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The Quill – July 2021



THE QUILL THROWBACK EDITION

Welcome to the first ever throwback edition of our beloved newsletter, **The Quill**. Here is a look back at some of the most informative, popular and funniest features. We are extremely proud of our newsletter and how it has grown over the years. We hope you find value in it and a whole lot of fun each month. As always, if you have any suggestions or topics you would like for us to cover please **email us** and let us know!

MOST INFORMATIVE QUILL ARTICLE

Alta 34 Endorsements – June 2016

“This informative article was originally published in the June 2016 issue and was so popular that we published it again in August of 2019.”

Some of you may have noticed that we have been insuring over things these days in a slightly different way with the use of the ALTA 34 Endorsement. It used to be that if we agreed to insure over something, let's say an old deed of trust, we would simply omit the exception or requirement, as the case may be, from the title binder. Well, times have changed. Our current underwriting guidelines require that we insure over the defect with the ALTA 34 Endorsement. In order to do this, we have to take an exception to the defect, in my example above, an old deed of trust, and then indicate that the matter will be covered with an ALTA 34 Endorsement. To see an example of an ALTA 34 Endorsement, click **HERE**. The affirmative language, covering the insured from loss or damage associated with the defect, comes from the ALTA 34 Endorsement.

Why the change? I have been told that the change in underwriting relates to claims made by certain insureds when the property is later resold. In my example above of an open deed of trust, claims occur when a new purchaser refuses to buy the property until the deed of trust is cancelled of record. In essence, the presence of the uncanceled deed of trust creates a marketability issue for the insured. For the underwriter, these claims seem to lack good faith. When the insured purchased the property, a request was made to insure over the deed of trust. So, after agreeing to the insured or the insured's attorney's request, the underwriter has to later pay a claim for lack of marketability.

Using the ALTA 34 Endorsement puts the purchaser – and the purchaser's lender – on notice that there is a defect and that coverage is available as to the defect. However, the Endorsement has the effect of stripping the marketability coverage from the insuring provisions of the jacket, as to the identified defect. If you have any questions about the ALTA 34 Endorsement, please feel free to contact me.

sb

MOST POPULAR QUILL TIP

Uniform POA Act – October 2020

“We heard from quite a few of you that this quick POA tip from the October 2020 issue of The Quill was very helpful, making it one of our most popular tips.”

On January 1, 2018, North Carolina adopted the Uniform Power of Attorney Act. This statute is found at Chapter 32C of the North Carolina General Statutes. The Uniform Act replaced the previous statute which was found at Chapter 32A of the General Statutes. We have seen multiple instances of Powers of Attorney that were executed after January 1, 2018, but that made reference to Chapter 32A (which is the old statute). Particularly, concerning is the standard language contained in such documents that goes something like this: “This Power of Attorney is executed pursuant to the provisions of Chapter 32A of the North Carolina General Statutes.” Reference to the provisions of a now defunct statute sounds like a problem to me. (Must have learned that in law school). Fortunately, the drafters of the statute considered the prospects of this happening and added the following provision to NCGS 32C-4-403:

(c) References to prior statutes in powers of attorney, whether executed on or after the adoption of this Chapter shall be deemed to refer to the corresponding provisions this Chapter unless application of the rule of construction would substantially impair substantial rights of a party.

So, if a PoA makes a reference to 32A, or a particular provision of 32A, the likelihood is that NCGS 32C-4-403 saves it.

sb

BEST RECIPE

Jennifer’s Maple Granola

“Many of you know and love Jennifer’s granola recipe. It has been requested so often that we posted it in both 2017 and 2019.”

¼ cup flaxseeds, processed fine
6 cups rolled oats (not instant)
2 cups plain almonds, sliced



- 1 cup plain pumpkin seeds
- ½ cup plain sunflower seeds
- 1 tsp salt
- ¾ cup canola oil
- ¾ cup maple syrup
- 2 cups dried cherries or other dried fruit (optional)
- *Can substitute equal amounts of other nuts

Preheat the oven to 350 degrees. Mix all ingredients except dried fruit in a large bowl. Spread evenly in large, shallow baking pan lined with parchment paper. Bake 30 minutes or until golden brown, stirring every 15 minutes. Cool completely and toss in fruit. Store in an airtight container.

