



# THE KANSAS ABSTRACTER

The Official Publication of The Kansas Land Title Association

Summer 2006

STEVE KIMBALL, Editor

## KLTA Executive Committee HIGHLIGHTS in 2005/2006:

*September* - Established a special Independent Agents' Section to be held at Convention in August. This is for those members who are not employees of an underwriting company or employees of a direct underwriting company arrangement. Independent Agents have specific issues that need to be addressed and this time during convention is a time to be able to speak freely and to discuss issues which directly affect their offices.

*September* Voted to initiate legislation to better outline the terms "reasonable search" and "sound underwriting practices" in Title Insurance Statute KSA 40-235. This bill was presented as HB2659 and was signed by the Governor on 4/7/06.

*February* Voted to change the date of annual dues renewal from January 1st to September 1st with October 31st being the delinquent date. This will be effective as of September 1, 2006. This was an effort to make the dues renewal fall in conjunction with the fiscal KLTA year as well as taking the burden off agents having all their dues and licenses paid in December. A dues increase **WAS NOT** instituted. Dues will remain the same as in 2005, they will simply be paid on a different date.

*April* A special Executive Committee meeting was held Sunday, April 23rd at the Salina Country Club. Highlights of the actions taken were:

(1) The committee accepted the Job Description and Qualifications for a

new KLTA Executive Secretary to be hired by May of 2007. The Planning Committee will take steps to hire a part-time Executive Secretary, (with final approval by the Executive Committee), and to hire a human resources attorney to aid in said hiring. All contracts and other documents prepared will be

reviewed and approved by the Executive Committee before hiring said individual.

(2) Voted to allow President to let an Underwriter sponsor the Convention Golf Tournament with all entry fees going to the KLTA PAC. A review by the Executive Committee will be made following said event.

## Note from the President

It's time to have FUN, receive needed INFORMATION and visit with colleagues and FRIENDS; so, plan to attend the 2006 Annual Convention to be held at the Capitol Plaza Hotel in Topeka, Kansas, on August 10th through the 12th. Enjoy the golf and trapshooting tournaments on Thursday. Learn the latest at Continuing Ed and the General Session on Friday. And don't forget the NEW, KLTA Independent Agent's section on Friday afternoon. Find out the latest from our surrounding State Presidents and Underwriters Panel on Saturday. We've set aside plenty of time for you to network with your colleagues and share with your friends. Registrations will be out shortly and I look forward to seeing you there.

Even though the 2005-2006 year is coming to an end, there's still much to do. This is an election year, and I would ask each of you who have not

donated already to SEND A DONATION TO

KLTA/PAC. We need your help and your support to keep our legislative agenda on solid ground with our legislators.

There are KLTA projects started this year that will be continuing through the 2006-2007 year. I would encourage you to get involved.

Find out what's going on within our association and attend as many meetings as possible to stay informed. If you are interested in working on a committee, contact our incoming President, Suzan Kimball. We need your help and your ideas to keep this association headed in the right direction. We can't do it without you.

*"We cannot  
discover new oceans  
unless we have the  
courage to lose sight  
of the shore"*

UNKNOWN

-Deborah Lewis  
President

# BY-LAWS OF THE KANSAS LAND TITLE ASSOCIATION

## ARTICLE I: VOTING – GENERAL MEMBERSHIP MEETINGS

At all general membership meetings each active member in attendance at any meeting shall have one vote. An active member is defined as any individual, partnership, or corporation that has paid the required dues, and each entity shall be entitled to only one vote for each paid membership. Upon request of an active member, a roll call vote shall be taken, and each active member, as taken from the Secretary-Treasurer's current membership list, shall be entitled to one vote.

	Reno	Harvey	Marion
	McPherson	Barton	
District 5.	Rush	Ness	Pawnee
	Hodgeman	Edwards	Gray
	Meade	Clark	Comanche
	Lane	Kiowa	Ford
	Scott	Wichita	Greeley
	Hamilton	Kearny	Finney
	Haskell	Grant	Stanton
	Morton	Stevens	Seward

## ARTICLE II: EXECUTIVE COMMITTEES

### Sec.1 Structure

The management and control of the Association shall be vested in the President, the President-Elect; the Vice President; the Immediate Past President; the President of the Past Presidents Council, and the Executive Committee, which Committee consists of twelve (12) members.

