

IOWA TITLE GUARANTY DIVISION

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IN RE: APPLICATION FOR A TITLE : RESISTANCE TO MOTION FOR  
 PLANT AND TRACT INDEX WAIVER : STAY  
 BY CHARLES W. HENDRICKS :

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The undersigned, Charles W. Hendricks, as Applicant for a Title Plant and Tract Index Waiver, in support of this Resistance to Motion for Stay, states as follows:

1. The Iowa Land Title Association states as the basis for its request for a stay:

It is in the public interest that the stay be issued in this matter due to the important issues that have been presented to this board as a matter of first impression. Because the waiver issued in this case has a state-wide impact, the integrity of the land-title system will be immediately affected by operations under the waiver. Those operations, once culminating in title guaranties issued, cannot be undone by reversal of the board's action by a district or appellate court.

2. The land Title Association misstates several facts in requesting the stay. These facts include:

- A. All attorneys who have requested waivers in the past have had the ability to abstract on a statewide level, including the Dunakey/Augustine waiver where the attorneys were specifically asked about statewide abstracting. The fact that past waivers have been requested for individual counties in no way prevented past requesters from abstracting statewide upon receiving their waiver.

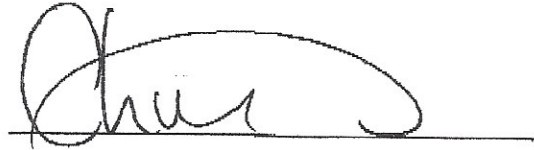
- B. In reaching the conclusion it has, the Title Guaranty Board has already determined that granting the waiver is "clearly in the public's interest" as required by the Iowa Code. It seems somewhat difficult to reach a conclusion that the granting of the waiver is clearly in the public's interest; however, the granting of a stay and denying the undersigned to abstract, even though the undersigned abstracting is clearly in the public's interest, is also in the public's interest. These two positions are completely conflicting and cannot both be maintained.
- C. There are currently attorneys abstracting, with a few of the attorneys abstracting on a statewide level. How does a granting of a stay to prohibit this attorney's efforts to abstract safeguard the "integrity of the land-title system" when there are already attorneys doing what the undersigned wishes to do?
- D. This is not a matter of first impression as waivers have been granted in the past, with the known implication that the attorneys can abstract on a statewide level. There has, to this date, never been a granting of a stay by the Title Guaranty Board so that opposing entities may file an appeal. It would be the granting of a stay that would be unprecedented.
3. This Board has made the determination that the undersigned's efforts in abstracting are clearly in the public interest. It is the Title Guaranty Board,

and not a Court reviewing the Title Guaranty Board's decision, that should make decisions impacting Title Guaranty.

4. There is no assurance that the appeal will ever be filed, thereby creating an artificial stay for an indefinite period of time that will have to be undone at some later point.
5. The Iowa Code provides that the Court, in addressing an appeal, can determine if a stay is appropriate. The Iowa Land Title Association should first file its appeal, and then request the stay from the judicial branch.

Therefore, the Title Guaranty Board, having already concluded the granting of the waiver is clearly in the public's interest, should allow the abstracting to immediately commence. If the Iowa Land Title Association files an appeal, it should prove the necessary elements to the Court sitting in review to obtain its stay. The Title Guaranty Board, having reached the conclusion it has, should not issue a stay of its own determination that the undersigned's abstracting is clearly in the public's interest. The undersigned's abstracting and its alleged erosion to the integrity of the land-title system was raised by the Iowa Land Title Association's Brief and supporting Materials, argued to the Title Guaranty Board at the hearing, and overcome by the undersigned's materials and argument. It should not be the basis for a stay at this time.

Respectfully submitted.

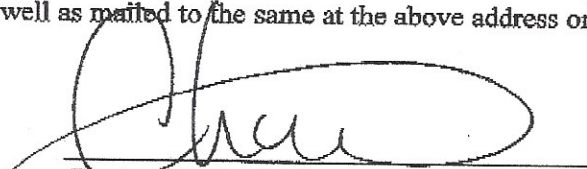


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The undersigned certifies that the forgoing Instrument was faxed to James Gilliam at (515) 323-8546 on July 18, 2007, as well as mailed to the same at the above address on the same date by U.S. Mail.



Charles W. Hendricks