

# Conestoga Quarterly



## 2023 First Quarter

Celebrating 50 Years  
Agent Loyalty Awards  
Conestoga College Classroom  
ALTA Best Practices Framework  
Clever Network Marketing  
Insuring Mobile Homes  
2021 ALTA Policy Form Changes

Celebrating 50  
years of  
providing  
exceptional  
personal service  
for our  
independent  
agents and  
approved  
attorneys



137 East King Street  
Lancaster, PA 17602

800-732-3555  
conestogatitle.com

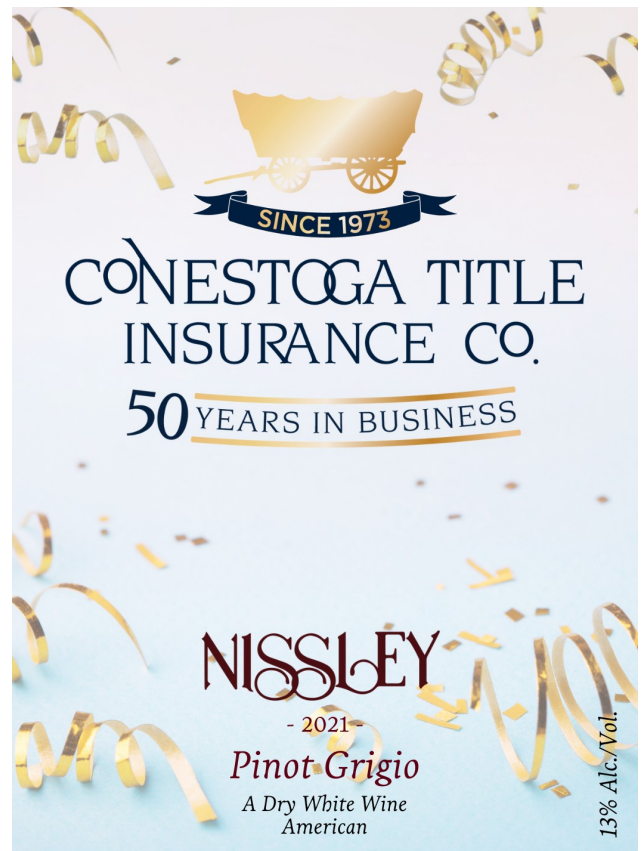
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# A Message from the President

2023 marks Conestoga Title Insurance Co.'s 50<sup>th</sup> year in business! It is with great pleasure that our company celebrates this significant milestone. From our inception, Conestoga Title has been based in Lancaster, PA. To my knowledge, Conestoga Title is the only title insurance underwriter domiciled in the state of Pennsylvania. We have grown over the past 50 years and now are licensed to issue title insurance policies in 14 states and the District of Columbia. However, we focus our efforts on those states where we possess the necessary knowledge and expertise to provide exceptional customer service – Pennsylvania, Maryland, Delaware, Virginia, New Jersey, New York, Ohio and Indiana. I have great confidence in our employees who together provide unparalleled agency support.

To begin our year-long celebration, we held our annual in-person “Conestoga College” seminar in Lancaster, PA. Six continuing education credits were offered for licensed title agents and six continuing legal education credits were offered for attorneys. The prestigious list of speakers included Bushnell Nielsen, Esq., Reinhart Boerner Van Deuren, Ed Hayes, Esq., Fox Rothschild, LLP, Blair Granger, Esq., The Granger Firm, Rick Hecker, Esq., Senior V.P. – General Counsel, Conestoga Title, Bill Parker, Esq., V.P. – Claims & Underwriting, Conestoga Title, and Anna Marie Sossong, Esq., Underwriting Counsel, Conestoga Title. I must say that the quality of the speakers and material presented was quite impressive and I am appreciative of the job well done by all. The day ended with a social our where attendees, speakers, vendors and company employees had the opportunity to network and unwind. As a special “Thank You” to those who attended, Conestoga Title offered a complementary bottle of wine with a custom designed Conestoga Title 50<sup>th</sup> anniversary label—see right.



