

**2007 Kachina Chapter Executive Board**

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**Region 1 Vice Chair:**  
Chris Banks, SR/WA  
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**February Board Meeting & 1st Seminar Meeting**

★ Wednesday, February 7, 2007

★ 4:45pm

★ 3rd Floor Conference Room

★ Az State Land

Confirm your attendance with  
Caroline at carolint@acqsl.com

**Meet your Chapter Utilities Chair...!!!**



Mike Burns,  
SR/WA

I have resided in Arizona all my life. I graduated from ASU with a bachelor's degree. I taught school for 1 year and then began my career at SRP. It has spanned 34 years, mostly in the Land Department, involving both acquisition and property management. I have served as a board member of the East Valley Chapter of the ASU Alumni Association, the Walker Arizona Volunteer Fire Association and President of Chapter 28, IRWA, all in the 1980's. I am presently serving as the Region 1 Representative to the International Utilities Committee, IRWA, and the Chapter 28 Utilities Committee Chair. I am married and have a son and a daughter, along with 5 grandchildren (3 boys and 2 girls).

**CHAPTER LUNCHEON—Tuesday, February 13, 2007**

**Date/Time/Cost:** Tuesday, 2.13.07 @ 11:30am / **Cost:** \$23.00  
**Place:** Double Tree Guest Suites / 320 N 44th Street / Phoenix 85008

**Menu:**

- Mixed Salad Greens with Assorted Dressing
- Grilled Marinated Vegetable Salad
- Sliced Seasonal Fruit with Yogurt
- Garden Vegetarian Chili
- "Build Your Own Chef's Salad" with Julienne Ham, Turkey, Salami, Assorted Cheeses and Seasonal Garden Vegetable Toppings
- "Build Your Own Baked Potato" with Shredded Cheese, Green Onions, Sour Cream and Creamy Butter
- Fresh Baked Rolls and Butter
- Raspberry Mousse Tarts
- Freshly Brewed Iced Tea, Coffee, Decaffeinated Coffee and Hot Tea

**Speaker:** Sean Heath of The Heath Group (in San Diego). Mr. Heath will be speaking on Wireless Communication, Cell Sites, and related information.

**Deadline:** 5pm / Thursday, February 8, 2007

**PRESIDENT'S MESSAGE**  
Caroline Tillman, R/W-RAC, Chapter President



Have you got your “someone special” taken care of yet? Yes folks it’s that time of year again Valentine’s Day. I suspect that some of you are like me, and have already left a hint or two lying around in conspicuous spots. And for those of you who haven’t left those hints...the days are getting fewer and fewer.

I’d like to share with you a couple of neat features I have recently discovered on Headquarters website at [www.irwaonline.org](http://www.irwaonline.org)

1. Event Registrants Roster This option lets you look at all scheduled classes and who has registered for them through IRWA Headquarters (online, fax or mail). I was looking to see who had registered for one of the classes I had registered for and long behold there was an acquaintance from days past. I was able to email them and we got caught up with each other. The other thing it does is show the class coordinators who has registered for their classes through headquarters. So I thought let’s see how many have registered for our Annual Spring Education Event, boy was I surprised, we only have a total of eight registered for all five classes. Now I know that this only shows who registered through headquarters, so I am hoping that there are many of you that have not yet registered, or better yet registered through the chapter. If not what are you waiting on? Maybe your Valentine would enjoy a class? Or maybe this could be your hint to your Valentine?

2. My Course History This option allows you to get a summary of the classes that headquarters has as being completed by you. I have found this very helpful in trying to finish up my SR/WA Designation and in my recertification needs for the R/W-RAC Certification. So give it a look I think you’ll find it handy as well.

We now have an online class to assist the Course Coordinators in learning how to successfully coordinate classes. Anyone who is interested in coordinating a class should go through the online certification, or if you ever thought about coordinating a class this would tell you what is expected of a class coordinator.



## What's Happening in **REGION 1**

Chris Banks, SR/WA, Region 1 Vice-Chair

The Region 1 Spring Forum is scheduled for March 23-24 in Laguna Beach, CA. Chapter 28 will be represented by Chapter President, Caroline Tillman, SR/WA and International Director 1-Year, Michael "Doc" Sterling. I will be there as Region 1 Vice Chair. Carolyn Carrica, SR/WA, is our Region 1 Chair this year, replacing Mark Keller, SR/WA. The Region 1 Forums are held twice a year, once in March and again in October. At these meetings, Chapter and International Committees Representatives meet to receive the latest information from International Headquarters and to discuss the issues that the general membership wants addressed by International. If you have an issue that you think International needs to know about, please contact Caroline and ask her to get it on the Meeting Agenda.

If you are curious about the makeup of our Region, you can find a link to the Region 1 information on our Chapter's website, <http://irwaaz.com/region1>.

