



IOWA TITLE GUARANTY
A DIVISION OF IOWA FINANCE AUTHORITY

AGENDA
Iowa Title Guaranty Board Meeting
December 5, 2023

Iowa Finance Authority
Helmick Room
Des Moines, Iowa
<https://akaiova.us/itgboard>
10:30 a.m.

I. Roll Call

II. Action Items

- a. ITG Board Meeting Minutes August 29, 2023
- b. New Business
 - i. Transfer of Funds
 - 1. Resolution ITG 23-05
 - ii. Title Plant Waiver Application
 - 1. W23-1 Vanessa M.Y. Willman
 - a. Written Ruling

III. Discussion & Informational Items

- | | |
|----------------------------|----------------|
| a. Financial Report | Michelle Bodie |
| b. Claims Report | Karla Moccero |
| c. Mortgage Release Report | Kevin Blackman |
| d. Commercial Update | Matt Veldey |
| e. ITG Director's Update | Dillon Malone |

IV. Public Comment: The public is invited to provide comments at this time. Each speaker is asked to limit comments to 5 minutes.

V. Adjournment: Next Board meeting is Tuesday, March 5, 2024.

Iowa Finance Authority, Helmick Room
Des Moines, Iowa 50315
10:30 a.m.



BOARD MEETING MINUTES

**Iowa Title Guaranty
Des Moines, Iowa
August 29, 2023**

Board Members Present

Daniel Seufferlein, Chair
Jason Froehlich, Vice-Chair

Judy Hilgenberg
Sarah Pesek
Sam Erickson
Dillon Malone, *Ex-Officio*

Board Members Absent

None.

Staff Members Present

Dillon Malone, Director, Iowa Title Guaranty
Kim Axtell, Lender Services Coordinator
Kevin Blackman, Senior Residential Attorney
Michelle Bodie, ITG Accounting Manager
Travis Browder, Production Specialist
Mary Brucker, Compliance Officer
Rachel Buckingham, Production Specialist
Julie Frye, Compliance Officer
Karla Furger, Claims and Compliance Attorney
Beau Hanson, IT Support Specialist

Heidi Koll, Participant Program Administrator
Doug Mizer, Legal Counsel
David Morrison, Single Family Accounting
Manager
Ethan Murray, Commercial Attorney
Carrie Nutt, Senior Production Specialist
Rachel Pettit, Operations Manager
Emily Stokes, Compliance Officer
Matthew Veldey, Senior Commercial Attorney

Others Present

Jan Gemar, Iowa Land Title Association
Sally Hertel, Iowa Land Title Association

Dean Hoag, Community Title LLC

Call to Order

The August 29, 2023 meeting of the Iowa Title Guaranty Board of Directors was called to order by Chairman Seufferlein at 10:30 a.m. Roll call was taken, and a quorum was established with the following Board Members present: Chair, Daniel Seufferlein, Vice-Chair Jason Froehlich, Judy Hilgenberg, Sarah Pesek and Sam Erickson.

Action Items

Review and Approval of June 6, 2023 Board Meeting Minutes

MOTION: On a motion by Ms. Pesek and a second by Mr. Froehlich, the Board unanimously approved the June 6, 2023 Board Meeting Minutes as corrected.

New Business

Election of ITG Board Chair and Vice-Chair

Chairman Seufferlein opened the floor for nominations for ITG Board Chair and Vice-Chair.

MOTION: Ms. Hilgenberg moved to nominate Mr. Seufferlein as ITG Board Chair and Mr. Froehlich as Vice-Chair. Ms. Pesek seconded the motion. The Board unanimously elected Mr. Seufferlein as Chair and Mr. Froehlich as Vice-Chair of the ITG Board.

ITG 23-04 – Transfer of Funds

Ms. Bodie presented the proposed transfer of ITG funds outlined in Resolution ITG 23-04. The resolution proposed transferring \$190,000.00 to the Iowa Finance Authority's (IFA) housing assistance fund. Ms. Bodie requested board action on Resolution ITG 23-04.

MOTION: On a motion by Ms. Hilgenberg and a second by Mr. Froehlich the Board unanimously approved ITG Resolution 23-04.

Financial Report

Ms. Bodie presented an overview of the financials for June 2023 YTD:

- ITG operated unfavorably to budget for the month and fiscal year ended June 30, 2023. Operating revenue was 1.7% above budget and 44.4% behind last year.
- Operating expenses were 11.6% favorable to budget and 30.1% favorable to last year. Employee expenses and Professional Services combined were favorable to budget \$810K.
- FY23 transfers to the Housing Assistance Fund totaled \$3.575M. Net Operating Income After Grants (NOIAG) was \$1.527M unfavorable to budget and \$3.303M unfavorable to last year, primarily due to the housing and refinance market conditions.
- Per Iowa Code, interest earned on ITG funds held with the State Treasurer must be deposited

to the State Housing Trust Fund. In FY23, \$479K of interest income was deposited to the Fund.

- Commitment deposits were up over 9% in June, while outstanding receivables increased 9.4% (\$92.9K vs. \$84.9K).

Claims Update

Ms. Furger reported that ITG claims reserves as of August 15, 2023 are now \$319,704.16. Ms. Furger reported that ITG has paid out \$1,712.00 in claims in FY23. As of the date of the report ITG had 51 pending claims, with 5 in recoupment only status and 46 active claims.

Ms. Furger reported that ITG has received 8 claims since July 1, 2023. Ms. Furger reported 7 claims have been resolved since that date.

The nature of the claims continue to involve issues with deed and mortgage drafting (19 claims), prior judgments or liens (10 claims) and boundary disputes (8 claims). ITG has 5 mechanic's lien claims and 3 regarding breaks in the chain of title.

Mortgage Release Update

Mr. Blackman reported that ITG received 536 mortgage release requests through June 2023. He stated that 340 of the requests were in conjunction with the Rapid Certificate program (63%); 196 of the remaining requests included the \$200 fee (37%); and 610 releases were filed. Mr. Blackman reported that since inception, 8,607 mortgages have been released through this program.

Commercial Update

Mr. Veldey reported that FY22 and FY23 have been ITG Commercial's two strongest years. Closing volume in June and July was steady, with 14 closings since the June 6, 2023 board meeting.

Commercial has been working with ITG staff and Marketing on pricing for the new ALTA endorsements as well as a new application for commercial transactions.

ITG Commercial Staff will attend the HousingIowa Conference in Cedar Rapids in September.

Operations Update

Ms. Pettit presented a summary of ITG's growth over the last 5 fiscal years as well as an overview of the operational improvements during FY23. A comparison of FY23 to FY19 demonstrates healthy growth in many key areas, particularly in Commercial transactions and real estate covered, Mortgage Release Certificates, and Residential real estate covered.

FY23 Operational Improvements:

New Participant Onboarding: ITG staff provide onboarding support for new participants and

existing participants who add new services by providing resources related to ITG's guidelines and expectations.

Participant and Stakeholder Training: ITG staff conducted over 100 individualized training sessions.

Compliance Reviews: ITG's compliance team performed over 60 individual participant reviews.

Support Queue: On average, ITG's compliance team received and resolved 66 support queue submissions per week, almost 3,500 for the year.

Underwriting Support: ITG underwriting attorneys managed an average of 38 underwriting submissions per week, almost 2,000 for the year.

ITG Director Update

Director Malone opened his comments with an ITG staffing update by announcing that ITG Intern Christine Baber had accepted a position with a law firm specializing in real estate. Heidi Koll and Matt Veldey were recognized at the July IFA Board Meeting with 5 and 20 years of service, respectively.

ITG Staff is working remotely until construction on the third floor is complete.

As a result of ALTA and other stakeholders' efforts Fannie Mae has dropped their Waiver Pilot Program which would have removed the requirement for Title Insurance and the Iowa Title Guaranty Certificate and to effectively self-insure for title claims. The Attorney Opinion Letters initiative remains in the selling guides and an area of concern.

A bill has been introduced in the U.S. Senate that would require the enterprises to utilize a title insurance policy issued by a title insurance company. ITG is monitoring the progress in the event it would need to be modified for Iowa.

The ALTA 2021 forms went live in July and there have been no issues thus far.

ITG staff will attend the following conferences: Iowa Mortgage Association, Iowa Commercial Real Estate Expo, Iowa Association of Realtors, Iowa Land Title Association (ILTA) Regional Meetings, ALTA One and the HousingIowa Conference. ITG staff is currently working on the ITG Regional Workshops in November.

Public Comment

There was no comment from the public.

Adjournment

MOTION: On a motion by Ms. Pesek and a second by Mr. Froehlich, the August 29, 2023 Meeting the ITG Board of Directors adjourned at 10:59 a.m.

Dated this 5th day of December, 2023.