As part of our 50th anniversary celebration, a new “Loyalty Award” was created to acknowledge those agents and company employees who have enjoyed 20 years or more with Conestoga Title. The awards were presented at Conestoga College and at agent offices for those agents not in attendance. It is with gratitude that I list the following agents and employees together with their respective years of service with the company:

### **Agent Loyalty Award Recipients:**

- **Countywide Abstract**, West Chester, PA – 20 years
- **Assurance Land Title, Inc.**, Youngstown, OH – 21 years
- **Vince Roskovensky, Esq.**, Uniontown, PA – 24 years
- **Buchanan Settlement Services**, Waynesboro, PA – 26 years
- **Tim Ruth, Esq.**, – York, PA - 26 years
- **Premier Abstract Company. Ltd**, Nazareth, PA – 27 years
- **Jeffrey Nepa, Esq.**, Carbondale, PA – 30 years
- **Getz Title Group, LLC**, Bel Air, MD – 32 years
- **Michael Sossong, Esq.**, Ebensburg, PA – 33 years
- **Young & Young, Attorneys**, Manheim, PA – 35 years
- **Gibbel, Kraybill & Hess, LLP**, Lancaster, PA – 36 years
- **Blakinger, Thomas, P.C.**, Lancaster, PA – 37 years
- **John Maida, Esq./Real Estate Service Group**, Montgomeryville, PA – 37 years
- **Abstracting Company of Berks County**, Reading, PA – 39 years
- **Abstracting Company of York County**, York, PA – 47 years

### **Loyalty Award Recipients/Anniversaries during 2023:**

- **Sheryl Childs**, Policy Administrator – 24 years
- **Laura Correll**, Assistant Manager, Reading office – 25 years
- **Robin Wolbert**, Treasurer – 29 years
- **Don Delgado**, V.P. – Agency Administration – 30 years
- **John Nikolaus**, CLTP, President – 35 years
- **Ronda Wolfe**, Manager, Reading office – 39 years

## **Congratulations to all recipients of Conestoga Title's "Loyalty Award"!**

After 50 years in the title insurance underwriting business, Conestoga Title's management is confident that we offer the best option for independent title agents within our geographical footprint. Exceptional underwriting and agency support services combined with software integrations, a title search product, agency employee training and continuing education events are what set our company apart from our competition. Conestoga is appreciative of the strong relationships with our network of top-quality agents and approved attorneys. We are experiencing a high level of interest from agents seeking to become appointed by our company and we welcome the opportunity for growth. We are thankful to our loyal customers and look forward to an exciting future.

**Here's to 50 years and counting...CHEERS!**

*John M. Nikolaus, CLTP*  
President, Conestoga Title Insurance Co.

Offered in conjunction with the PA Land Title Association, **Conestoga College Classroom** was held on January 16th in Lancaster, PA . We welcomed over 150 attendees and appreciated all the sponsors that joined us for the day.



Conestoga Title’s William J. Parker, Esq., CLTP greeting agents and attorneys.

Presenter Rick Hecker, Esq. of Conestoga Title taking questions from attendees.



Attorney Blair Granger of The Granger Firm begins his presentation.

Edward Hayes, Esq. Fox Rothschild and Bill Parker ready to present an hour on Title Claims.



**2023 Conestoga College Classroom** began with Loyalty Award presentations to agents who have been with Conestoga College for at least 20 years.



Several 2023 Loyalty Award recipients were able to join us at Conestoga College. With John Nikolaus, Conestoga Title Insurance Co. President were agents Tim Ruth, Esq., Gibbel, Kraybill & Hess, Buchanan Settlement Services, Young & Young, Abstracting Co. of York, Jeffery Nepa, Esquire, Blakinger & Thomas and Abstracting Company of Berks County.



Our longest serving employee with 39 years, Ronda Wolfe, Manager at the Reading, PA office receives her plaque from John Nikolaus.

# ALTA Best Practices Framework version 4.0

Don Delgado, VP Agency Administration

The American Land Title Association has published its Best Practices Framework Version 4.0. This is the first update to Best Practices since 2019. Updates were necessary due to the number of changes in operations that have occurred since 2019. There are new fraud and theft threats. RON and other technology has evolved. Laws have changed.

The focus of prior versions of the Framework was compliance certifications to be provided to lenders. The updated Framework has a new focus on continual improvement to agency operations.

Defined Terms, “Escrow”, “Escrow Trust Account”, “Licenses”, “Three-Way Reconciliation” have been modified to clarify their intent within the Framework. New Defined Terms “Consumer”, “Title Agency” and “Title Insurer” have been added.

Changes have been made to all seven pillars, but the most significant changes are to Pillars 2, 3 and 4 as follows:

**Pillar 2 - Escrow Trust Accounting** now includes best practices for fintech applications, outstanding file balances, use of the ALTA outgoing Wire Preparation Checklist and use of wire verification services.