Each one of the twelve (12) Executive Committee members shall be entitled to one (1) vote. The Immediate Past President and the President of the Past Presidents Council shall each be entitled to one (1) vote. The President of the Association shall only be entitled to vote in the case of a tie and his/her vote is needed to break the deadlock. The President-Elect and Vice President shall each be entitled to one vote unless he/she is acting in place of the president, in which case he/she shall have only the voting powers of the President.

### Sec.2 Districts

The State of Kansas is hereby divided into five Regional Districts. Such districts to consist of the following counties:

District 1.	Cheyenne	Rawlins	Decatur
	Sherman	Thomas	Sheridan
	Wallace	Logan	Gove
	Norton	Phillips	Smith
	Osborne	Rooks	Graham
	Trego	Ellis	Russell
District 2.	Jewell	Republic	Washington
	Marshall	Clay	Cloud
	Mitchell	Lincoln	Ottawa
	Geary	Dickinson	Riley
	Doniphan	Brown	Nemaha
	Atchison	Pottawatomie	Jackson
	Jefferson	Leavenworth	Shawnee
	Wyandotte	Johnson	Douglas
	Wabaunsee		
District 3.	Miami	Linn	Franklin
	Anderson	Coffey	Osage
	Lyon	Chase	Morris
	Bourbon	Allen	Woodson
	Greenwood	Elk	Chautauque
	Montgomery	Labette	Cherokee
	Crawford	Neosho	Wilson
District 4.	Butler	Barber	Sedgwick
	Kingman	Harper	Sumner
	Cowley	Pratt	Saline
	Ellsworth	Stafford	Rice

### Sec.3 Number and Election of Executive Committee

(a) There shall be 12 elected Executive Committee members each having a three (3) year term of office. Two (2) of the elected members shall be elected from the Association membership "at-large". Ten (10) of the elected members shall be elected from the District in which they reside with there being two (2) members from each of the five KLTA Districts. Terms of office will be rotated and staggered in order that experienced members will be on the Executive Committee at all times.

Executive Committee members shall be elected at the Annual Convention each year. During the first election year, there shall be elected five (5) members, one from each of the five districts, for a 3 year term of office. During the second election year, there shall be five (5) members, one from each of the five districts, for a 3 year term of office. During the third election year, there shall be elected two (2) members from the membership "at-large" for a 3 year term of office.

(b) Each of the two elected Executive Committee members from each of District shall appoint his/her own District Chairperson of the District. The term of office of each District Chairperson shall run from date of appointment to the next annual convention.

(c) A vacancy in Executive Committee or any office shall be filled by a majority vote of a quorum of said Executive Committee.

### Sec.4 Duties

The duties of the Executive Committee are to formulate the policies of the Association, assist in its activities, act in a general advisory capacity, and decide necessary business and perfunctory matters. The Executive Committee shall annually select a secretary-treasurer to perform the necessary duties of such an office, and prescribe the duties, rules and regulations for the work of such secretary-treasurer, whose salary shall be fixed by the Executive Committee.

### Sec.5 Quorum

A quorum of the Executive Committee shall consist of six voting members.

## ARTICLE III: OFFICERS

### Sec.1 President

The President shall preside at the annual convention and all other meetings and otherwise direct the affairs of the organization as is customary for such an official to do.

### Sec.2 President-Elect

The President-Elect shall be the incoming President of the Association. He/she will act in the name, place and stead of the President in case of his/her absence or inability to perform

the function for any reason whatsoever. The President-Elect will preside and be in charge of the title school, and should be the outgoing Vice President.

### **Sec.3 Vice President**

The Vice President shall serve in the capacity of understudy to the President-Elect and President. The Vice President will be invited to and included in all meetings of the education committee for the purposes of learning how to run the title school, and may be charged with chairperson of a committee at the direction of the President. In the event the President-Elect is unable to serve either temporarily or permanently, the Vice President will automatically become the President-Elect.