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### **International Utilities Committee News**

Mike Burns, SR/WA

The Public Real Estate Education Symposium will be held February 13-15, 2007 at the Intercontinental Hotel in Dallas (Tuesday-Thursday, 8:00AM-5:00PM).

The Utilities Committee winter meeting will be held on Friday, February 16<sup>th</sup>. The Chairs and Vice Chairs of the various Committees will be meeting on Saturday, February 17<sup>th</sup>.

The major item of business will be the finalization of the program for the International Conference in June.

### **PDC Report**

Mark Keller, SR/WA, Chair

Caroline Tillman has submitted her application for SR/WA Candidacy as her prior SW/WA Candidacy has expired. All information was approved and sent to IRWA Headquarters for processing. Caroline wants to complete her final SR/WA requirements in Texas in February 2007.

Jayne Lewis at SRP's Papago Park Center Section has submitted her application for SR/WA Candidacy. All information was approved and sent to IRWA Headquarters. Jayne is going to be attending IRWA courses in Phoenix in February 2007.

## **TITLE & ESCROW**

Sharon Dyke, Title & Escrow Chair

### **BANKRUPTCY**

Your title commitment requirement page shows one of your Sellers with a Bankruptcy. What should you do?

You and your escrow officer should work together and ask the Seller what type of Bankruptcy was filed and to provide the attorney's name and phone number that filed the Bankruptcy. The Attorney will need to be contacted and if the Seller did not know the type of Bankruptcy filed then you would ask the attorney. Determining the type of Bankruptcy will make a difference in the type of document that will be needed at the closing.

Chapter 7 Bankruptcy (eliminates most debts): Will require a discharge and can be obtained thru the Attorney.

Chapter 11 & 13 Bankruptcy (payment plan): Title would need to review the Bankruptcy documents. The Attorney would still need to be contacted and most likely the trustee would have to approve sale. There are times that the Trustee would have to review the Seller's pre-audit and may take all or part of the Seller's proceeds at closing.

### **EXAMPLE OF WHAT CAN GO WRONG:**

Escrow Officer was given the name of the Trustee for a Bankruptcy. A request for approval of sale for the subject property was sent to the Trustee. Trustee called the escrow agent upon receipt of the fax request and stated that this property was not listed in the bankruptcy and upon further research the Trustee found that Seller had other properties not listed.

There was two Sellers, Father and Son. Escrow Officer contacted the Son who had the Bankruptcy. Upon reaching the Son the escrow officer was told that he did not list his father's property or any other property because it was not his primary residence and he thought that was all that needed to be listed with the bankruptcy.

### **WRONG!!!!!!!!!!!!**

This is only a sample of what can go wrong. This example is a very timely matter that cannot be resolved quickly.

As an agent please review your requirement page of the commitment and help the escrow agent to get the names and phone number of the attorney/paralegal who has filed the Bankruptcy. In addition be sure the Seller understand that the property that is being purchased was listed in the bankruptcy.

## What's in the Take?

Denning Davis, Certified General Appraiser  
Davis Valuation Group

As a commercial appraiser, I am asked to provide an opinion of value for pieces of property that happen to be in the way of road construction, a bus pull-out, a sidewalk, or a number of other things that are meant for the "greater good." There are a number of things that I have to look over and consider when assigning a value opinion to the "take" (or acquisition) just for the land alone – but wait, there's more... Just like a good book, the story gets more interesting as the plot unfolds.

One of my favorite right-of-way jobs was in Mesa where I had to provide an opinion of value for the take on a number of residential properties where a sidewalk was to be constructed. It was fun because it involved both residential and commercial takes and there were a few plants, mailboxes and, of course, sprinkler heads within the area that had to be acquired. I had done plenty of right-of-way work for Phoenix and other Cities at this point, but this was my first big one with multiple properties where I had to deal with non-commercial people. The big issue was the emotional concerns of the residents along the street. I like people and I like to talk to people so a great many of the concerns actually never ended up with the mediator for the City when they offered the check. However, there was one issue that was difficult for me to dance around; the sprinkler heads.

I had just taken some continuing education classes in right-of-way which seemed only appropriate for the job that I had before me. The instructor of the class emphasized the severity of "damages" and "costs to cure" – really putting the fear of God in us (much like the USPAP courses). With this fresh in my mind, I went to the local lawn equipment supply stores in the Valley to learn the costs of pipe and sprinkler heads because there were a number of them that were installed years ago for a number of residents along the street. In addition, I contacted a few lawn service companies who installed systems to get an estimate of the cost to fix the problem. At this point, I learned of "head-to-head" sprinklers where the system is designed in a way that the diameter of one sprinkler head should hit the heads of neighboring sprinklers. What this does is cause the tiny drops of water to hit each other in mid-air and disperse very evenly on the lawn surface which, in turn, provides an even green color and "golf course-like" appearance to any well-fed and well-tended grass landscape.