**Pillar 3 - Written Information Security Plan (“WISP”) and NPI** has been updated with more details about the physical protection of NPI, business continuity and disaster recovery plans, network and cloud security of NPI, oversight of third party providers and use of the ALTA Cybersecurity Incident Response Plan.

**Pillar 4 - Settlement policies and Procedures** has been updated to include disclosures of Affiliated Business Arrangements, establishing “consumer objectives” for staff training, establishing procedures related to closing documents, internal and external signing requirements, selection of Remote Notarization Platforms, recording standards, etc.

The Assessment Procedures have also been updated to align with the new Framework. An Internal Assessment Report as well as a Third-Party Assessment Report have been adopted as well. The new Framework, Assessment Procedures and other valuable Best Practices resources can be found on ALTA’s website: <https://www.alta.org/best-practices/>

Conestoga encourages all title and settlement agents to adopt as many of ALTA’s best practices as possible to ensure that all parties to real estate settlements are protected.

# Clever Network Marketing

Doug Riggin, VP Sales

When did you last attend an in person networking event?

If you desire to develop new business opportunities for your title company, network marketing is a viable option to explore. Networking events can assist you to build new relationships and leverage existing connections. The goal is to meet as many people as you can that fit as an ideal client or connect with people who could potentially refer clients to you. Here are a few tips to help you network.

- Be open to both planned and spontaneous networking opportunities. Some of these events might not be directly related to title and real estate, but keep an open mind as you never know what opportunities may present itself.
- When you attend an event, a few people you already know may already be there. These might be your friends, ex-colleagues, current or past customers. Regardless of who they are, don't hesitate to approach them and ask for introductions.
- Once you've made new connections, remember to nurture them. The best way is to ask them about their preferred contact method. Some professionals, like those who are on the move, will prefer a call. Others might opt for emails, text or LinkedIn messages.

## Three Mistakes to Avoid:

1. **Pitching Too Hard** - The truth is that no one likes a hard-sell approach. Engage your new potential prospects in a conversation and try to learn about their needs and challenges. Not only will you be able to build a better connection with them, you'll also determine if there's a fit.
2. **Forgetting to Follow-up** - It's extremely important to follow up with contacts after the first interaction. People have a lot on their plates, and likely you're not the only person they talked to at a networking event. Sending a friendly email or phone call follow-up will help you stay on top of their minds. Don't wait for three days to get in touch. The sooner you contact them, the better. As part of your follow up, consider sharing a helpful piece of information or a free resource with them.
3. **Taking Without Giving** - Sales networking is about building meaningful relationships, rather than closing deals on the spot. To do that, you have to be authentic and show others how being your acquaintance will benefit them. Find creative ways to get to know them personally. Perhaps invite them to your office for coffee, offer to meet them for lunch or invite them to an upcoming event that you are attending.

Consistent Clever Network Marketing will provide new business opportunities to ensure success and prosperity for your organization.

# Insuring Mobile Homes

Rick Hecker, Sr. VP General Counsel

As some readers are aware, a title insurance policy often does not insure the title to nor the ownership of a mobile or manufactured home located on the insured land. While easily stated, this fact is established in the definition of the word “Land” in the policy jacket. As used in a title insurance policy, “Land” means “[t]he land described in Schedule A, and affixed improvements that by law constitute real property. . . .” Contained in that definition is the core difficulty with insuring mobile homes – namely, they do not naturally constitute real property under a given state’s law, but start their existence as personal property.

However, unlike a bedroom suite or a parked Ford Mustang, mobile homes have the ability to be converted to real property by becoming a “fixture.” A fixture is personal property that has been so affixed to the land that its removal would require the consent of the owner of the real property. Applying this definition to the case of the parked Ford Mustang, it would not require any consent from the

owner of the land to drive the vehicle away even if the car’s wheels were chocked\*\*. In comparison, a mobile home that has been placed on a foundation, with the wheels removed, and is no longer registered with the Department of Motor Vehicles, would certainly require the consent of the land owner before it could be removed from its present location.



Accordingly, when a lender or purchaser seeks coverage for a mobile home under their title insurance policy, the Agent must take the steps to confirm that the mobile home has been legally converted from personalty to a fixture. Typically, a lender or borrower seeking such coverage will request the ALTA 7 endorsement, which alters the definition of Land under the policy to include “. . . the manufactured housing unit located on the land. . . .” With this background in mind, it is a little easier to anticipate Conestoga’s underwriting requirements when it comes to issuing the ALTA 7. Without more, here are Conestoga’s requirements:



1) The ALTA 7 can be issued only where appropriate steps have been taken to annex the unit to the real estate so it will be regarded as real property by the State. State law must not prohibit Mobile Homes from becoming real property.