Respectfully submitted:

Approved as to form:

Dillon D. Malone
Director, Iowa Title Guaranty

Daniel L. Seufferlein
Board Chair, Iowa Title Guaranty

RESOLUTION ITG 23-05

WHEREAS, Iowa Title Guaranty (“ITG”), in accordance with the statutory directives set forth in Chapter 16 of the Code of Iowa, as amended, operates a program to offer guaranties of real property titles to facilitate mortgage lenders’ participation in the secondary market and to add to the integrity of the land-title transfer system in the state of Iowa; and

WHEREAS, ITG generates revenue by the sale of ITG Certificates, the revenues of which are deposited in the ITG Fund held by the treasurer of state and “interest on the moneys in the fund shall be deposited in the housing trust fund established in section 16.181” of the Iowa Code; and

WHEREAS, section 16.91(1) of the Iowa Code provides that “if the authority board in consultation with the ITG board determines that there are surplus funds in the ITG fund after providing for adequate reserves and operating expenses of ITG, the surplus funds shall be transferred to the housing assistance fund created pursuant to section 16.40.”; and

WHEREAS, the ITG Board has determined that there are surplus funds in the ITG Fund in the amount of \$615,000 and it is recommending to the Iowa Finance Authority Board that it would be appropriate to transfer the surplus funds to the Housing Assistance Fund pursuant to Iowa Code section 16.91(1).

NOW, THEREFORE, BE IT RESOLVED that the ITG Board adopts and recommends that the surplus funds in the ITG Fund in the amount of \$615,000 be transferred to the Housing Assistance Fund created pursuant to Iowa Code section 16.40.

PASSED AND APPROVED this 5th day of December 2023.

Daniel L. Seufferlein, Iowa Title Guaranty Board Chair

Dillon D. Malone, Iowa Title Guaranty Board Secretary

BEFORE THE IOWA FINANCE AUTHORITY,
IOWA TITLE GUARANTY BOARD

IN RE:)	
APPLICATION FOR TITLE PLANT WAIVER)	WRITTEN RULING DENYING
BY VANESSA M.Y. WILLMAN)	TITLE PLANT WAIVER APPLICATION
)	#W23-1
)	

SUMMARY OF THE RELEVANT FACTS

Vanessa M.Y. Willman (“Applicant”) submitted an Application for Title Plant Waiver (“Application”) on July 13, 2023 (#W23-1).¹ Title plant waiver applications are considered at the first Iowa Title Guaranty (“ITG”) Board (“Board”) meeting that occurs ninety days after the application is submitted.² Accordingly, the Application is considered as part of the December 5, 2023 Board meeting.

Applicant is a practicing attorney with Foss, Kuiken, Cochran, Helling & Willman, P.C. (“Firm”) in Fairfield. Applicant reports having experience in reviewing abstracts since joining the Firm in 2015. She has worked alongside and “been trained by” Tim Kuiken, a grandfathered attorney abstractor since joining the Firm.³ In the past three years she trained an abstracting staff member with the firm. Applicant reviews “documents, judgments, court case filings, drafted abstracts, lien searches, and buyers’ searches” with Kuiken “to ensure compliance”.⁴ Applicant oversees the abstracting staff in her firm, reviewing staff work and answering questions.⁵ This role has been cultivated since 2015 under the mentorship of Mr. Kuiken, with the intention of Applicant’s eventual full control over the abstracting facet of the Firm’s operations.⁶

APPLICABLE STATUTORY AND ADMINISTRATIVE FRAMEWORK

Iowa Code § 16.91(5)(a)(2) requires each participating abstractor to own or lease an up-to-date title plant for each county in which it prepares abstracts. ITG’s administrative rules recognize

¹ Vanessa M.Y. Willman, *Application for Title Plant Waiver* (July 13, 2023), https://www.iowafinance.com/content/uploads/2023/07/2023.07.13_Complete-Application-Package-Willman-1.pdf [hereinafter “Application”].

² Iowa Admin. Code r. 265—9.7(1)“d”(4)“4” (2023).

³ Application at 3.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

the 40-year title plant as the preferred method of providing title evidence for the purpose of issuing commitments and certificates.⁷ Participating abstractors are required to maintain and use such title plants in preparing abstracts for real property titles guaranteed by ITG, subject to two exceptions.

One such exception is for the Board to grant an abstractor a waiver from the title plant requirement. The Board has the option of waiving the up-to-date title plant requirement under certain conditions, allowing an attorney or abstractor to abstract without owning or leasing an up-to-date title plant for the county or counties in which it abstracts.⁸ The Board must weigh the benefits of the traditional title plant with other alternatives to ensure buyers and lenders have access to high quality certificates throughout the state, rapid service, and a competitive price.⁹

The Board may issue a ruling waiving Iowa Code § 16.91(5)(a)(2)'s title plant requirement if it finds the title plant requirement imposes a hardship to the applicant and the waiver clearly is in the public interest or is absolutely necessary to ensure availability of title guaranties throughout the state.¹⁰

The Board has discretion to grant or deny a title plant waiver application, even if the hardship and public interest requirements of Iowa Code § 16.91(5)(b) and Iowa Administrative Code rule 265—9.7(1)“d”(5) are satisfied.¹¹ The final decision on whether the circumstances justify granting a waiver is made at the sole discretion of the Board upon consideration of all relevant factors.¹² Relevant factors to be considered include, but are not limited to, the ITG Director's proposed written ruling, the facts and circumstances set out in the application, any history of professional disciplinary action against the applicant, adverse claims made against the applicant, prior waiver withdrawal actions against the participating attorney or participating abstractor, public comments, the professional knowledge and expertise of the Board members and ITG staff, and any other resources available to the entire Board.¹³ Consideration should be afforded to rulings on prior waiver requests, but the Board shall not be bound by such rulings.¹⁴ The Board

⁷ Iowa Admin. Code r. 265—9.7(1)“d”.

⁸ *See id.*

⁹ *See id.*

¹⁰ Iowa Admin. Code r. 265—9.7(1)“d”(5); *see* Iowa Code § 16.91(5)(b) (2023).

¹¹ *See* Iowa Code § 16.91(5)(b) (“The division *may* waive.” (emphasis added)); Iowa Admin. Code r. 265—9.7(1)“d”(5).

¹² Iowa Admin. Code r. 265—9.7(1)“d”(6)“4”.

¹³ *Id.*

¹⁴ *Id.*

may limit a waiver as to county, or transaction type, or both, and may also limit the duration of any granted waiver.¹⁵

APPLICANT’S JUSTIFICATION OF WAIVER

Applicant offers the following in support of the Application:

1. **HARDSHIP.** Applicant claims the title plant requirement imposes a hardship on the Firm, (and thereby, upon her). This hardship argument focuses on the financial burden connected with title plant creation. The Applicant characterizes creating a title plant as unduly burdensome, excessively time-consuming, and costly. The Applicant argues that it is not financially viable to establish a title plant, as it would hinder the Firm’s ability to continue providing abstracting services while generating the same level of revenue it currently enjoys. The Application suggests an unfavorable cost-to-benefit ratio associated with title plant creation and generally states that this process would reduce the Firm’s revenue, leading to the discontinuation of abstracting services and the staff position responsible for those services.
2. **PUBLIC INTEREST.** Applicant offers the following to support her claim that granting a title plant waiver would serve the public interest:
 - a. Servicing a public need. After noting several assumed upcoming abstractor retirements, the Application argues that waiver approval ensures “a third abstracting service for Jefferson County, Iowa”.¹⁶ The Application further states that the Firm and the abstracting services it provides “are a staple in Jefferson County, Iowa, as well as southeast Iowa.”¹⁷ The Application states that in 2022, the Firm prepared 164 preliminary continuations and 158 final continuations.¹⁸ In 2023, as of the date the Application was submitted, the Firm had prepared 107 preliminary continuations and 58 final continuations. These figures are provided to demonstrate the public need the Firm fills in Jefferson County. The Applicant notes the Firm provides “a much-needed service to Jefferson County, Iowa,” concluding by stating that “[i]f this title plant waiver is not granted, the residents of Jefferson

¹⁵ *Id.*

¹⁶ Application at 18.

¹⁷ *Id.*

¹⁸ *Id.*

County, Iowa would suffer an unnecessary hardship. Ke[e]ping our abstracting services operational, is clearly in the public interest.”¹⁹

- b. Encourage use of certificates. The Application does not specify how granting a title plant waiver will encourage the use of certificates.
- c. Protecting consumers and promoting competition. Applicant states that “within approximately five years, or less, Jefferson County, Iowa²⁰ will have two abstracting services if others are not approved for abstracting.”²¹ Applicant suggests that approving the Application “will help to keep costs competitive and spread out the work to help keep real estate matters timely, without unnecessary delays of backlogged abstractors.”²² The Application further states that denying Applicant’s request for a title plant waiver “would only help to ensure that abstracting costs would rise, the time to receiving the service would lengthen”²³ and that such a denial would “create a hardship to our community.”²⁴ Applicant concludes that denying the title plant waiver request would “result in less competition for the abstractors in this area and less availability of this service for the residents and real estate owners in our county.”²⁵
- d. Improving the quality of land titles. The Application does not specify how granting a title plant waiver would improve the quality of land titles in Jefferson, Van Buren, or Washington counties.