Here's the problem. If you put a 4-foot sidewalk along the front of someone's lawn, the first row of sprinkler heads will have to move 4 feet back. They will then over-shoot the second row of sprinkler heads. That's not the whole problem... Remember that the second row used to hit the first row of heads where the sidewalk is now located. The result is a number of pedestrians with wet socks and shoes who are noticing strange color patterns in the neighbors' lawn as they pass by. It's just a chain effect by trying to correct one row of sprinklers as the next row doesn't work. The remedy? To properly fix the issue, one must re-trench and install a new network of pipes and position the heads in an even grid from sidewalk to the house. This is "big money" when you're dealing with multiple properties and not something that anyone wants to pay for if it can be avoided. The beautiful thing about the area that I was appraising was that nobody along the street appeared to care about the finer points of lawn care. They just wanted the sprinklers to come on every now and then to provide a somewhat "green" appearance.

It was confirmed to me during this assignment that the most important thing between appraiser and the client is communication. The engineering department was fantastic and my main contacts let me know exactly how we should approach the sprinkler issue (the easy way). The sidewalk has been in place for years now and its fun to know that I had played a role in it. It goes to show that dialogue and understanding can (in many instances – but not all) be an effective and cost-saving way to complete a project.

## Inside America's Richest Insurance Racket

Title insurance firms rake in \$18 billion a year for a product that is outdated, largely unneeded—and protected by law.

Parker Kennedy's roots run deep in the California company his family founded 112 years ago. Through four generations the clan (unrelated to the Massachusetts political dynasty) has run what today is First American, the largest title-insurance company in the nation. It collects \$5.8 billion a year selling this age-old mainstay of homeownership.

All that cash—for an outdated product that should have been all but wiped out by digital technology.

Title companies appeared a century ago, helping to protect home buyers from being swindled by crooks who sold properties they didn't own. A title insurance policy protects the buyer in case the deed turns out to be defective but the seller cannot be collared to refund the purchase price. It is far less necessary in these days of computerized records, online searches and rare instances of title fraud or hidden liens.

Yet First American and its two main rivals—number two Fidelity National (no relation to Fidelity mutual funds) and third-ranked LandAmerica—are fat and thriving in an \$18-billion-a-year business that has quadrupled in ten years.

First American has doubled its prices in a decade, to an average charge of \$1,472 per home for a title search and insurance. Meanwhile, thanks to computerized record-keeping, the cost of searching for a home's ownership records online has fallen to as low as \$25. Technology also has helped make mistakes rarer; now only \$74 of each policy goes to pay claims—that is, make home buyers with defective deeds whole. That leaves a \$1,373 spread for overhead and for profit.

Fancy this: racetracks that keep 93% of your money and return only 5% in winning tickets. They wouldn't last long, not unless they could somehow rig the rules to both forbid price competition and make the purchase of race bets mandatory. That's more or less what the title insurance industry has done to American homeowners.

Kennedy attributes his profits to the long housing boom and the efforts his company has made to deploy technology and move jobs offshore. "Nobody's cutting a fat hog," he says.

But the title industry's halcyon days owe much to antiquated state laws that thwart new competition, allow prices to soar despite declining costs and force almost every home buyer to pay for insurance that most of them will never need. In all but a handful of states, laws bar insurance giants in other fields, such as AIG or State Farm, from offering title insurance and undercutting incumbents' prices. It also is illegal for anyone to offer guarantees that provide the same protection as title insurance.

Home buyers can't get mortgages without buying title insurance; nor can banks themselves legally offer it as part of a loan. (Otherwise, the banks could demand high-volume discounts.) A handful of states set prices title firms may charge; others regulate prices and rubber-stamp the prices title firms request.

The industry has boomed on such you-gotta-have-it conditions—especially in the refinancing craze of recent years. In 2000 some 2 million refinancings went through; that grew to 7 million in 2005. A homeowner refinancing a mortgage pays for new title insurance, despite the utter absence of any new risk in the deed.

The title industry's perennial protectionism has had a predictable side effect: corruption. Shielded by law from having to compete on price, insurers resort to bribes and gifts to real estate agents and mortgage brokers for steering business their way, deceptive front companies, phony "reinsurance" deals and other creative chicanery.

Regulators in Washington State just revealed that First American spent \$120,000 a month courting real estate agents with season tickets to University of Washington football games, tickets for Seattle Supersonics basketball games, shopping sprees and other goodies. The state report says the firm was "the worst offender" and committed more than a hundred violations a month in the 18-month period studied. It adds: "First American offers a prime example of how illegal inducements can help a company attain superior market share."