2) Proof of annexation to the real estate would include: 1) removal of the wheels; 2) placement upon a foundation; 3) permanent water/sewer hookups.

3) If the taxing authorities do not list the property as improved, you should notify the taxing authorities that the mobile home is now affixed to the real estate.

4) Any motor vehicle license issued for the unit must be surrendered to the Department of Motor Vehicles and proof provided to you of such surrender.

5) The owner of the mobile home must also be owner of the Land.

6) Any open UCC filings related to the mobile home must be terminated.

7) The title to the mobile unit must be cleared of all liens.

8) If the mobile home was purchased in another state, there may be a valid lien that was filed in the prior state so additional searches or investigation will be required.

9) The sale of land with a mobile home affixed must be a single transaction and transfer taxes paid on the total amount of the sale.

10) Conestoga's Manufactured Housing Affidavit must be executed.

Interestingly, in 2021, a Kentucky Court of Appeals looked at this very issue (*Wright v. Miller*, 629 S.W.3d 813), where the borrower did not surrender the DMV title to his mobile home when granting a mortgage against his real property on which the mobile home was affixed by virtue of a foundation. The outcome in that case permitted the borrower to retain ownership of the mobile home. As the court stated: “. . . simply because a manufactured home is located on real property does not mean the manufactured home is a permanent fixture or part of the real property.”

Accordingly, if you are closing a transaction where the lender or owner needs assurances that title to the mobile home is covered by the title insurance policy, please do not hesitate to contact your Conestoga Underwriting Service Team to confirm coverage.

\*\*Please note, this is not the same situation as an impounded vehicle and is not intended to be read as such. It is also not to say that one does need no permission to be present on another's land, but rather, that the removal of the vehicle itself requires no consent.

# New ALTA 2021 Title Insurance Policies & Endorsements

## A Brief Description of What You Need to Know

Anna Marie Sossong, Esq., Underwriting Counsel

At long last, the new ALTA 2021 title insurance policies and endorsements will be rolled out on April 1, 2023 for Pennsylvania, and May 1, 2023 for Maryland, Ohio and Virginia. We have been advised by the major closing software companies that they anticipate having everything updated and ready to use in Pennsylvania on April 1, 2023. If issues arise, Conestoga will notify all of its agents immediately, but for now, let's all hope it goes smoothly and be patient if it doesn't.

What will change for the agencies and title agents? Not a whole lot. The most significant changes are not to coverages provided, though there are some. Mostly what you will see is language revisions and clarifications. There are a host of new definitions in the policies as well as the endorsements. Some of the more helpful ones include:

**Enforcement Notice** – this clarifies that before a municipal action is an enforceable lien requiring action at closing there must be a recorded “Enforcement Notice” in the Public Record (another new definition).

**Public Record** – specifically eliminates any record pertaining to environmental protection, planning, permitting, zoning, licensing, building, health, public safety or national security matters UNLESS the record is contained in an Enforcement Notice.

When the definitions are read together, this means that agents no longer have to be concerned with any requirements that may be contained in the Plan Notes, building permits, or similar governmental documents that formerly may have been construed as a lien on the property, UNLESS there is an official enforcement notice also on record.

Language has also been added to the policies that automatically eliminates any discriminatory provisions in recorded documents. The new language: **“This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed and not republished or recirculated.”** Agents will no longer need to identify any document containing such language and specifically exclude the discriminatory provision from coverage in Schedule B.

**Discriminatory Covenant** is another new term. For your clarification, this means: Any covenant, condition, restriction, or limitation that under applicable law illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin or other legally protected class. Notwithstanding this new language/definition, it is important to understand that not all conditions, restrictions or provisions that discriminate against a class of individuals will be considered as “Discriminatory” under this definition. Provisions prohibiting, for example, use of property by farmers or green grocers or manufacturers, or for a particular use, or by “people who wear plaid” are perfectly acceptable .

The new policy jacket will also contain a provision that will automatically authenticate any electronically issued policy, whether or not it is signed. **“This policy, when issued by the Company with a Policy Number and the Date of Policy, is valid even if this policy or any endorsement to this policy is issued electronically or lacks any signature.”** This will eliminate the 39-06 Policy Authentication endorsement occasionally requested by lenders. (We do anticipate a learning curve on this by the lenders however. Please point out that above language on the cover of the loan policy if you have issues with a lender. If the lender persists, call Underwriting.)