Upon receipt, ITG published notice of the Application on its website. ITG notified the Iowa State Bar Association and the Iowa Land Title Association (“ILTA”). ITG received public comments regarding the application through October 21, 2023.

PUBLIC COMMENTS REGARDING THE APPLICATION

The Board shall give considerable weight to an applicant’s experience abstracting under the supervision of a participating abstractor or participating attorney with whom an applicant has

¹⁹ *Id.* at 18–19.

²⁰ The Application does not specifically address the abstracting markets in Van Buren or Washington counties, nor does it make specific claims addressing how granting a title plant waiver would benefit the public interest in those counties.

²¹ Application at 18.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

had a close working relationship or with whom an applicant is a partner or associate.²⁶ The Board shall also give considerable weight to a recommendation from a participating abstractor or participating attorney who supervised an applicant’s abstracting for a period of two years or more and who attests in writing or in person before the Board regarding an applicant’s ability to abstract.²⁷

The Application included letters of support from four individuals, as noted below.

Tom Loudon with First Iowa Abstract, LLC d/b/a Jefferson County Abstract in Fairfield wrote a letter in support of granting the Applicant a title plant waiver.²⁸ Loudon owned Jefferson County Abstract from 1995–2022, a period of 27 years. Loudon states that the Firm has been an active participant in Jefferson County real estate transactions during that tenure, noting he had many opportunities to review the Firm’s abstracting work, which he characterizes as “excellent”.²⁹ Loudon writes that the Firm has historically been “an outstanding resource” on any questions or issues he and his abstracting office had.³⁰ Loudon concludes by expressing his hope that the Firm continue its provision of abstracting services for Jefferson County and stating Applicant will do a great job continuing the “tradition of excellence” set by Kuiken.³¹

Attorney Tim B. Kuiken with Foss, Kuiken, Cochran, Helling & Willman, P.C., provides a letter of reference.³² Kuiken has performed abstracting work since he began practicing in 1976, and has worked with Applicant for over 7 years. Kuiken notes Applicant has examined “hundreds of abstracts” during that period and “knows real estate law”.³³ Kuiken cites Applicant’s familiarity with the county records and that she “has a good relationship with the county officers”.³⁴ Kuiken concludes by encouraging the Board to approve the Application, noting that Applicant “will be an excellent addition to the ranks of abstractors in the state of Iowa”.³⁵

²⁶ Iowa Admin. Code r. 265—9.7(1)“d”(6)“4” (2023).

²⁷ *Id.*

²⁸ *Id.* at 14.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 15.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

Lucas C. Helling, also an attorney with the Firm, provided a letter of reference.³⁶ Helling has worked with Applicant since 2014.³⁷ Helling calls Applicant “a very competent and capable attorney”.³⁸ Helling’s letter speaks positively about Applicant’s abstract examination experience and her overall expertise concerning real estate matters.³⁹ Helling concludes by endorsing Applicant as “an exceptional addition” to the ranks of Iowa abstractors.⁴⁰

Rick L. Lynch of Lynch Law Office in Bloomfield also provided Applicant a letter of reference.⁴¹ Lynch is an ITG participant attorney-abstractor, who states his professional opinion that Applicant “provides professional abstracting services and is a valuable resource for Jefferson County”.⁴² Lynch concludes noting he looks forward to rendering title opinions based on Applicant’s future abstracting work.⁴³

Aside from the professional letters in support of Applicant included in the Application, ITG received several additional letters during the public comment period. Summaries of those letters follow.

Richard S. Bordwell of Washington Title & Guaranty Company submitted a letter to the Board objecting to Applicant’s request for a Title Plant Waiver.⁴⁴ Bordwell is a grandfathered attorney-abstractor. Bordwell’s letter rigorously evaluates the abstract examples contained in the Application, listing multiple detailed grievances, which he supplements with aerial maps and recorded documents. Bordwell’s letter next states the legal requirements for becoming an ITG participating abstractor, challenges Applicant’s claim of hardship, and highlights ITG’s preference that abstracting be undertaken using a title plant. Further, Bordwell asserts the Application offers no evidentiary support for its public interest arguments. Bordwell concludes by stating that allowing another title plant waiver would undermine the economic viability of title plant abstracting and that rejecting the Application would safeguard property buyers, lenders, and the general public.

³⁶ *Id.* at 16.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at 17.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Letter from Richard S. Bordwell, Washington Title & Guar. Co., to Iowa Title Guar. Bd. of Dirs., (Oct. 16, 2023), (Available at https://www.iowafinance.com/content/uploads/2023/10/2023.10.23_Public-Comment-Submissions-Willman.pdf).

Sally A. Hertel, President of the ILTA, submitted a letter during the public comment period as well.⁴⁵ Hertel's letter is critical of the Application and work product contained therein, characterizing it as limited in scope and containing numerous typographical errors. Hertel's letter also contains a thorough review of Applicant's work product and specifies multiple issues pertaining to the work examples in the Application. Hertel concludes by stating the ILTA Board of Directors requests that ITG and the Board deny the Application.

Samantha Kromrie, Manager of Hawkeye Title Services, L.C. submitted a letter of public comment.⁴⁶ Kromrie objects to Applicant's request for a title plant waiver. The objection is based on the belief that attorney-abstractors, like Kuiken, were originally grandfathered with the understanding that they would eventually retire, and title plants would become the standard. Kromrie argues that there has been ample time to create a title plant. Kromrie emphasizes that building and maintaining a title plant is a standard part of the abstracting business, not a hardship. Kromrie requests ITG's Board maintain the stance that abstracting with a title plant is the preferred method of abstracting and therefore not grant the Applicant a title plant waiver.

Samuel Argall submitted public comment via an email to ITG Director Dillon Malone.⁴⁷ Argall is an ITG participating attorney and operates two title plants in Johnson and Linn Counties, respectively, under Johnston County Title & Settlement LC and 5 Seasons Abstract LLC. Argall opposes Applicant's waiver request. Argall highlights his own experience in constructing title plants in larger counties and believes Applicant is fully capable of doing the same for her county. While Argall acknowledges Applicant's competence, he believes Applicant should follow standard procedures (abstracting using a title plant) for abstracting. Argall contends that requiring Applicant to build a title plant won't pose an undue burden on her county, even in light of retiring attorneys, as her title plant can be completed in three years while allowing her to continue her firm's abstracting operations.

⁴⁵ Letter from Sally A. Hertel, President, Iowa Land Title Ass'n, to Iowa Title Guar. and Iowa Title Guar. Bd. of Dirs. (Oct. 17, 2023), (Available at https://www.iowafinance.com/content/uploads/2023/10/2023.10.23_Public-Comment-Submissions-Willman.pdf).

⁴⁶ Letter from Samantha Kromrie, Manager, Hawkeye Title Servs., LC, to Iowa Title Guar. and Iowa Fin. Auth. (Oct. 18, 2023), (Available at https://www.iowafinance.com/content/uploads/2023/10/2023.10.23_Public-Comment-Submissions-Willman.pdf).

⁴⁷ E-mail message from Samuel Argall to Dillon Malone, Dir., Iowa Title Guar. (Oct. 19, 2023, 10:04 AM CST), (Available at https://www.iowafinance.com/content/uploads/2023/10/2023.10.23_Public-Comment-Submissions-Willman.pdf).

WAIVER APPLICATION ANALYSIS

I. Does the title plant requirement constitute a hardship on the Applicant?

Upon review of the relevant facts and application of the applicable law and rules, the Board concludes Applicant has not established a hardship under Iowa Code § 16.91(5)(b). Iowa Administrative Code rule 265—9.7(1)“d”(5)“3” defines “hardship” as “deprivation, suffering, adversity, or long-term adverse financial impact in complying with the title plant requirement that is more than minimal when considering all the circumstances.”

Applicant claims requiring a title plant imposes a financial hardship. Applicant asserts the title plant creation cost would result in eliminating a staff member and the Firm’s provision of abstracting services, making it financially untenable. However, this assertion lacks specific financial details and data, such as the actual cost of establishing the title plant and its potential impact on the firm’s revenue, aside from general assertions. Without concrete financial information, it is challenging to ascertain the severity of the claimed hardship.

Furthermore, Applicant suggests creating a title plant would not significantly enhance the abstracting services the Firm provides, rendering its overall value disproportionate to the cost to build. To the extent this assertion has some degree of validity, it still fails to sufficiently demonstrate the extent of the hardship or provide a comparative analysis of costs and benefits.

In a subsequent statement, Applicant reiterates the small size of the firm, emphasizing that the cost and time required for a title plant would be unduly burdensome, potentially jeopardizing the Firm’s ability to continue abstracting services. Again however, a more detailed breakdown of the Firm’s financial situation, including revenue, expenses, and the specific financial impact of creating a title plant, would strengthen the argument.