### **Sec.4 Secretary-Treasurer**

The Executive Committee shall, at the annual convention or within 30 days after adjournment of the convention, meet and appoint from the membership of this Association a Secretary-Treasurer.

### **Sec.5 Election of Officers**

The President, President-Elect, and Vice President shall be elected at the annual convention by a majority vote of the quorum at the general membership meeting.

### **Sec.6 Term of Officers**

The terms of the President, President-Elect and Vice President shall be from the date of their election until the date of the election of such officers at the ensuing regularly held annual convention of the Association.

## **ARTICLE IV: COMMITTEES**

The President, within thirty (30) days after the election shall fill the expired terms and vacancies, if any, in the Grievance Committee, and, unless otherwise provided, appoint members of all other Committees, whether established here, by action of the Executive Board, or by the members at any meeting, each to consist of a chairperson and such number of members as he/she shall deem advisable, and such appointees whose terms expire shall continue in office until their respective successors are appointed.

### **Sec.1 Public Relations**

The Public Relations Committee shall promote the Association and its members to the general public, other professional or trade associations and branches of the Federal, State, County or Local governments in an effort to create a better understanding of the purposes of the abstract and title insurance industry and the Association and to work with committees or authorized representatives of such groups or similar bodies to promote our mutual interest.

### **Sec.2 ~~Audit—Deleted~~**

### **Sec.3 By-Laws**

The By-Laws Committee shall report to the Executive Committee and to the members at each Annual Meeting. It shall consider all proposals to amend and may, on its own motion, propose amendments to the Constitution, By-Laws and the Code of Ethics of this Association, and shall, subject to the approval of the Executive Committee, specify for distribution among the members those practices which shall thereafter be deemed in violation of the principles of said Code of Ethics.

### **Sec.4 Education**

The President shall, within 30 days following the adjournment of the regular annual meeting in 1996, appoint a committee of not less than fifteen (15) members of the Association to be known as the Education Committee. The President-Elect of this Association shall serve as chairperson. The President shall initially appoint the following: Five (5) members shall serve a three (3) year term; five (5) members shall serve a two (2) year term; five (5) members shall serve a one (1) year term. Any additional members shall serve a one (1) year term. The terms of the Committee members shall run from the first day of the month following the annual Kansas Land Title Association Title School following his/her appointment, to the first day of the month following the annual Kansas Land Title Association Title School at the end of his/her respective terms. Thereafter, the President, after consultation with the Vice Chairman of this Committee, shall appoint each year, five (5) members. If so appointed, nothing herein shall prohibit a member from serving successive terms. A Vice-Chairperson shall be elected by a majority vote at the first meeting of the committee, for a two (2) year term. The Vice-Chairperson shall be elected from those committee members who have served at least one (1) year on committee.

The Education Committee shall plan, organize, promote and be responsible for the execution of a constantly improving program of instruction for the general benefit of Association members and the employees of Association members. Subject to the approval of the Executive Committee, it shall conduct schools of education on behalf of the Association, or in conjunction with other professional and trade associations.

### **Sec.5 Grievance**

#### **(a) Structure**

- (1) The Grievance Committee shall consist of a Chairperson, who shall serve for one year, and four other members. No two members of the Committee shall be appointed from the same District. Within thirty (30) days after the annual meeting of the Association at which this Constitution is adopted, the Chairperson and two members shall be appointed for a term of one year each and two members shall be appointed for a term of two years each. Thereafter, within thirty (30) days after each succeeding convention, a Chairperson shall be appointed to a term of one year and two members shall be appointed for a term of two years each. The Committee shall have the power to consider and investigate complaints involving alleged misconduct by a member thereof, including, without limitation, alleged member-violations of the principles of the Code of Ethics. The Committee may itself initiate investigation as aforesaid, and, on majority vote of its members, may become the complaining party to a grievance, or may undertake any such investigation upon complaint laid before it by a member of an aggrieved party. The Committee shall proceed in the manner provided by Article IV, Section 5(b).