Kennedy says that despite pressure to keep up with crooked competitors he never approves such schemes: "All you can do is try to hire honest people."

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Now some forces are working to rein in this rapacious industry. Officials in dozens of counties are working to standardize homeownership for digital access by the public. The U.S. Department of Housing & Urban Development is mulling ways to force more competition on the industry, though previous efforts have failed utterly. Some politicians who have been stalwart allies of the business now are reversing course. In California the chief regulator has just called for a 23% price cut. This summer New York mandated a 15% cut in rates.

Yet regulators in most states have blithely acquiesced as consumers bills have risen. This, despite insurers' low risk of payouts and the tech-fueled decline in costs. Sifting through property records to ensure that a title is clear of old claims costs them all of \$25 to \$125 if the records are digitized.

The industry's high-tech muscle is flexed at First American's offices in Santa Ana, Calif., a few miles from where Parker Kennedy's great-grandfather, Charles Parker, started the company. A cavernous data center overflows with details on property in counties encompassing 98% of the U.S. population. Packed with supercomputers and suspended on massive pylons to keep them running in an earthquake, the facility soon will hold data on virtually every building in the country, Kennedy vows.

When Kennedy's great-grandfather started out in 1894 he would hire stenographers to go to the county courthouse and copy ownership records by hand into ledgers and then deliver that information to clients by horse and buggy. People who didn't have the desire, time or knowledge to do it themselves happily paid for these title surveys. In 1924 he guaranteed his copies were accurate, turning his product into title insurance.

That process hadn't changed much by the time Parker Kennedy joined First American in 1977. He had been working as a lawyer when his father, Donald, chief executive at the time, persuaded him to join the family business. Parker would trek to courthouses and assessor offices in southern California and tediously page through musty volumes of property records; a single title search could take all day.

Kennedy, now 58, rose to chief executive in 2003, though he began steering the company into the digital age a decade ago. The tech overhaul has let him close 48 of 50 offices in his home state of California in five years, replacing people and paper with databases and offshore data entry clerks. The online automation also has reduced errors. If the title searcher misses a contractor's lien and the builder who should have paid cannot be made to pay, the insurance steps in. It's a rarity.

"We get a little more automated every day," Kennedy says. "In the old days, if you wanted to double your business you had to double your people. Now you can double your business and increase your staff maybe 10%."

The tech push must continue, he says, because one day economic rationality and digital reality will catch up to the title industry. Real estate ownership records, always open to the public, are going online, alongside all sorts of other data. Today anyone can instantly learn a property's square footage, its sales price history, even view satellite photos, at virtually no cost. If records are instantly accessible and accurate, the need for title insurance will fade away. "Eventually insurance won't be an important component of the product," he allows.

So Kennedy hopes to harness digital technology to create a new business. Rather than broker one piece of information for an exorbitant cost, he hopes to collect all manner of real estate skinny and sell it to banks, insurers, real estate agents and direct marketers.

Title insurance accounts for 70% of First America's \$8 billion in annual revenue, with newer and unregulated services providing the rest. Kennedy says that this unregulated part of the business will be as lucrative as the legally armored one he now runs. "When I look out 5, 10, 20 years, I just see data becoming a very powerful thing to own."

It wasn't until after the Great Depression that big insurers started eyeing title-industry profits, and the title firms found a clever way to fight back—not by lowering prices but with state laws that walled off the industry from outside competition.

They invoked consumer protection: In the Depression many insurers had gone bust, including a few that also offered title insurance. The title industry, and many regulators, argued that insurers that also sold life or car insurance were more likely to go broke and stick their customers with unpaid title claims.

Most states responded by passing laws dictating that only dedicated title insurers could sell home buyers title policies. Decades later many of the banned multi-line insurers are far more financially secure than most title insurers in the eyes of credit-rating agencies, but the states haven't done much to raze the barriers. Private insurers have become so overpriced that Iowa, the one state government to not only maintain property records but guarantee their accuracy, can offer a vastly better deal. The typical loan pays the state \$110 for title insurance when buying a home, 92% less than the average First American customer's bill.

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Having insulated themselves from outside rivals, the title companies then won state support to limit competition among themselves. A small number of states passed laws fixing prices of title insurance. Other states enacted a pastiche of rate regulations that let insurers set their own rates, routinely granting them increases.

Spared from having to compete on price, title firms large and small vied for customer referrals from real estate agents, mortgage brokers and builders by bribing them, in violation of federal law. The insurance agents who woo the customers are also compensated handsomely. Of the cash First American collects for title searches and accompanying insurance, it hands 80% to its own agents and to independents.