It is the Applicant’s burden to prove the title plant requirement creates a hardship. Evidentiary support must be provided. The Applicant has not satisfied the hardship requirement based on the presented information. To meet this requirement, Applicant could have provided a comprehensive financial analysis, including the estimated cost of creating a title plant and a clear demonstration of how this cost would impose a significant and lasting financial burden on the Firm. Additionally, a comparative analysis of the expected benefits versus the cost of the title plant would bolster the argument’s merit. In the absence of these specifics, it is challenging to determine the true extent of the hardship and, therefore, to grant the requested waiver.

Although the Board recognizes that there is a cost associated with creating a title plant, such an expense is not a hardship that is more than minimal when considering all the circumstances. Owning and maintaining a title plant may provide efficiencies that save time and operating costs over the long term. There is also the added benefit of owning an asset that has value and can be sold for a return on investment.

Previous Board rulings reasoned that determining the cost to create or maintain a title plant alone is sufficient to rise to the level of a hardship that is “more than minimal” would essentially undermine the legislature’s intent and erode the foundations of the ITG program.⁴⁸ The Board continues to agree with this sentiment. Such a conclusion could arguably result in all title plant abstractors seeking a waiver, as *anybody* required to operate and maintain a title plant would satisfy the hardship requirement, simply by virtue of the supposed ‘hardship’ imposed by the operating costs associated with a title plant. That finding could ultimately eliminate the existence of title plants, and simultaneously render the title plant requirement meaningless despite the fact that Iowa Administrative Code rule 265—9.7(1)“d” states “[t]he division recognizes the 40-year title plant as the preferred method of providing title evidence for the purpose of issuing commitments and certificates.”

For the foregoing reasons, the Board concludes Applicant has failed to establish a hardship under Iowa Code § 16.91(5)(b) and Iowa Administrative Code rule 265—9.7(1)“d”(5). Accordingly, the Board finds that denying this title plant waiver application is appropriate under the present circumstances.

II. Is a title plant waiver clearly in the public interest?

The Board further concludes granting a title plant waiver to Applicant, regardless of county, is not clearly in the public interest. The term “Public Interest” is defined under Iowa Administrative Code rule 265—9.7(1)“d”(5)“4” as “that which is beneficial to the public as a whole, including but not limited to increasing competition among abstractors, encouraging the use of certificates throughout the state, making certificates more competitive than out-of-state title insurance, increasing the division’s market share, improving the quality of land titles, and protecting consumers.”

⁴⁸ Written Ruling Denying Title Plant Waiver Application #W17-2 (Iowa Title Guar. Bd. Dec. 5, 2017).

The Application specifically addresses the abstracting market in Jefferson County. Regarding Jefferson County, Applicant bases her claims of increased competition on the potential upcoming retirements of three current Jefferson County abstractors.⁴⁹ She claims granting her a title plant waiver will preserve competitive abstracting costs and limit abstracting delays. However, if Applicant's waiver request is granted, she will continue the Firm's abstracting service, which maintains competition, as opposed to increases it, at least in the short term. As to her speculation that other abstractors will retire, this may well happen over the long term, though a title plant could be built during that period, which would accomplish the same effect on the Jefferson County abstracting market.

Applicant also applied for a title plant waiver in Van Buren and Washington counties. However, the Application does not specify the effect granting a title plant waiver would have on competition among abstractors in those counties. Without a sufficient presentation of relevant facts concerning abstractor competition in those counties, the Board is not able to ascertain the precise impact granting a waiver may have. Regardless, the Applicant could build, or partner with others to build, title plants in those respective counties also.

The Application argues that granting a title plant waiver would protect consumers, at least in Jefferson County, by maintaining the status quo regarding abstracting prices and limiting delays related to abstracting. Applicant states that several Jefferson County abstractors will retire in the near future. She argues that these retirements will impose a hardship on the consumers in Jefferson County, as they will be limited to one title plant abstractor and one exempt attorney-abstractor following these upcoming retirements. Granting the waiver would allow for "a third abstracting option". That said, Applicant could also abstract without Board approval under the intent to build option found in Iowa Administrative Code rule 265—9.7(1)"b". Under that rule, an individual or entity can immediately become authorized to provide abstracting services while building a title plant, provided they meet the rule's requirements.⁵⁰ The Application did not address what consumer protections, if any, would arise in Van Buren or Washington counties if Applicant were granted a title plant waiver.

The Application left other elements falling within the public interest analysis unaddressed. The Application does not specify how granting a title plant waiver would encourage the use of

⁴⁹ Application at 18.

⁵⁰ See Iowa Admin. Code r. 265—9.7(1)"b"(1)–(4) (2023).

certificates throughout the state and make certificates more competitive than out-of-state title insurance. The Application does not specify how granting a waiver would increase ITG's market share. The Application does not specify how granting a title plant waiver would improve the quality of land titles.

Because other options aside from the title plant waiver exist, such as building a title plant, the Board is hard pressed to conclude granting a waiver is clearly in the public interest, particularly where the Iowa Administrative Code states an explicit recognition that the 40-year title plant is the preferred method of providing title evidence for purposes of issuing ITG coverage products.⁵¹ After considering the factors outlined above, the Board finds Applicant has not established that granting a waiver of the 40-year title plant requirement is clearly in the public interest, as required by Iowa Code § 16.91(5)(b) and Iowa Administrative Code rule 265—9.7(1)“d”(5)“2”.

III. *Is a title plant waiver absolutely necessary to ensure the availability of title guaranties throughout the state?*

Having concluded that neither the hardship requirement, nor the public interest prong of Iowa Code § 16.91(5)(b) and Iowa Admin. Code rule 265—9.7(1)“d”(5)“2” are satisfied, the Board need not analyze whether granting a waiver is absolutely necessary to ensure availability of certificates throughout the state. Though, the Board finds that a title plant waiver is not currently *absolutely* necessary. Jefferson County presently offers sufficient abstracting options. While retirements are anticipated, there is still time to mitigate any impending downsizing in the abstracting provider pool through alternatives like constructing a title plant. A permanent waiver is unnecessary at this time to guarantee certificate availability in Jefferson County. Moreover, the Application did not provide any evidence concerning the Van Buren or Washington County markets. Thus, the Board must conclude that the existing status quo effectively serves individuals involved in real estate transactions in those counties.

As noted throughout, Iowa Administrative Code rule 265—9.7(1)“d” states “[t]he division recognizes the 40-year title plant as the preferred method of providing title evidence for the purpose of issuing commitments and certificates.” No such preference for waived attorney-abstractors is found in the Iowa Code or the Iowa Administrative Code. Further, denying this application does not put Jefferson, Van Buren, or Washington counties at risk of having insufficient abstracting options. Therefore, the Board finds Applicant has not established that

⁵¹ Iowa Admin. Code r. 265—9.7(1)“d”.

granting a waiver of the 40-year title plant requirement is absolutely necessary to ensure the availability of title guaranties throughout the state, as required by Iowa Code § 16.91(5)(b) and Iowa Administrative Code rule 265—9.7(1)“d”(5)“2”.

RULING

For these reasons, the Board denies Vanessa M.Y. Willman’s Application for a title plant waiver.

SO RULED this 5th day of December, 2023.

Daniel L. Seufferlein, Iowa Title Guaranty Board Chair

Dillon D. Malone, Iowa Title Guaranty Board Secretary

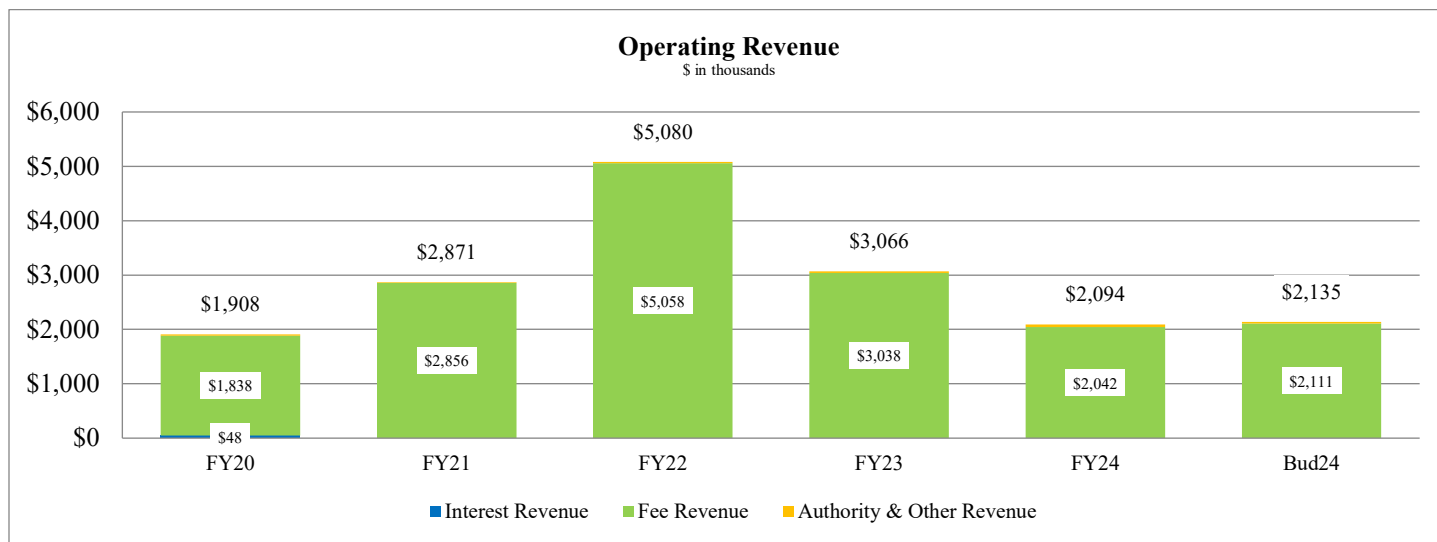
(seal)