In yet another simplification for agents, the policy will now automatically exclude coverage for discrepancy of the area, square footage or acreage of Land or of any improvements. This means you will no longer need to add that language to Schedule B.

Yet another new definition – **Contract of Indemnity** means that agents will no longer need to add: **“This policy is not an abstract of the Title, report of the condition of the Title, legal opinion, opinion of the Title, or other representation of the status of the Title. All claims asserted under this policy are based on contract and are restricted to the terms and provisions of this policy. The Company is not liable for any claim alleging negligence or negligent misrepresentation arising from or in connection with this policy or the determination of the insurability of Title.”** This language is now incorporated directly into the Definitions (Conditions) section of both Owner’s and Loan policies.

When you begin to issue the new policies on April 1, 2023,(in Pennsylvania and on May 1, in Maryland, Ohio and Virginia) you will notice changes to the look of the jackets and the various schedules. The definitions discussed are shown. Schedule A of the policy has been revised slightly to require a bit more clarity from you in identifying the Land. The numbering of many of the endorsements has been revised. ALTA is attempting to eliminate the awkward xx.x-06 numbering system whenever possible, so those endorsements where language was revised will also have a new number, without the “-06” suffix. There are still many endorsements with the “-06” suffix however.

Generally, the 2021 policy revisions should make things a bit easier for agents and will, most certainly, bring the policy coverages and languages into the current century with the automatic recognition of electronically issued documents. Conestoga is hopeful that the transition goes smoothly. We ask for your patience while we work out any kinks that may occur.

Anna Marie Sossong, Esq. will be hosting the **March 14, 2023 Conestoga Webinar** on this topic and will provide many more details and more explanation. Any staff can register and view the webinar.

12:00-1:00PM Tuesday, 03-14-23 CE CLE available for licensed agents. [Click here to register](#)

At Conestoga Title, we celebrate our employees with 20 plus years of service.

**Left to right:** Laura Correll, John Nikolaus, Ronda Wolfe, Sheryl Childs, Robin Wolbert and Don Delgado. Congratulations to all!



## Conestoga Title Insurance Co. Personnel Contact Information

NAME	POSITION	DIRECT DIAL	MAIN PHONE		EMAIL
			EXTENSION		
Alena Marcinkoski	Agency Admin. Assistant	800-672-2985	2507		amarcinkoski@conestogatile.com
Anna Marie Sossong	Underwriting Counsel	800-861-9352	2511		asossong@conestogatile.com
Bill Parker	VP, Claims & Underwriting	800-861-9414	2503		wparker@conestogatile.com
Colleen Sheerin	Marketing Assistant	717-431-2764	2502		csheerin@conestogatile.com
Don Delgado	VP, Agency Administration	800-724-0935	2505		ddelgado@conestogatile.com
Doug Rigglin	VP Sales	800-257-4176	2506		drigglin@conestogatile.com
Ethan Trowbridge	Title Dept. Officer	800-257-9414	2501		etrowbridge@conestogatile.com
Joel Angelo	Agency Auditor	800-830-9031	2509		jangelo@conestogatile.com
John Nikolaus	President	800-272-3570	2510		jnikolaus@conestogatile.com
Jon Markel	VP, Marketing	717-431-1260	2517		jmarkel@conestogatile.com
Laurie Ordnung	Paralegal	877-502-5157	2512		lordnung@conestogatile.com
Lisa Fischer	Delmarva Rep/Training Coordinator	800-272-9578	2504		lfischer@conestogatile.com
Rebecca Breault	Paralegal, UW Administrator	800-478-8630	2513		rbreault@conestogatile.com
Rick Hecker	Senior VP, General Counsel	855-856-0246	2533		rhecker@conestogatile.com
Robin Wolbert	Treasurer	800-257-1966	2514		rwolbert@conestogatile.com
Sheryl Childs	Policy Administrator	800-257-7921	2515		schilds@conestogatile.com
Sprytte Blimline	Agency Auditor	855-303-4370	2521		sblimline@conestogatile.com
Susan Anderson	Paralegal	877-502-5158	2516		sanderson@conestogatile.com
<b>TITLE DEPARTMENT</b>		800-257-9414			titledept@conestogatile.com
<b>UNDERWRITING SERVICE TEAM</b>		800-478-8630			uwrequests@conestogatile.com