

## PRESIDENT'S MESSAGE

Spring 2011



Greetings OLTA Members,

It is both an honor and privilege to serve as your President. I'm looking forward to the upcoming year and will do my best to represent the association. I want to encourage you to become involved in the association: you can serve on a committee, come to a board meeting, give your input, etc.

The leadership program is another area that has helped our association. Last year, we had 4 leadership interns, one of which is a director this year and one the current secretary, serving for a second term. The others who participated in our inaugural year have agreed to serve on committees again this year or stay involved. This year we are excited to have 5 leadership interns and we are going to get them involved right away. Having been involved with this association for over 25 years, I'm excited we have started this program and I think it will help our association continue to have the traditions and strength it has always had over the years. This is an excellent way to get our younger people involved for the future of our association. I got my start by serving on committees and getting involved. If you have anyone in your office you think might be a good candidate for the Leadership program, please remember to nominate them when the nominations for next year come out (probably sometime in December, 2011).

Having difficulty keeping up with the HUD-1 changes and new industry regulations?

**SoftPro has all of your bases**

# COVERED!

Not only was LPS SoftPro the first Closing, Title and Escrow software provider to offer an intuitive, user-friendly solution for the new standardized HUD-1, but our award-winning customer service and software updates keep you current with RESPA and industry regulations. Choosing SoftPro means you're getting:

- Unlimited toll-free, award-winning support
- Largest document library in the industry
- Lowest system requirements
- Most flexible networking capabilities
- Concurrent licensing (not by user or workstation)



Get started with the #1 SOFTWARE today! Call **800-848-0143** or visit [www.softprocorp.com](http://www.softprocorp.com)

Another way you can get involved is by giving to Okie Tipac. The Pac was very successful at the convention this year raising \$9,150.00 during the silent auction, live auction and raffle ticket sales, but this isn't enough. Since last year was an election year, their funds are very low and we need to raise individual and corporate funds. I believe Okie Tipac is planning on having another on-line auction again this year and perhaps 2 on-line auctions.

Our legislative committee and lobbyist have been very busy this year. I want to thank Jeff Noble and Chaney Haynes for their hard work on the legislative committee, as well as Tracy Row and look forward to working with them again this year. I also want to thank Clayton Taylor for all the hard work he does for us at the Capitol. If you see any of these individuals, please tell them thank you. They work very hard for our association and we appreciate them.

## PRESIDENT'S MESSAGE -Continued

The dates for this year's summer meeting have changed due to venue changes, so please mark your calendars for the new dates. The OLTA Summer Meeting will be held in Oklahoma City on July 7-9, 2011. We have some fun things for both kids and adults, so please plan on attending.

I'm a firm believer in an "open door" policy so my door is always open. This is "your" association, so please get involved and give us your input. I know these are tough times, but together we will prevail and come out stronger than ever. Our board meetings are open to all members and will be held the 2<sup>nd</sup> Wednesday of the month at 1:30 PM at First American Title, downtown OKC, at 133 NW 8<sup>th</sup>. I welcome you to join us.

Again, thank you for the privilege of serving as your president this year. I appreciate all of your support.

Sincerely,



Donna Schmulbach  
President  
OLTA

---

## TITLEGRAM CHALLENGE

The first five OLTA members to respond with the correct answer will win \$25 in OLTA Bucks! Email your answer to [admin@oklahomalandtitle.com](mailto:admin@oklahomalandtitle.com) today!

### QUESTION:

**How many square feet in an acre?**

- A) 34,650
- B) 43,560
- C) 56,350
- D) 46,350

---

If you have any questions or need more information about any of these events, please contact the OLTA office at 405-293-4753 or via email at [execsecretary@oklahomalandtitle.com](mailto:execsecretary@oklahomalandtitle.com).

## SOME FRIENDLY REMINDERS FROM YOUR OLTA EDUCATION COMMITTEE

Joy J. Scheller

Generally we all remember the basics of abstracting as we go through the paces of the average day, but then there are the times that something is a little different. Do we remember to stop and think it through? Are we remembering the right thing for the right situation? Here are a couple of reminders about some things we don't see everyday or that may not trigger as being wrong.



### 1. FEDERAL COURT JUDGMENTS UNDER THE FEDERAL DEBT COLLECTION PROCEDURES ACT OF 1990 (FDCPA) –

Debts owing the United States of America as a result of a direct loan by, or loan insured or guaranteed by, the United States, including fees, rents, sale proceeds, fines, damages, interest, taxes and forfeitures are subject to the Act. The term the United States includes agencies, departments, commissions, boards and other instrumentalities of the US. Examples: FDIC, SBA, Education loans or similar government programs.

The filing of a certified copy of the ABSTRACT OF JUDGMENT from such proceeding in a federal court in the office of the County Clerk in the county where real property owned by the judgment debtor is located creates a JUDGMENT LIEN against all real property of the judgment debtor from and after the date of filing.

Unlike the judgment liens created from the state courts or from non FDCPA cases in the federal courts, the duration of these liens runs for **an initial term of twenty (20) years** from the date of filing of the certified copy in the office of the county clerk. The lien may be extended for one additional period of twenty (20) years beyond the initial period, by the filing of a "Notice of Renewal" before the expiration of the original twenty year term. Court approval is required for renewal of the lien.