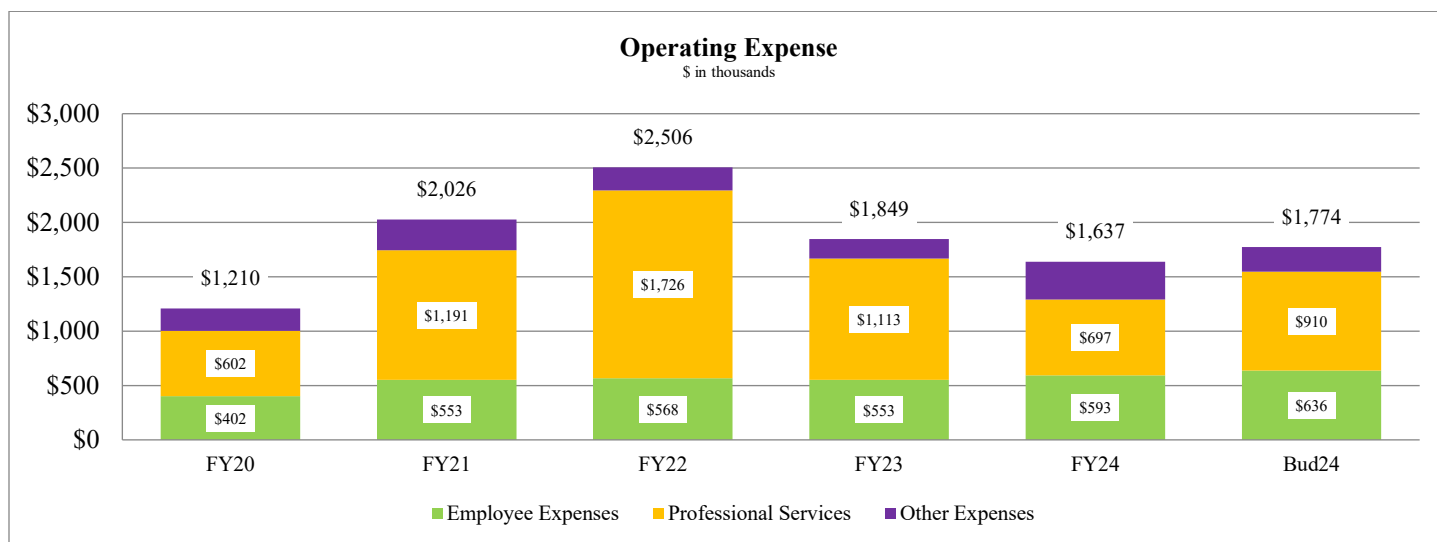
To: IFA & ITG Board Members
 From: Michelle Bodie
 Date: October 11, 2023
 RE: September 2023 FYTD Financial Results

Iowa Title Guaranty Financial Results (\$ in thousands)

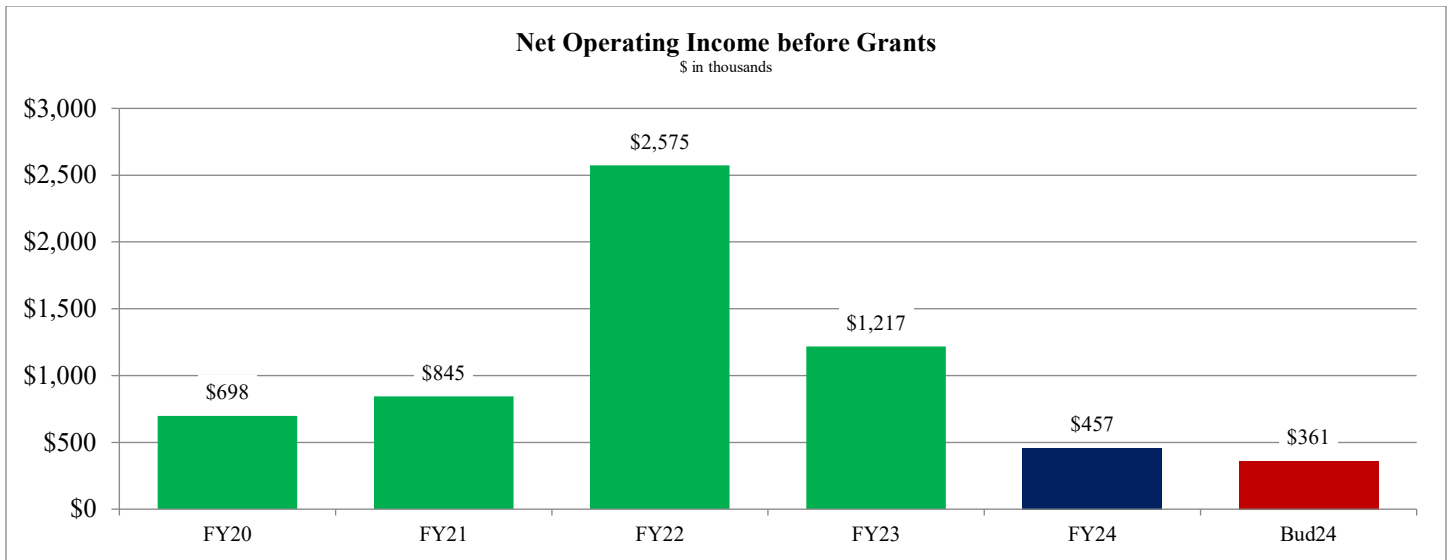
ITG operated favorably compared to budget for the 1st quarter of Fiscal Year 2024 ended September 30, 2023.



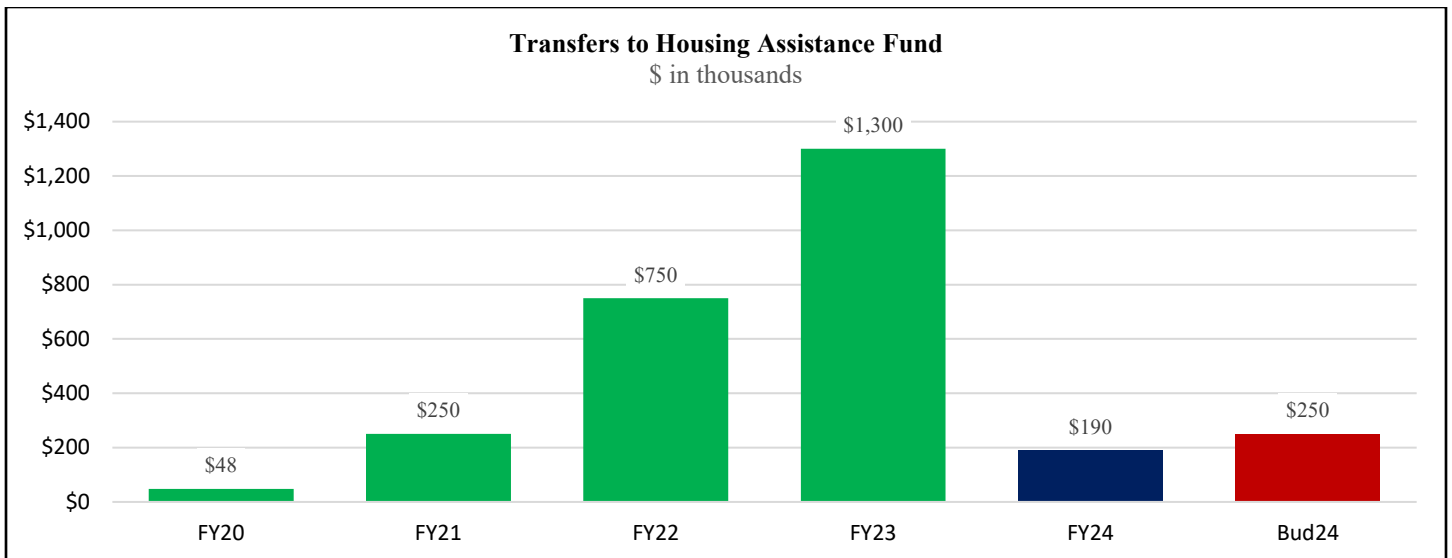
Operating revenue was \$41 or 1.9% below budget and \$972 or 31.7% behind last year. The current year’s higher mortgage rates continue to deter home mortgage demand which negatively impacts the revenue comparison to the prior year.