#### **Procedure**

- (1) Complaints against a member of the Association alleging misconduct in his/her relations with the general public, the Association, or a member thereof, shall be in writing, signed by the complaining party and shall state plainly the matter being complained of. Any such complaint shall be filed with the Secretary of the Association who shall forthwith refer it to the Grievance Committee. The complained-of-member shall be furnished a copy of the complaint and shall be permitted thirty (30) days to

answer the same in writing, such answer to be filed with the Chairperson of the Grievance Committee. Such member shall cooperate with the Grievance Committee and, on request, shall disclose pertinent facts and records, not privileged, germane to the investigation.

- (2) At a time and place designated by the Grievance Committee, said Committee shall hold a hearing on the complaint, at which hearing the complainant and the complained-of-member may appear personally and by counsel; provided, however, that if after preliminary investigation the committee shall deem the complaint groundless, it may dismiss the complaint. Upon the dismissal of the complaint, the Grievance Committee shall determine whether said complaint was brought with malicious intent and if so found may assess the reasonable costs of the hearing against the complainant member.
- (3) The Grievance Committee's findings and recommendations after investigation and hearing of any complaint shall be reduced to writing and submitted promptly to the Executive Committee. A copy thereof shall be given to the complained-of-member. Upon the written request of the complained-of-member, the Executive Committee shall, before making a final decision, give him/her an opportunity to appear in person and by counsel and to be heard in support of his/her defense.
- (4) The Executive Committee shall review the Grievance Committee's findings and recommendations and may find the complained-of-member to be guilty or not guilty of the charges against him/her, and if found guilty, may adjudge that he/she be censured, or suspended, or expelled from the Association; but no censure, suspension or expulsion shall be adjudged except by a vote of two-thirds of the whole Executive Committee. Such decision of the Executive Committee shall be reduced to writing and a copy thereof furnished to the complainant and the complained-of-member.
- (5) Any decision of the Executive Committee suspending or expelling a member shall be final and shall become effective according to its terms unless, within thirty (30) days thereafter, the member shall file with the Secretary of the Association a written appeal to the membership of this Association, in which event the decision of the Executive Committee shall be held in abeyance pending determination of the appeal at the next Annual Meeting. Upon any such appeal the decision of the Executive Committee shall be affirmed or reversed by a majority vote of the Active Members present and voting at the meeting.
- (6) All communications, notices or pleadings by or from any party to a grievance proceeding shall be sent by certified or registered mail addressed to the Association at the principal place of business of its Secretary-Treasurer. All notices or communications by or from the Association to any party to such proceedings shall be sent by certified or registered mail addressed to the principal office of said party as last entered upon the records of the Association.

#### **Sec.6 Legislative**

The Legislative Committee shall review and monitor all proposed or pending legislation and court and administrative decisions which are pending at the State and Federal level which impact the conduct of the abstract and title insurance business and, subject to the approval of the Executive Committee, shall have the powers to act on behalf of the Association with regard to any such items which may affect the interests of the Association and its members. The Committee shall report its activities to the Executive Committee at least annually.

#### **Sec.7 Nominating**

The four most recent living presidents and the current president of the association shall constitute the Nominating Committee for the nomination of officers at each annual convention. A majority of those members present at any Nominating Committee meeting shall constitute a quorum. Said committee shall meet prior to the convention and submit a slate of candidates for office. Notification to the membership shall be made by publishing the slate either in the summer edition of the Kansas Abstracter or by mail. A list of candidates shall also be provided in the convention packets. The Nominating Committee shall nominate one candidate for each of the following offices: President, President-Elect, Vice President and members of the Executive Committee of the association as set out in Article II, Section 3 (a) of these by-laws. The Nominating Committee's report shall be delivered at the time and place as directed by the President of the association. Provided, however, that in any event such report shall be delivered before the adjournment of the convention. Additional nominations may be accepted from any voting member of the association.

#### **Sec.8 Planning**

The Planning Committee shall study ways and means for improving the operations and methods of the Association and the furtherance of a closer relationship between it and the membership. Its recommendations shall be submitted by the Chairperson to the Executive Committee.