In the old days title agents looking to attract more business paid kickbacks that were modest and in-kind—baseball tickets, spa trips, free meals, luxury boxes at concerts (the type of favors that First American continues to hand out, in violation of state and federal rules). But in recent years, as the gross profit per customer topped \$1,200 in many cases, title agents have devised new ways to sluice larger sums to the partners that send business their way.

LandAmerica, the number three title company in the U.S., allegedly arranged for sales agents, mortgage brokers and developers around the country to start their own "reinsurance" companies. Then, every time one of them sent a customer to LandAmerica, it would pay his newly formed shop to reinsure the policy, a subtle and tidy little kickback. In one type of arrangement LandAmerica paid them 35% of its revenue to assume half the risk; yet the newly minted "reinsurers" were never asked to pay up in the rare instances when a title search missed an old claim, Colorado state regulators say. LandAmerica says the deals were legal, but it agreed to halt the practice last year.

Rivals copied LandAmerica's premium-sharing scheme. First American followed suit, though some state regulators say it is the least dirty of a bad bunch. "They were the last company to engage in these practices, the first to stop and the most cooperative," says Erin Toll, Colorado's former deputy commissioner of insurance, who investigated the industry.

In Minnesota police stumbled upon another scam after a burglar alarm kept ringing in one shell company's office building. No one was there to shut it off, the cops eventually realized, because no one was ever there. Such fronts typically are run by the large title companies but are co-owned by real estate agents and mortgage brokers, who get a cut of the profits.

Elsewhere many title insurance fronts don't even bother to create a real office. When investigators in Colorado recently sent out letters to the state's 500 title agencies, more than a hundred came back stamped "no such address."

First American participated in such scams, too, though to a lesser degree. Last year HUD accused the firm of creating nine sham outfits that were owned by real estate brokers and lending agents but which did no work. The company closed the fronts and paid a \$680,000 fine.

But attempts at more fundamental reform have faltered. In 2002 a company called Radian concocted a clever new product it dubbed "lien protection." The firm targeted refinancings of homes that already had title insurance and aimed the product not at home buyers but at their mortgage lenders, looking to cut prices in half and still make a good profit.

But California's state insurance commissioner, John Garamendi, leaped to the title industry's defense, banning lien protection in his state. Garamendi says he had no choice: "I have no option but to enforce those laws even though I think they are wrong and should be changed."

The leaders of Radian were stung, says the company's former general counsel, Howard Yaruss. The old "monoline" law ostensibly had been designed to protect consumers; yet Radian's product was to be sold to Bank of America and its ilk.

In July Garamendi himself took on the title industry, proposing cuts in title insurers' regulated prices of 23%. He says it will save California homeowners \$1 billion a year. A better solution would be to throw open the market to products like the one Radian offered, he admits, but he doesn't see that as likely. "The title insurance industry is very politically powerful. It has tens of thousands of agents in California," he sighs.

In 2004 the title industry stared down another threat, this one in Washington, D.C. HUD had pushed for rules that would allow lenders to package title insurance with a mortgage, something federal law currently forbids. The title industry, fearing the power of banks to negotiate lower title insurance rates, was violently opposed to the rules and found a key ally in Senator Richard Shelby, the Alabama Republican who is chairman of the Senate Banking, Housing & Urban Affairs Committee—and who owns the Tuscaloosa Title Co. (A Shelby spokesman says the senator's attitude toward HUD's proposals is unrelated to his sideline business.) HUD is now considering other options for reforming the industry.

Yet another movement for change comes from efforts by the nation's county recorders to agree on a uniform way to store property records online, which could severely curtail the need for title insurers. But even if they succeed, most state legislatures would have to lift a thicket of creaky old laws that have enriched the title industry for decades—and bilked home buyers out of billions of dollars.

# MINUTES

Executive Board Meeting  
IRWA Kachina Chapter 28  
December 6, 2006

Those in attendance included:

Doc Sterling	Doug Estes
Caroline Tillman	Carrie Lundin
Kay Bockmann	Debra Carter
Vance Tuttle	Roger Ottaway
Sharon Dyke	Gayle Leonard
Kathie Sholly	Mike Burns
Linda Beale	Ray Warriner
Melita Hillman	

- The meeting was called to order by Doc Sterling at 4:47 pm in the 3<sup>rd</sup> floor conference room of Arizona State Land.
  - An attendance sheet was circulated for everyone to sign in.
  - Treasurer's Report for December was submitted and approved
- Minutes for the November executive board meeting were submitted and approved with the exception of Rod Fehlman as being read for 30-day consideration. The minutes are to be corrected.