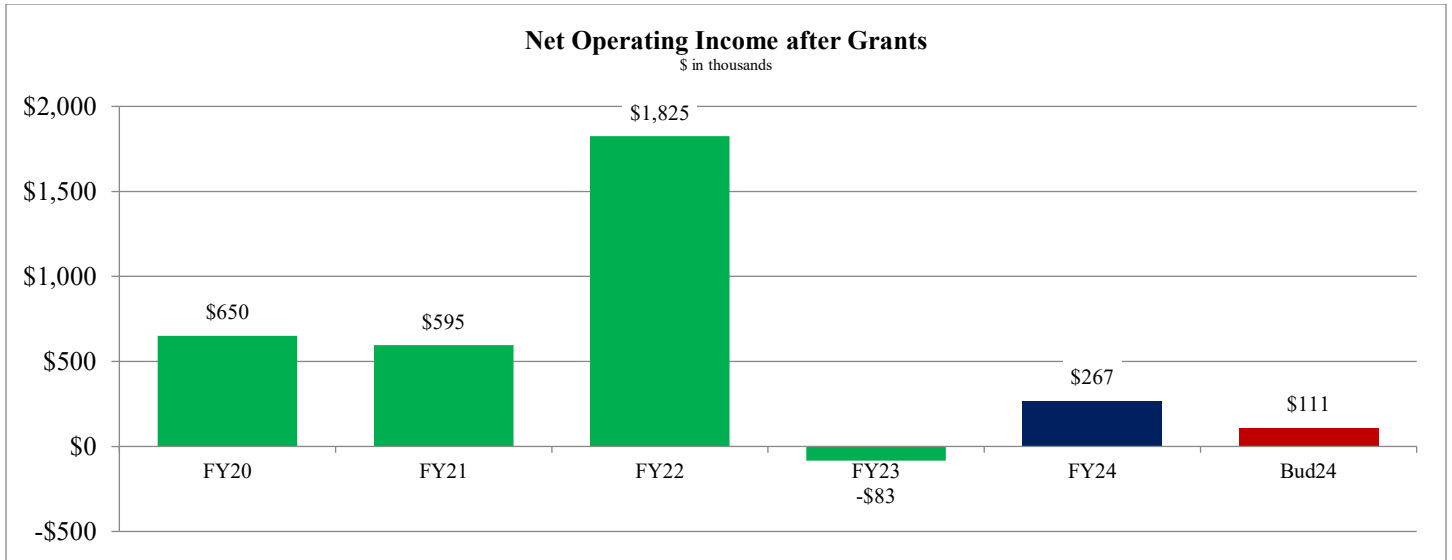
Operating expense was \$137 or 7.7% favorable to budget and \$212 or 11.4% favorable to last year. Professional Services, which includes budget for an IT consultant not yet contracted, generated \$212 of the favorable budget variance. In Other Expenses, claim and loss expenses were \$185 unfavorable to budget due to a claim reserve set for a recently filed claim.



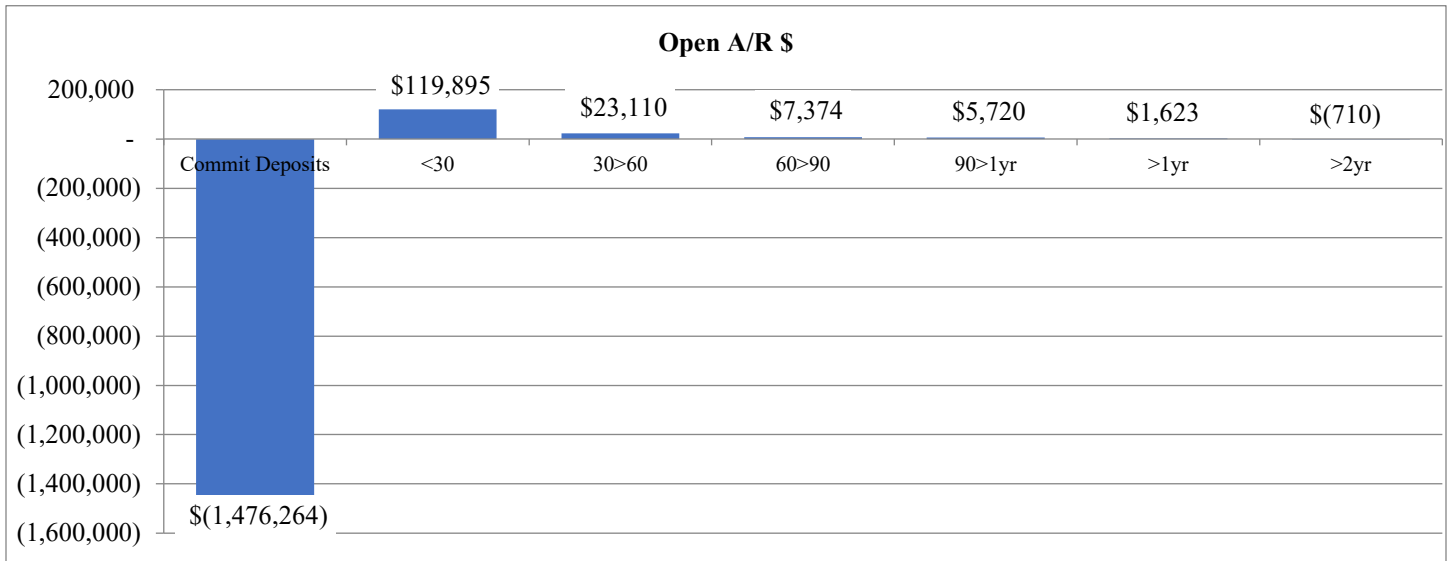
Net Operating Income before Grants (NOIBG) was favorable by \$96 to budget and unfavorable by \$760 to prior year.



Transfers to the Housing Assistance Fund (HAF) from Title Guaranty occur quarterly and the first transfer of the fiscal year for \$190 occurred this month. Per State Code, the interest earned on ITG funds held by the state treasurer is deposited directly to the State Housing Trust Fund (SHTF) monthly. Interest earned on ITG funds in September of \$73 was deposited with SHTF for a fiscal year-to-date total of \$199.

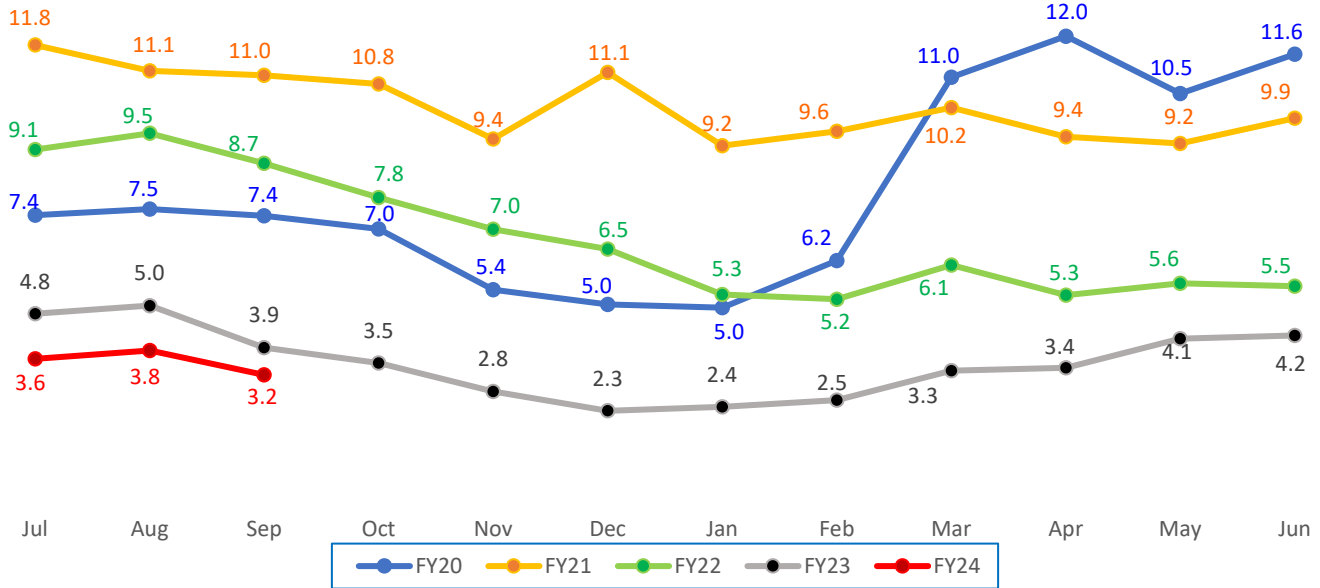


Net Operating Income after Grants (NOIAG) was favorable to budget by \$156 and last year by \$350.

