


IOWA TITLE GUARANTY DIVISION

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

**SUPPLEMENTAL NOTICE OF  
FILING SUPPORTING LETTERS**

COMES NOW Intervenor, Iowa Land Title Association ("ILTA") and in support of its position in the above-captioned matter, files the following supporting letters.

  
James H. Gilliam

BROWN, WINICK, GRAVES, GROSS,  
BASKERVILLE AND SCHOENEBAUM, P.L.C.  
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Des Moines, IA 50309-2510  
Telephone: 515-242-2446  
Facsimile: 515-323-8546  
E-mail: [gilliam@brownwinick.com](mailto:gilliam@brownwinick.com)

ATTORNEY FOR IOWA LAND TITLE  
ASSOCIATION

Copy to:

Charles W. Hendricks, Esq.  
1701 48<sup>th</sup> Street, Suite 290  
West Des Moines, IA 50266

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause by enclosing the same in an envelope addressed to each such attorney at such attorney's address as disclosed by the pleadings of record herein on the 4<sup>th</sup> day of June, 2007.

By:  U.S. Mail  Facsimile  
 Hand Delivered  Overnight Courier  
 Federal Express  Other

Signature



**SUPPLEMENTAL**  
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JERROLD B. OLIVER

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ASSOCIATE  
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OF COUNSEL  
LEWIS H. JORDAN

May 31, 2007

Iowa Land Title Association  
c/o Darin O'Brien  
102 W Court  
Winterset, IA 50273  
VIA FAX: 462-1833

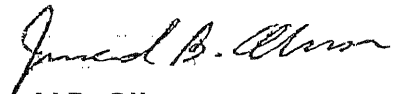
Dear Darin:

This letter is written on behalf of the Madison County Bar Association. The Madison County Bar Association strongly opposes the request of Charles Hendricks for a waiver of the Iowa Title Guaranty Program's search requirements.

We feel that it is necessary that abstracts be prepared by an abstractor who has a "title plant" in order to maintain the integrity of abstracts prepared in Iowa.

We request that you oppose the granting of this waiver and make your possession known to the Director and Board of Directors of the Iowa Title Guaranty Program.

Sincerely,



Jerrold B. Oliver  
for the Madison County Bar Association

JBO:tw

*[Faint, illegible text]*

*[Faint, illegible text]*

**Gilliam, James H.**

---

**From:** Susan Wearmouth [wearmouth.sue@jjqlaw.com]  
**Sent:** Tuesday, May 29, 2007 3:24 PM  
**To:** Gilliam, James H.  
**Subject:** Waiver Request

Attorney James H. Gilliam

re: Your client - Iowa Land Title Association  
Charles Hendricks' waiver request to Title Guaranty

Dear Mr. Gilliam:

In my opinion, the granting of a waiver request to Mr. Charles Hendricks would be a disservice to the abstract-title opinion method of transferring real estate. A tract system for title evidencing ownership is insufficient to make a complete abstract, and many documents could be missed that could cause title problems and a bad reputation for our abstract system. I think our abstract-attorney opinion system is the best system offered and far superior to title insurance. We should keep it that way by keeping our standards high so purchasers of real estate have confidence in our system.

Richard T. Jordan  
Jordan & Quinn, P.C.  
615 Story Street, P.O. Box 219  
Boone, Iowa 50036  
Telephone: (515) 432-4510  
Fax: (515) 432-2426

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**EARL CHECK**

*Attorney at Law*

1001 W. Mamie Eisenhower

Boone, IA 50036

515-432-7114

May 25, 2007

James Gilliam, Attorney  
Brown, Winick, Graves, etc.  
Suite 2000 Ruan Center  
666 Grand Ave.  
Des Moines, IA 50309-2510

RE: Charles Hendricks application for waiver

Dear Mr. Gilliam:

Mary Dawkins of Boone County Abstract Co. has asked that I send you a letter of opposition to Mr. Hendricks' application for waiver of the requirement he have a title plant.

For whatever my opinion may be worth, I do join in opposition since Hendricks' method is likely to produce title problems; a corresponding loss of respect for abstracters (and the Bar); a demand for cheaper, faster searches; and a demand for commercial title insurance companies which have plants.

If the abstracters lose, so will the Bar, I'd guess.

Yours very truly,

  
Earl Check

cc Mary Dawkins

**JOHNSON & MALLOY P. C.**

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LEE R. JOHNSON  
JAMES B. MALLOY

May 24, 2007

James H. Gilliam  
Suite 2000, Ruan Center  
666 Grand Avenue  
Des Moines, IA 50309-2510

Dear Mr. Gilliam:

I am aware that Charles W. Hendricks has applied for a waiver of the requirement of a title plant on a Title Guaranty membership for the entire State of Iowa. I would oppose that application.