## Committee Reports

- By-Laws: Committee chair not present-no report
- Education: Kaye Bockmann is the new committee chair. Kaye is lining up instructors for the two weeks of courses in February 2007 and is looking for a location for the courses at a reasonable price. A potential location is University of Phoenix Hohokam Campus.
- Education Real Estate and Appraisal Credits: Vance Tuttle submitted appraisal courses for renewal. All courses were approved by the Arizona Board of Appraisal.
- Environmental: No report
- Ethics: No report
- Local Public Agency: No report
- Luncheon: Gayle Leonard discussed credit for poor quality food at November luncheon that Doubletree will apply to cost of December luncheon. What to do with \$731.23 credit will be decided under new business. Motion that luncheon committee purchase center pieces for December luncheon, spending up to \$100. Motion seconded and approved. There was discussion regarding the importance of having good speakers in order to have good attendance. There was then a discussion regarding going back to having the luncheon every month instead of every other month. Some believe that attendance has declined due to the luncheon schedule of every other month.
- Marketing: No report
- Membership:
  - Debra Carter read for approval the following people:
    - Lesli A. Wayman, Yavapai County Public Works
    - Timothy P. Jones, City of Tempe
  - Debra Carter read for 30-day consideration the following people:
    - Rodney N. Fehlman, Onward & Upwards, LLC
    - Jayne Lewis, SRP

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- Newsletter: Newsletter for December is on the website with a number of good reports. Information for the newsletter has been taken from other websites, such as local municipalities. Newsletter is intended to be a monthly newsletter, not a bimonthly newsletter. E-mail should go out to all chapter members when newsletter is posted to the website informing them that the newsletter has been completed with a link to the newsletter.
- Nominations and Elections: No report
- Property Management: No committee chair-no report
- Relocation: There was no report regarding relocation, however, Roger Ottaway provided information regarding a computer projector for chapter luncheons, seminars and courses. He indicated that he is looking for a projector in the \$600 to \$900 range. He discussed the various features of projectors and their impact on cost. He would like to continue his research for another month before a decision is made on which projector to buy. Chris Banks discussed the need to determine who will be in charge of the projector.
- Professional Development Committee: New SRWA Bill Biggs. Plaque will not be ready for the December luncheon, however, Bill Biggs should be recognized at the luncheon, although he may not be there.
- Region 1 Vice-Chair: Chris Banks discussed course coordinator class becoming available online. The class is required for certification of coordinators and is free. IRWA will have a list of certified coordinators. Should the Chapter require coordinators to be certified? Kaye Bockmann will become certified. Dennis Stork is resigning due to wife's health.
- Seminar 2007: First seminar committee meeting will be held in January 2007.
- Transportation: No report
- Survey: No report
- Title and Escrow: Sharon Dyke will be providing newsletter articles starting January 2007
- Utilities: Mike Burns discussed article in Right of Way Magazine regarding the International Utilities Committee. His photo is in the article along with the other members.
- Valuation: No report

### Old Business

- Kachina Chapter 28 Website Update: Website is still not completed. Cate is coordinating with designer to complete the website. Chris Banks is taking a course in website design to fill in if necessary. Roger Ottaway presented potential photos for the website. He will take additional photos of projects for website if requested.
- By-Laws Revisions Update: Committee chair absent, no report. Discussion later came back to By-Laws Update. There was a discussion on electronic voting. Mark Keller has researched the wording for the revised by-laws. Cate Chamberlain has resigned as the committee chair. Mark Keller has accepted position as chair. Vance Tuttle is willing to work with Mark on revising the by-laws.
- Update on Appraisal Course Expiration: The courses have been renewed by Vance Tuttle

### New Business

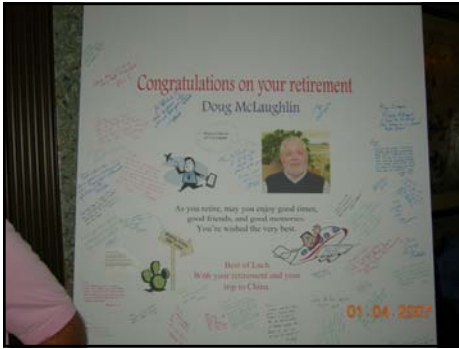
- Luncheon Credit: There was discussion on what to do with \$731.23 credit, apply to additional cost of lunch or donate to charity. Motion to apply the credit to the cost of the December luncheon over \$20 per person and donate any left over credit to Andrea's Closet. Motion seconded and approved.
  - Adopt-A-Family: \$244 was collected at the November luncheon. Of the money collected \$200 was donated to Adopt-A-Family. The balance of \$44 will be donated to Andrea's Closet. We will also have a box at the December luncheon for collection of additional donations for Andrea's Closet.
  - Resolution on Donation to American Cancer Society on behalf of William Snedeker. Motion to donate \$75. Motion amended to donate \$100. Motion seconded and approved. Doug Estes to contact Mark Keller regarding getting donation to American Cancer Society.
- Membership Database: Current database is outdated. Several deceased members are still in the database. We need to update the list. Cate will be sending a blanket password to all chapter members to check their contact information. If the information is incorrect, they are to inform Cate. She will then update the information.

