered insurable by your title insurance underwriter.

Lastly, the borrower and lender may agree to other foreclosure alternatives, such as a modification or forbearance of the loan. Such action may result in the recording of a Modification instrument, which may be insurable. The insurance may come in the form of an ALTA 11-series endorsement, or a Residential Limited Coverage Mortgage Modification Policy. Be sure to ask your underwriter for insurability requirements prior to closing this type of action. Also, please note that if a foreclosure has already been filed, you must be in contact with plaintiff's counsel regarding any foreclosure alternatives that you are being asked to handle as a title agent. Timely notice to counsel is key to ensuring no adverse court action is taken despite efforts to avoid a judicial sale.

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