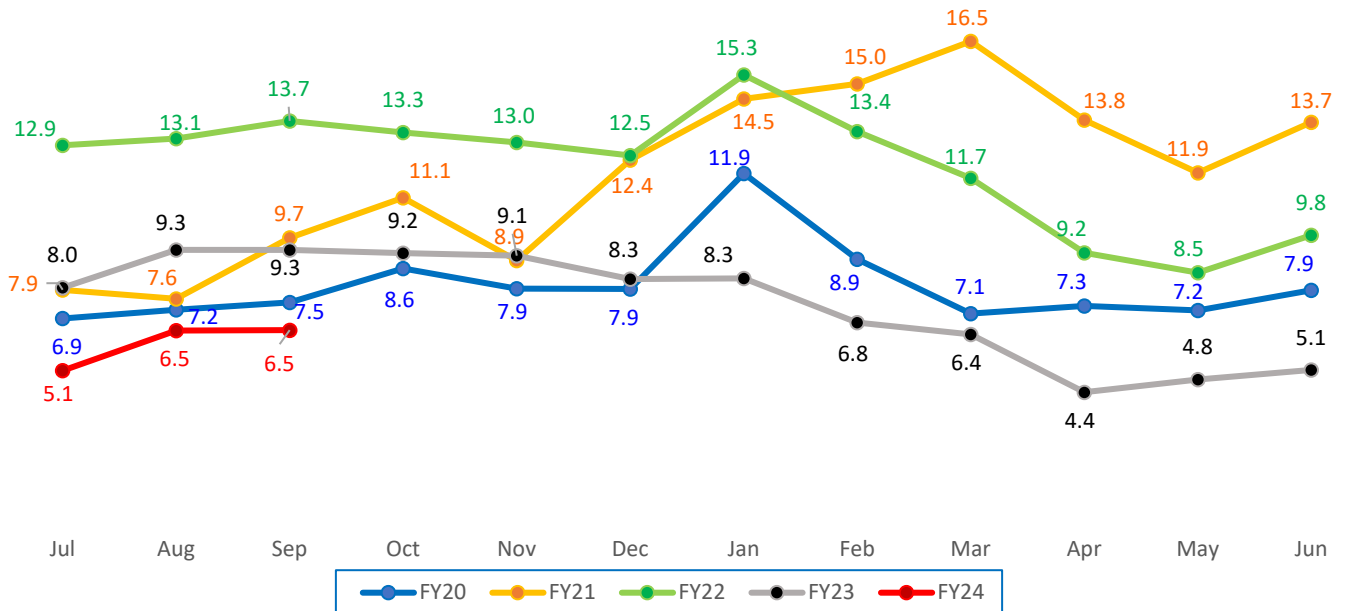


Receivables increased 92% in September (\$157.0 vs \$81.6) of which \$52 in invoices were issued within the last week of September. Commitments were down 2% compared to August (\$1.48 M vs \$1.51 M).

Monthly Trend - Commitments Issued- 5 yr trends



Monthly Trend - Certificates Issued 5 year trend



Income Statement	Iowa Title Guaranty Division (Rollup)													
	Sep-2023							YTD as of Sep-2023						
	Actuals	Bud24	Difference	%	Last Year	Difference	%	Actuals	Bud24	Difference	%	Last Year	Difference	%
Operating Revenue														
Interest Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Authority Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Fee Revenue	731,127	725,565	5,562	0.8	1,073,262	(342,135)	-31.9	2,041,541	2,111,194	(69,653)	-3.3	3,038,068	(996,527)	-32.8
Other Revenue	4,492	8,000	(3,508)	-43.8	865	3,627	419.3	52,404	24,000	28,404	118.3	27,898	24,506	87.8
Total Operating Revenue	735,619	733,565	2,054	0.3	1,074,127	(338,508)	-31.5	2,093,945	2,135,194	(41,250)	-1.9	3,065,966	(972,021)	-31.7
Operating Expense														
Interest Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Authority Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Employee Expenses	187,575	217,011	(29,436)	-13.6	173,543	14,033	8.1	592,862	636,402	(43,540)	-6.8	553,138	39,725	7.2
Shared Expenses	20,288	48,352	(28,064)	-58.0	49,998	(29,710)	-59.4	48,845	89,131	(40,285)	-45.2	83,338	(34,493)	-41.4
Marketing Expense	-	31,290	(31,290)	-100.0	3,000	(3,000)	-100.0	3,616	34,440	(30,824)	-89.5	8,711	(5,095)	-58.5
Professional Services	234,173	310,840	(76,668)	-24.7	401,852	(167,680)	-41.7	696,738	910,129	(213,391)	-23.4	1,113,427	(416,689)	-37.4
Claim and Loss Expenses	213,731	10,000	203,731	2037.3	(2,039)	215,769		215,335	30,000	185,335		11,962	203,373	
Service Release Premium	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Miscellaneous Operating Expense	4,504	7,600	(3,096)	-40.7	7,458	(2,954)	-39.6	19,649	22,800	(3,151)	-13.8	36,520	(16,871)	-46.2
Overhead Allocation	16,988	15,631	1,357	8.7	1,626	15,362	944.9	59,805	51,314	8,491	16.5	41,522	18,283	44.0
Total Operating Expense	677,259	640,724	36,535	5.7	635,439	41,820	6.6	1,636,850	1,774,215	(137,365)	-7.7	1,848,618	(211,767)	-11.5
Net Operating Income (Loss) Before Grants	58,360	92,841	(34,481)	-37.1	438,688	(380,328)	-86.7	457,094	360,979	96,115	26.6	1,217,348	(760,254)	-62.5
Net Grant (Income) Expense														
Grant Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Grant Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Intra-Agency Transfers	190,000	250,000	(60,000)	-24.0	1,300,000	(1,110,000)	-85.4	190,000	250,000	(60,000)	-24.0	1,300,000	(1,110,000)	-85.4
Total Net Grant (Income) Expense	190,000	250,000	(60,000)	-24.0	1,300,000	(1,110,000)	-85.4	190,000	250,000	(60,000)	-24.0	1,300,000	(1,110,000)	-85.4
Net Operating Income (Loss) After Grants	(131,640)	(157,159)	25,519	-16.2	(861,312)	729,672	-84.7	267,094	110,979	156,115	140.7	(82,652)	349,746	-423.2
Other Non-Operating (Income) Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Net Income (Loss)	(131,640)	(157,159)	25,519	-16.2	(861,312)	729,672	-84.7	267,094	110,979	156,115	140.7	(82,652)	349,746	-423.2
IFA Home Dept Staff Count	20	22	(2)	-7.0	20	-	0.0	20	22	(2)	-7.0	20	-	0.0
FTE Staff Count	21	23	(2)	-6.8	20	1	4.8	21	23	(1)	-6.5	21	(0)	-1.0

Income Statement	800-020 Residential													
	Sep-2023							YTD as of Sep-2023						
	Actuals	Bud24	Difference	%	Last Year	Difference	%	Actuals	Bud24	Difference	%	Last Year	Difference	%
Operating Revenue														
Interest Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Authority Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Fee Revenue	656,459	673,075	(16,616)	-2.5	1,002,155	(345,696)	-34.5	1,827,350	1,949,225	(121,875)	-6.3	2,881,004	(1,053,654)	-36.6
Other Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Total Operating Revenue	656,459	673,075	(16,616)	-2.5	1,002,155	(345,696)	-34.5	1,827,350	1,949,225	(121,875)	-6.3	2,881,004	(1,053,654)	-36.6
Operating Expense														
Interest Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Authority Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Employee Expenses	149,220	174,168	(24,948)	-14.3	146,366	2,854	1.9	468,355	512,999	(44,644)	-8.7	451,741	16,614	3.7
Shared Expenses	14,600	47,792	(33,192)	-69.5	44,477	(29,877)	-67.2	42,381	82,451	(40,070)	-48.6	76,227	(33,847)	-44.4
Marketing Expense	-	27,140	(27,140)	-100.0	-	-	0.0	250	28,690	(28,440)	-99.1	5,711	(5,461)	-95.6
Professional Services	234,173	310,840	(76,668)	-24.7	401,852	(167,680)	-41.7	696,738	910,129	(213,391)	-23.4	1,113,427	(416,689)	-37.4
Claim and Loss Expenses	213,731	10,000	203,731	2037.3	(2,039)	215,769		215,335	30,000	185,335		11,962	203,373	
Service Release Premium	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Miscellaneous Operating Expense	155	350	(195)	-55.7	590	(435)	-73.7	1,775	1,050	725	69.0	1,560	215	13.8
Overhead Allocation	13,737	12,767	970	7.6	1,351	12,386	916.7	48,414	41,912	6,502	15.5	34,509	13,904	40.3
Total Operating Expense	625,615	583,057	42,558	7.3	592,599	33,017	5.6	1,473,247	1,607,231	(133,983)	-8.3	1,695,138	(221,890)	-13.1
Net Operating Income (Loss) Before Grants	30,844	90,018	(59,174)	-65.7	409,556	(378,713)	-92.5	354,103	341,994	12,108	3.5	1,185,866	(831,764)	-70.1
Net Grant (Income) Expense														
Grant Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Grant Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Intra-Agency Transfers	190,000	250,000	(60,000)	-24.0	1,300,000	(1,110,000)	-85.4	190,000	250,000	(60,000)	-24.0	1,300,000	(1,110,000)	-85.4
Total Net Grant (Income) Expense	190,000	250,000	(60,000)	-24.0	1,300,000	(1,110,000)	-85.4	190,000	250,000	(60,000)	-24.0	1,300,000	(1,110,000)	-85.4
Net Operating Income (Loss) After Grants	(159,156)	(159,982)	826	-0.5	(890,444)	731,287	-82.1	164,103	91,994	72,108	78.4	(114,134)	278,236	-243.8
Other Non-Operating (Income) Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Net Income (Loss)	(159,156)	(159,982)	826	-0.5	(890,444)	731,287	-82.1	164,103	91,994	72,108	78.4	(114,134)	278,236	-243.8
IFA Home Dept Staff Count	16	18	(2)	-8.6	17	(1)	-5.9	16	18	(2)	-8.6	17	(1)	-4.0
FTE Staff Count	17	19	(1)	-7.7	17	0	0.8	17	19	(1)	-7.4	18	(1)	-3.6