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- Agenda For Luncheon:  
As Region 1 Vice Chair, Chris Banks will swear in new officers  
Employer of the Year Award and Special Services Award will be presented to Beverly Francy  
Explain e-mail and process of updating contact information
- Luncheon: There was additional discussion regarding having luncheons monthly or bimonthly. Some believe attendance has declined since the change to bimonthly. Some indicated that other chapters have had decreased attendance with bimonthly luncheons. Some indicated that other chapters have had increased attendance with bimonthly luncheons. Good speakers are hard to find, so it is easier to have bimonthly luncheons. With the size of our chapter we should have monthly luncheons. Gayle Leonard will do a survey at the December luncheon to determine how many people want a monthly or bimonthly luncheon. Chris Banks will collect the survey. An occasional field trip is another option instead of a luncheon.

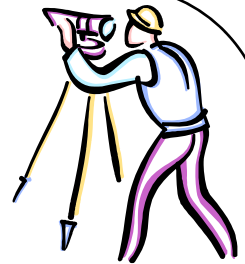
Motion to Adjourn. Seconded, Passed. Meeting adjourned at 6:03 p.m.

Doug McLaughlin's Retirement Luncheon  
January 4, 2007





Gregg Tuttle, Manager  
SRP Land Department  
Surveys Division



## Surveyor's Corner

***Gregg – I was somewhat surprised with last month's column about "small sections". Most certainly that has to be a very rare exception to what we understand to be the much more typical "regular" section of land. Just how common are "irregular" sections of land?***

In *the third half* of this month's article, I will discuss some of the myths behind the "typical" "regular" section of land. But first, I thought I would share some insights and "rules of thumb" about land surveying.

### **INSIGHTS:**

There are at least three (3) potential "TRUTHS" about land boundary surveying:

THAT WHICH WAS INTENDED TO BE SURVEYED (agreements, deeds, etc.)

THAT WHICH WAS ACTUALLY SURVEYED (physical evidence)

THAT WHICH WAS CLAIMED TO HAVE BEEN SURVEYED (plats, descriptions, reports, etc.)

The chief difference between those surveyors who are truly EXPERTS at land boundary determinations and those individuals who are not, (including a surprising, non-trivial percentage of surveyors, and most all engineers), is that in evaluating descriptions of land, the non-experts pay most attention to the numbers, while the experts pay more attention to the words.

**"RULES"** for Land Surveyors: (as adapted and paraphrased from some of Madson's Rules, by Carlisle Madson of Hopkins Minnesota, as noted by the Wisconsin Society of Land Surveyors.)