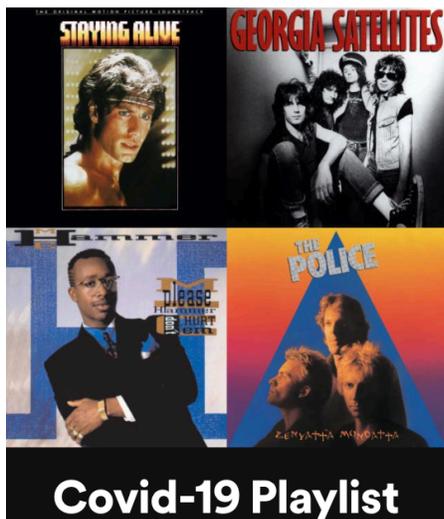


BEST
#BTSHOWYOURSWAG
SHOT

“We love when you show us where your BT Koozie has been and this little Barristers Title representative from the July 2020 Quill could not be cuter!”

Summertime is now in full swing and we want to see your Barristers Title swag! Cue the BT Koozie from the adorable son of Julie Butt of Marsh Law.

If you have BT swag to share, e-mail your pictures to **Summer** and make sure you tag us using the #BTShowYourSwag hashtag!



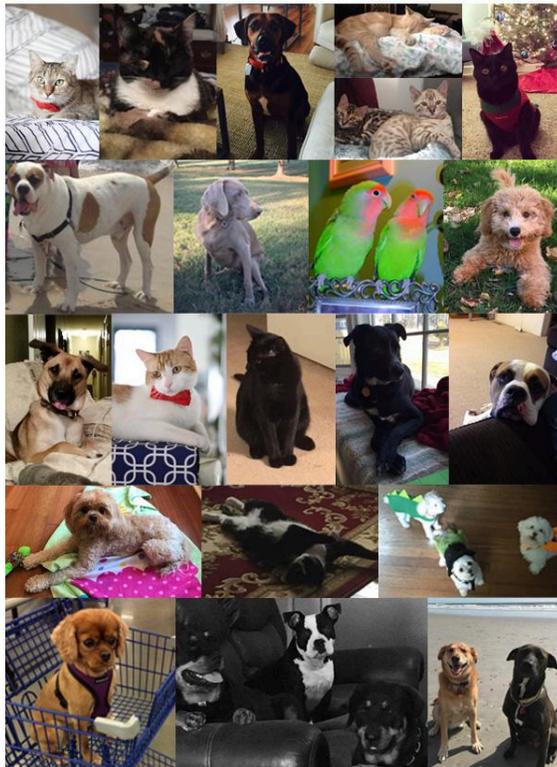
COVID CONTENT MVP

“We didn’t want to dwell on everything negative associated with the season of quarantine, so we decided to use The Quill as a tool to brighten your day. Our Covid-19 Spotify playlist from March 2020 was just one of the ways we tried to do just that! If you missed it before you can check it out [HERE](#). It will not think it will disappoint!”

THE CUTEST QUILL FEATURE

“Over the years we’ve shared a lot of newborn announcements and additions to our family, but the Fur Family of Barristers takes the cake for cutest feature from February 2017.”

Barrister’s Title Fur Family



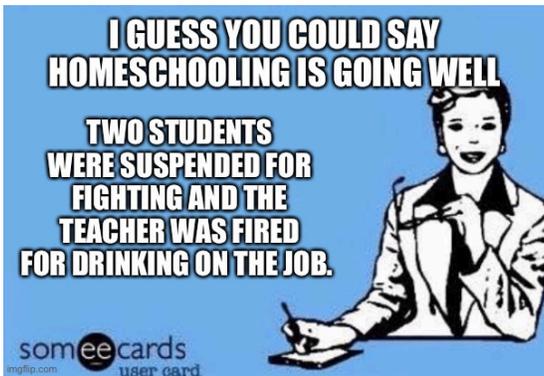
MOST VIEWED HOLIDAY VIDEO CARD

“For the last 5 years we have made a video card as a way to wish you Happy Holidays in a creative way. The 2017 video is by far the most viewed (and craziest) video we’ve made to date. You can find all of our videos [HERE](#) and don’t forget to watch the bloopers for this one!”



FUNNIEST MEME

“Really there were just so many to choose from, but these two from August of 2020 and February 2021 made us LOL.”



TRICKIEST RIDDLE

“As I’m sure you would agree, The Quill Riddle is one of our favorite parts of the newsletter. In true trivia-style, this riddle from October 2019 stumped many of you.”

1. Name the country believed to be the origin of Halloween.

ANSWER: IRELAND

2. Which year did the movie “Halloween” release?

ANSWER: 1978

3. A group of witches is called?

ANSWER: A COVEN

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