Income Statement	800-030 Commercial													
	Sep-2023							YTD as of Sep-2023						
	Actuals	Bud24	Difference	%	Last Year	Difference	%	Actuals	Bud24	Difference	%	Last Year	Difference	%
Operating Revenue														
Interest Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Authority Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Fee Revenue	74,668	52,490	22,178	42.3	71,107	3,561	5.0	214,191	161,969	52,222	32.2	157,064	57,127	36.4
Other Revenue	4,492	8,000	(3,508)	-43.8	865	3,627	419.3	52,404	24,000	28,404	118.3	27,898	24,506	87.8
Total Operating Revenue	79,160	60,490	18,670	30.9	71,972	7,188	10.0	266,595	185,969	80,625	43.4	184,962	81,633	44.1
Operating Expense														
Interest Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Authority Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Employee Expenses	38,355	42,843	(4,488)	-10.5	27,176	11,179	41.1	124,507	123,403	1,105	0.9	101,397	23,111	22.8
Shared Expenses	5,688	560	5,128	915.7	5,521	167	3.0	6,465	6,680	(215)	-3.2	7,111	(646)	-9.1
Marketing Expense	-	4,150	(4,150)	-100.0	3,000	(3,000)	-100.0	3,366	5,750	(2,384)	-41.5	3,000	366	12.2
Professional Services	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Claim and Loss Expenses	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Service Release Premium	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Miscellaneous Operating Expense	4,349	7,250	(2,901)	-40.0	6,868	(2,519)	-36.7	17,874	21,750	(3,876)	-17.8	34,960	(17,086)	-48.9
Overhead Allocation	3,251	2,864	387	13.5	275	2,977	1084.1	11,391	9,402	1,989	21.2	7,013	4,378	62.4
Total Operating Expense	51,643	57,667	(6,023)	-10.4	42,840	8,803	20.5	163,603	166,985	(3,382)	-2.0	153,480	10,123	6.6
Net Operating Income (Loss) Before Grants	27,517	2,823	24,694	874.7	29,132	(1,615)	-5.5	102,992	18,985	84,007	442.5	31,482	71,510	227.1
Net Grant (Income) Expense														
Grant Revenue	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Grant Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Intra-Agency Transfers	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Total Net Grant (Income) Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Net Operating Income (Loss) After Grants	27,517	2,823	24,694	874.7	29,132	(1,615)	-5.5	102,992	18,985	84,007	442.5	31,482	71,510	227.1
Other Non-Operating (Income) Expense	-	-	-	0.0	-	-	0.0	-	-	-	0.0	-	-	0.0
Net Income (Loss)	27,517	2,823	24,694	874.7	29,132	(1,615)	-5.5	102,992	18,985	84,007	442.5	31,482	71,510	227.1
IFA Home Dept Staff Count	4	4	-	0.0	3	1	33.3	4	4	-	0.0	3	1	20.0
FTE Staff Count	4	4	(0)	-2.7	3	1	25.9	4	4	(0)	-2.7	4	0	11.5

Balance Sheet	Iowa Title Guaranty Division (Rollup)						
	Jul-2023						
	Actuals	Bud24	Difference	%	Last Year	Difference	%
Assets and Deferred Outflows							
Cash & Cash Equivalents	21,809,365	20,901,658	907,707	4.3	22,746,761	(937,396)	-4.1
Investments	-	-	-	0.0	-	-	0.0
Mortgage Backed Securities	-	-	-	0.0	-	-	0.0
Line of Credit	-	-	-	0.0	-	-	0.0
Loans - net of reserve for losses	-	-	-	0.0	-	-	0.0
Capital Assets (net of accumulated depreciation)	-	-	-	0.0	-	-	0.0
Other Assets	266,740	(66,763)	333,502	-499.5	61,833	204,907	331.4
Deferred Outflows	309,225	268,126	41,099	15.3	268,126	41,099	15.3
Total Assets and Deferred Outflows	22,385,330	21,103,021	1,282,309	6.1	23,076,720	(691,390)	-3.0
Liabilities, Deferred Inflows, and Equity							
Debt	-	-	-	0.0	-	-	0.0
Interest Payable	-	-	-	0.0	-	-	0.0
Unearned Revenue	-	-	-	0.0	-	-	0.0
Escrow Deposits	1,760,228	745,677	1,014,551	136.1	1,199,022	561,207	46.8
Reserves for Claims	1,777,801	1,795,317	(17,516)	-1.0	1,772,532	5,269	0.3
Accounts Payable & Accrued Liabilities	1,846,565	1,451,265	395,300	27.2	3,066,611	(1,220,046)	-39.8
Other liabilities	930,578	1,305,607	(375,029)	-28.7	250,557	680,021	271.4
Deferred Inflows	242,905	87,065	155,840	179.0	1,060,406	(817,501)	-77.1
Total Liabilities and Deferred Inflows	6,558,077	5,384,931	1,173,147	21.8	7,349,128	(791,050)	-10.8
Equity							
YTD Earnings(Loss)	161,151	125,644	35,507	28.3	358,856	(197,706)	-55.1
Prior Years Earnings	15,666,102	15,592,447	73,655	0.5	15,368,736	297,366	1.9
Transfers	-	-	-	0.0	-	-	0.0
Total Equity	15,827,252	15,718,090	109,162	0.7	15,727,592	99,660	0.6
Total Liabilities, Deferred Inflows, and Equity	22,385,330	21,103,021	1,282,309	6.1	23,076,720	(691,390)	-3.0



IOWA TITLE GUARANTY

A DIVISION OF IOWA FINANCE AUTHORITY

To: Iowa Title Guaranty Board

From: Karla Moccero

Date: December 5, 2023

Re: Claims Report

I. Current Total Claims Reserves as of November 17, 2023: \$352,410.43

II. Fiscal Year 2023 Claims Paid to Date: \$224,365.73

III. Claim Summary as of November 17, 2023:

Total Pending Claims as of November 17, 2023	45
Pending Claims in Recoupment Status	5
Net Pending Claims as of November 17, 2023	40
Claims Received since July 01, 2023	20
Claims Resolved since July 01, 2023	26

IV. Trends:

Claims Trends	Lenders	Owners	Total
Claims in FY 2020 (<i>July 1, 2019 to June 30, 2020</i>)	88	18	106
Claims in FY 2021 (<i>July 1, 2020 to June 30, 2021</i>)	37	17	54
Claims in FY 2022 (<i>July 1, 2021 to June 30, 2022</i>)	47	18	65
Claims in FY 2023 (<i>July 1, 2022 to June 30, 2023</i>)	52	11	63
Claims to date in FY 2024 (<i>July 1, 2023 to present</i>)	14	6	20

Current Active Claims Topics	
<i>Number of Claims</i>	<i>Nature of Claim</i>
9	Issues with Drafting, Execution of Vesting Deed or Guaranteed Mortgage
11	Prior Judgments or Liens
8	Boundary Disputes
5	Mechanic's Liens
5	Claims in Recoupment Status
5	Break in Chain of Title
1	Fraud/Forgery
1	Special Assessment



To: Iowa Title Guaranty Board
From: Kevin Blackman
Date: December 5, 2023
Re: Mortgage Release – FY24

Mortgage Release – FY24 Update

Through October 2023, we received 177 requests:

108 were in conjunction with the Rapid Certificate program (61%)

69 of the remaining requests included the \$200 fee (39%)

119 Releases have been filed

Since inception, 8,726 mortgages have been released through this program.

FY 2024	Requests Received	Rapid Certificates	Paid \$200	Releases Filed
Jul-23	31	15	16	33
Aug-23	35	14	21	30
Sep-23	64	40	24	29
Oct-23	47	39	8	27
Totals	177	108	69	119