I have practiced law in Boone County for 32 years. I firmly believe that it is impossible for anyone to prepare a title opinion which protects both the buyer and his lender without a full abstract. Such an abstract cannot be prepared without a title plant. It appears to me that Mr. Hendricks expects to pass title based on mere searches of the current owners and prospective purchasers.

I note with interest the statements made on Pages 2-5 of the amended Application for Waiver. Mr. Hendricks states that it takes between 72 hours and 10 days to obtain deed forward lien searches on refinance transactions. It has been my experience that in Boone, Greene, Hamilton and Story counties, these searches are completed and in my hands within 24-48 hours. I have never had a search take 72 hours in the counties in which I primarily practice much less 10 days.

Mr. Hendricks also states that he has paid nearly \$10,000.00 to abstractors for title searches on mortgages that have not closed. I have certainly had situations where we have continued the abstract and the transaction has fallen through. However, between the owner of the property and the abstract company, it is very rare that I have had to actually pay for this abstracting out of my own funds. Generally, an arrangement is made that is satisfactory to everyone without any problem.

Finally, Mr. Hendricks states that it would be extremely expensive to create title plants in all 99 counties. Quite frankly, I think that this is irrelevant. In order to prepare a good abstract from which a valid title opinion can be prepared, you must have a title plant. The mere fact that it is expensive to create such a title plant is hardly enough reason to waive the requirement of one.

James H. Gilliam  
May 24, 2007  
Page two

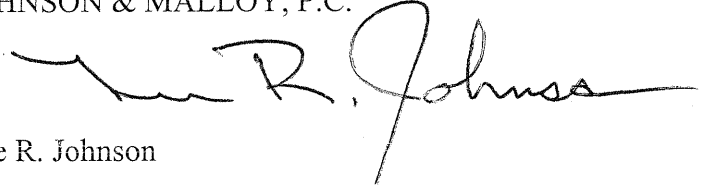
I would ask that the Application for Waiver filed by Charles W. Hendricks be denied.

Sincerely,

JOHNSON & MALLOY, P.C.

By

Lee R. Johnson

A handwritten signature in black ink, appearing to read "Lee R. Johnson", written over the typed name.

LRJ/rn

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RECEIVED

MAY 25 2007

BROWN, WINICK, GRAVES

# KINTZINGER LAW FIRM, P.L.C.

An Iowa Professional Limited Company

Established in 1897

ATTORNEYS AT LAW

Please Reply to the Dubuque Office

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Charles A. Kintzinger  
(1925-1999)

May 21, 2007

Iowa Title Guaranty Board  
c/o Loyd Ogle  
Director  
2015 Grand Avenue  
Des Moines, IA 50312

Via Facsimile: (515) 725-4901

Dear Mr. Ogle:

I am writing concerning a Waiver Application that has been filed by Attorney Charles Hendricks concerning the Guaranty Program's search requirements.

I believe that Iowa has one of the best land title systems in the United States. A strong part of that is the attention to detail that is given to this system by Iowa's abstractors, attorneys, lenders and courthouse officials. Everyone's diligent work and attention to Title standards keeps this a top notch system.

While some out-of-state lenders pay attention to detail, there are also many of them who do sloppy work and seem to care less about a system that preserves accuracy and attention to detail. As long as their loan goes through, they could care less about title problems that go unaddressed. On the other hand, under the present system in Iowa, title problems are addressed and resolved before the transaction closes.

The abstracting companies that I have worked with in Dubuque County and the surrounding counties are staffed with dedicated professionals who realize what a fine system we have and understand that their efforts are necessary to keep the system functioning at a high level. I have never found them unwilling to cooperate or assist when a problem arises if something needs to be

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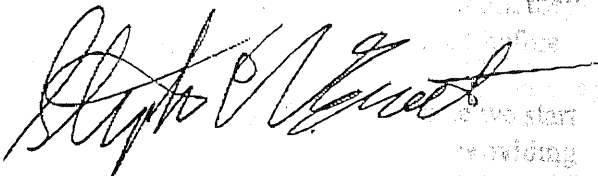
done. On the other hand, I have had occasions dealing with out-of-state lenders where it has been almost impossible to get an accurate mortgage release. Although some of them are cooperative, there are also some of them who could care less about whether the release is accurate. After all, they have been paid their money, so why should they care?

The simple reality of this situation is that we have an excellent system now. Once we start to deviate from this system and use abstracts prepared by people who are not dedicated to providing a top notch accurate product, it will be extremely difficult to reinstitute it—if not impossible. The Iowa abstractors that I have dealt with provide a great product at a very affordable price and are a resource that we should not compromise.

It seems to me that the Waiver requested is going to result in the rapid deterioration of an excellent system and there is no reason for granting it. I hope you agree.

Yours truly,

KINTZINGER LAW FIRM, P.L.C.

By:   
Stephen W. Scott

SWS/dlb