The lien is released by the filing of a certified copy of the Release in the office of the County Clerk in the same manner as the original judgment was filed in such office.

*Don't let a habit of seeing a Judgment and thinking "5 years and it's dead if not extended" catch you off guard. You wouldn't want to miss the \$613,952.36 judgment filed in 2008! Check every judgment found for the parties involved, for possible extensions that keep the judgment alive and to determine the actual duration of the judgment lien. See OLTA ABTRACTOR'S HANDBOOK Chapter VII on Judgments and Liens if you have questions OR consult your legal staff.*

## SOME FRIENDLY REMINDERS Continued FROM YOUR OLTA EDUCATION COMMITTEE

Joy J. Scheller

### 2. LEGAL DESCRIPTIONS FOR LANDS THAT LIE TOTALLY OR PARTLY WITHIN GOVERNMENT LOTS -

This discussion is limited to those lands which are part or all of a standard government lot, also known as fractional section lots (not river, lake, military reserves, Indian reservation or others). You will remember that the standard government lots lie on the North and West sides of each Section (affecting Sections 1-6, 7, 18, 19, 30 and 31 – which are known as the fractional sections). So when you look at Lots 1-4 in Sections 1-6 and 7, 18, 19, 30 & 31) and Lots 1-7 in Section 6, you have to remember that the legal description is exactly that – the Government Lot. In order to be able to visualize the location of a Government Lot it became a common practice to refer to Lot 1 of Sections 1-6 to be the NE/4 NE/4 of the Section, Lot 2 the NW/4 NE/4, Lot 3 as NE/4 NW/4 and Lot 4 as the NW/4 NW/4, and so on. That practice has created a multitude of records that reflect a wrong description when the quarter quarter is used instead of the Lot Number.

Remember also, that Fractional government Lots consist of more or less than 40 acres, while a quarter quarter in a true section was to be exactly 40 acres. So when you take that into consideration you have to use a proper reference to the Lot not the quarter quarter. This is more important when you are giving a metes and bounds description rather than when describing the entire Lot, however both situations affect a proper legal.

Looking at of Lot 1 in Section 2, T11N, R5W, I.M., Canadian County, as an example, we see that lot is noted on the government survey as being 41.66 acres (Section 2 contains 646.88 acres). The legal description should not be the NE/4 NE/4 of Section 2..., It should be Lot 1 of Section 2.... If you have a legal description that describes a parcel as beginning at the Northwest Corner of the NE/4 NE/4 of said Section it would not necessarily begin at the same point as the Northwest Corner of Lot 1 of said Section. A surveyor has to take the information in the government survey and together with his information, determine the actual dimension of the lots. The only way to know that you have the correct point of beginning is to use the corner and the Lot Number.

*When you encounter historical descriptions that name the wrong reference to the quarter quarter, you should consider using the historical description followed by "Which is more precisely and properly described as follows: ... Beginning at the Northwest Corner of Government Lot 1 (which has sometimes been referred to as the NE/4 NE/4)...." In that manner you have indicated the proper description using the Government Lot and not ignored the fact that the lands lie in a fractional section. If you have a new legal description, you should ask the surveyor to revise his description to reference the Government Lot and not a quarter quarter.*



## OKLAHOMA STATE LEGISLATIVE REPORT

by Clayton Taylor, OLTA Legislative Liaison



The month of May represents the 4<sup>th</sup> and final month for the 2011 Oklahoma legislative session. By this time many bills have died, some have been sent to the Governor for her signature and many of the remaining bills are now being “reworked” in Joint House and Senate Conference Committees. The final major hurdle for this

session is an agreement on the budget for the next fiscal year which begins on July 1. The biggest problem facing the legislature is how to deal with a \$500 million shortfall that represents nearly 10% of the total budget.

As always, we have represented the interests of OLTA at the state capitol first in terms of citizen taxpayers, second as business owners and managers, and third as professionals in the abstract and title insurance business. This means we are involved in a wide range of business issues as well as bills that are specific to the operation of your business. We are always looking for ways to protect your business and for opportunities to improve your bottom line.

### Some of the major bills on which we have been involved for the 2011 session include:

**SB 102** by Sen. Cliff Aldridge and Rep. Colby Schwartz  
OLTA requested changes to the PACE Lien laws

**SB 598** by Sen. Bingman and Rep. Watson and  
**HB 1366** by Rep. Peters and Sen. Bingman  
Oklahoma Municipal League request bills amending PACE Lien laws

**HB 1594** by Rep. Steve Martin and Sen. Crain  
OLTA requested changes regarding Transfer Fees

**SB 772** by Sen. Jolley and Rep. Shannon  
Consolidation bill that originally proposed to move the Board of Abstractors to the Office of Business Oversight

**SB 657** by Sen. Jolley and Rep. Stiles  
Oklahoma Realtors Association request bill allowing electronic signatures on closing documents

**HB 1509** by Rep. Schwartz  
Proposed to prohibit title insurers from using in-house attorneys