#### **Sec. 9 Membership**

The Membership Committee shall actively recruit new members and review all applications for membership in the Association. They shall determine if the applicant has fulfilled the requirements as set out in the Constitution of the Association. They will forward their recommendations to the Executive Committee for action.

#### **ARTICLE V: PAST PRESIDENTS' COUNCIL**

All of the past presidents of the association shall constitute a Past President's Council. They shall organize for the ensuing year at each annual convention of the association. At such organizational meeting they shall elect from among their members a president, vice president and secretary-treasurer. All members of the Past President's Council shall be invited to attend all executive committee meetings. They will have the right to submit suggestions to the executive committee and to perform any duties requested by the officers or executive committee and to submit their recommendations to the executive committee. However, with the exception of the President of the Past President's Council, they shall not have the right to vote, make motions or second motions, or do any other act except those above set out at such executive committee meetings.

These By-Laws hereby rescind and thereby supersede in their entirety the previous By-Laws and Amendments thereto, effective this 12th day of August, 2006.

## Centennial Publication

We are looking for someone, or a group of people, who would be interested in writing the history of KLTA from 1982-2007. Our first Fifty Years was written by Marvin E. Wallace, covering 1907-1957, and was supplemented from 1958-1982 by Melvin Collier. If you would like to be included in the "100 Years of Kansas Land Title Association", please submit a brief history of your company to Suzan Kimball, P.O. Box 636, Sublette, KS 67877. Once completed, the entire history will be published, including the histories of our member companies, with a copy provided to each member. Please submit your history by October 1, 2006.

## KLTA Directory Change

Please change the email address for Miami County Title to:  
[jlclark@miamicountytitle.com](mailto:jlclark@miamicountytitle.com)

## Notice of Job Opening

**KLTA Executive Director** – Request for inquiries of interested persons in this position.

Packet of materials relating to position will be sent to you.

Apply to:

Kansas Land Title Association  
C/O Steve Kimball,  
Secretary-Treasurer  
P.O. Box 218  
Westmoreland, Kansas 66549  
(785) 457-3441

[potcoab@bluevalley.net](mailto:potcoab@bluevalley.net)

Deadline for requests: July 31, 2006

**[www.klta.org](http://www.klta.org)**

Be sure to visit our website on a regular basis as current information is posted in a timely manner. If you ever have questions about KLTA check the website first.

## REQUEST TO ALL KLTA MEMBERS REGARDING HOMEOWNERS RESTRICTIVE COVENANTS

Dear President Lewis:

I am Brandon Myers, Chief Legal Counsel for the Kansas Human Rights Commission in Topeka.

The Ks. Legislature last session passed, and the Governor approved, HB2582. The bill was introduced in reaction to a KC Star article and at request of persons from the Johnson County area who manage properties with homeowners associations. Many of these homeowners associations were set up many decades ago and contained restrictive covenants in the homeowners associations' organizational documents with prohibited sale/ownership on the basis of race, religion, national origin, etc. in that association's subdivision. Such provisions have long been declared inoperative and illegal. However, the provisions remain on the books b/c there are also provisions that require proposals to change them to be made many years in advance, required the approval and consent of 100% of the owners, etc., all of which make it highly difficult or impossible to remove the provisions.

HB2582 is effective July 1, 2006. It requires that homeowners associations with such provisions must rewrite their organizational documents and refile them (fee refilling with Register of Deeds is waived). There are also provisions whereby any individual, local government or the Kansas Human Rights Commission can demand that these actions be done within 30 days, and if not done, the requesting entity or individual may sue the organization for injunctive relief to force the actions to be done, and attorneys fees are awarded to the prevailing party in the suit.

Please use me as the point of contact: Brandon L. Myers, Chief Legal Counsel, Kansas Human Rights Commission, 900 SW Jackson St. – St. 568S, Topeka, KS 66612, email above. As an alternate: Ruth Glover, Assistant Director, same address; her email is [ruth.glover@khrc.state.ks.us](mailto:ruth.glover@khrc.state.ks.us) Any help will be much appreciated.