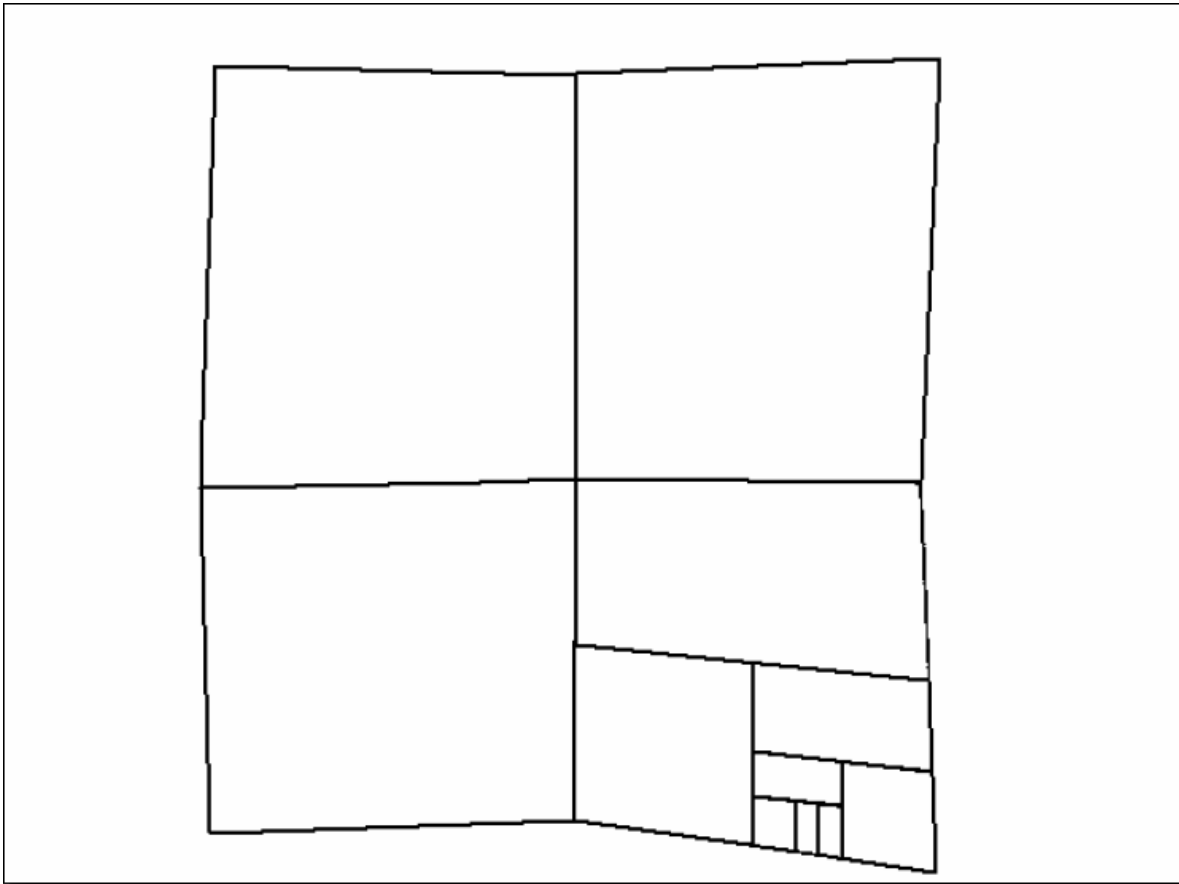
- It is the land surveyor's duty to correctly locate and mark property lines/corners as described in the documents furnished, and to relate lines of possession to title lines. A surveyor does not and can not assume the responsibility of proving that a given title document is correct and legal; that is the function of the judicial system.
- The surveyor is a fact finder, going upon the land armed with all the documentary evidence provided to search for markers, monuments and other facts. After all the evidence, facts, measurements and observations are assembled, the surveyor provides a professional opinion (conclusion or inference) based on those facts.
- Evidence in itself is NOT proof of fact; a conclusion or inference that may be drawn from evidence is the proof. In reaching any conclusion based on the available evidence, the most important skill of the surveyor is the ability to recognize and know what the best evidence available actually is.
- The best evidence of a corner monument's original position is a continuous chain of history by acceptable recorded documents dating back to the time of the original monumentation. A found monument without such a background history is of little value as evidence; and, a newly set monument is worthless if unidentifiable in the future by others, especially other surveyors.
- It is of the utmost importance that a surveyor seek and find ALL of the available evidence at the time of the initial survey. The major cause of disagreement between surveyors relates to the lack of discovery of all available evidence (whether in the field (physical evidence) or the documents available from diligence research). If every surveyor could uncover all of the evidence, then differences would be reduced to a minimum, and their surveys would have a finality of location.
- Search and search well! If it there, then find it. If it isn't be able to say with certainty that it isn't there, (although proving a "negative" is generally impossible.)

Discovery of an existing surveyor's monument does not relieve the surveyor of the obligation to look further. Such a finding is only proof in the even that superior evidence cannot be discovered. Therefore, the surveyor must seek ALL other evidence and use such monuments as though they were a last resort. Do not stop until all other sources of evidence have been exhausted.

Continued on next page....

## Surveyor's Corner continued

### THE "TYPICAL" / "REGULAR" SECTION OF LAND!



IN ACTUAL PRACTICE, ***MOST, IF NOT ALL,*** OF THE FOLLOWING CONDITIONS WILL BE FOUND TO EXIST IN RE-TRACING A "REGULAR" SECTION:

1. The sides of the section are **NOT** one mile long.
2. Quarter section sides are **NOT** one half mile long.
3. Quarter corners are **NOT** mid-way between section corners.
4. Quarter corners are **NOT** on a straight line between section corners.
5. **NO** line is on a true cardinal bearing.
6. The legal center of the section is **NOT** the geometric center.
7. **NO** angle between lines is 90 degrees.
8. Opposite sides of the section (or of any aliquot portions therein) are **NOT** parallel.
9. The section does **NOT** contain exactly 640 acres, nor do any of sub-divisional parts contain their exact theoretical acreage.
10. *The actual field measured distances and bearings do **NOT** agree with those originally reported.*

IN POINT OF FACT, EACH SECTION *MUST BE* CONSIDERED A SPECIAL CASE !

**Well, that's it for this article from the "Surveyor's Corner."**

If anyone has feedback or comments, please feel free to share them.

As always, I am interested in the opinions from, the readers of the Kachina Chapter 28 Newsletter.

Please keep sending in those **questions**.

*Until next time, Thanks for reading about land surveying & land surveyors. -*

**Gregg Tuttle, AZ/RLS # 11121; Manager, SRP LAND-Surveys Division**