Thank you for your time and attention.

Brandon Myers

*NOTE: If you have a list of all protective covenants for residential subdivisions in your county please provide a list of these documents by Book and Page only (not the documents themselves) to Mr. Myers. If you feel certain that there are no restrictive covenants in your county which prohibit sales/ownership on the basis of race, religion, national origin, etc. please contact Mr. Myers with this information as well. Thank you for your assistance in this matter.*

Steve Kimball  
Editor, Kansas Abstracter

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## Report of Nominating Committee

**President:** Suzan Kimball

**President-Elect:** Larry Cameron

**Vice-President:** Jeff Amrein

**Second District:** Doug Simmons to fill Jeff Amrein's seat

**At Large:** Paul Pendry to fill Doug Simmons seat

### Executive Committee Reappointed:

Karen Panter, First District .....Three Year Term  
Carol Foltz, Third District.....Three Year Term  
Roger Hannaford III, Fourth District.....Three Year Term  
Jerilyn Stull, Fifth District .....Three Year Term

This slate of officers will be voted on at the floor of the convention of the KLTA annual convention in August.

# THE KANSAS ABTRACTER

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**Steve Kimball, Editor**  
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Westmoreland, Kansas 66549

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## KLTA Kalendar

### KLTA Annual Convention

Capital Plaza Hotel  
Topeka, Kansas  
August 10-12, 2006

### KLTA Continuing Education

(4 hours)  
Capital Plaza Hotel  
Topeka, Kansas  
August 11, 2006

### ALTA Annual Convention

Westin St. Francis  
San Francisco, California  
October 11-14, 2006

### KLTA Title School

Marriott Hotel  
Wichita, Kansas  
February 7-9, 2007

### KLTA Continuing Education

(4 hours)  
Marriott Hotel  
Wichita, Kansas  
February 8, 2007

### ALTA Federal Conference

The Willard InterContinental  
Washington, DC  
March 5-7, 2007

### ALTA Annual Convention

Chicago Hilton  
Chicago, Illinois  
October 10-14, 2007

### KLTA Annual Convention

Wichita Marriott  
Wichita, Kansas  
August 9-11, 2007

### KLTA Continuing Education

(4 hours)  
Marriott Hotel  
Wichita, Kansas  
August 10, 2007

## New Member

Chautauqua Hills Abstract & Title, Inc.  
P.O. Box 310, 111 E. Cherokee Street  
Sedan, Kansas 67361  
County: Chautauqua  
Phone: 620-725-5100  
Fax: 620-725-5101  
Email: cqhat@hotmail.com  
Grace D. Stephens, Licensed Title  
Insurance Agent and Abstractor

*Please add to your KLTA Directory.*

## PAC DONATIONS

Thank you to the following who have made KLTA PAC Donations since the state convention:

Coffey County Land Title Company  
First American Title Insurance Company –  
Midwest  
Fidelity Nat'l  
Wabaunsee County Abstract

**www.klta.org**

Be sure to visit our website on a regular basis as current information is posted in a timely manner. If you ever have questions about KLTA check the website first.

**KLTA  
Needs You!**

Look Forward to:  
New KLTA Member Door  
Logos  
Updated KLTA History  
Booklet  
Company Histories of KLTA  
Members  
Abstract Contest????

**Contact Suzan Kimball, KLTA President-Elect  
Or Steve Kimball, Sec-Treas**

Contact Suzan at 620-675-  
2322, titlepro@pld.com OR  
Steve at 785-487-3441,  
pottcoab@bluevalley.net

**KLTA to Celebrate  
100 Years!**

2007 marks the 100th Anniversary of the Kansas Land Title Association, and I am looking for members who are interested in working on the Centennial Committee. Plans are being made for this special event and I invite anyone interested in being part of this landmark event to volunteer now! Your ideas and comments are welcome. Help make this a year to remember!!

**2007 Centennial Convention  
August 9th–11th, 2007  
Wichita Marriott Hotel**

**Volunteer Today!!**