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Title Experts

and Management Services

ADDRESSING NEEDS OF PLAINTIFF AND DEFENDANT
CLAIMS COUNSEL IN MATTERS CONCERNING
STANDARDS OF CARE NATIONWIDE

Bob Philo and Gene McCullough are lawyers and each have over 30 years of experience in the Title Insurance and real estate conveyance industry. Each has handled claims, managed agency operations and developed 'best practice' standards for agency and underwriter operations.

FAILURE TO EXERCISE "REASONABLE DILIGENCE" IN THE CURATIVE PROCESS CONSTITUTES SEPARATE CAUSE OF ACTION THAT THE SURVIVES THE CURE

Bob Philo has been working as an expert witness in a Houston federal court case involving Florida law and Florida property. The court ruled, in a motion for summary judgment, that the title insurer can be held liable for damages even if it is ultimately able to eliminate the title defects. This holding initially appears to be contrary to Conditions provision 8(b) in the ALTA 1992 policy that states: *If the Company establishes the title..... as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.* In this ruling, the court points out that the Insurer has a 'right' to pursue litigation to cure title, but the issue of whether the Insurer moved forward with the cure in a "reasonably diligent manner" could give rise to a separate cause of action that would not be limited by the provisions of 8(b). The court noted that was unable to find any state cases "specifically addressing the measure of damages in a claim against the title insurer for failing to cure

title defects diligently". For this reason, this intermediate court opinion, which appears to be a well-reasoned opinion, is worthy of a close read.

In light of the massive number of claims that Insurers are currently handling, many of which have been outstanding for years, litigants on both sides should be aware that even after an eventual 'cure' of the defective title, a potential cause of action for damages could arguably survive. In light of the serious declines in real property values in recent years, many policyholders are able to argue they have been damaged even if their title is eventually cleared, but only after protracted litigation.

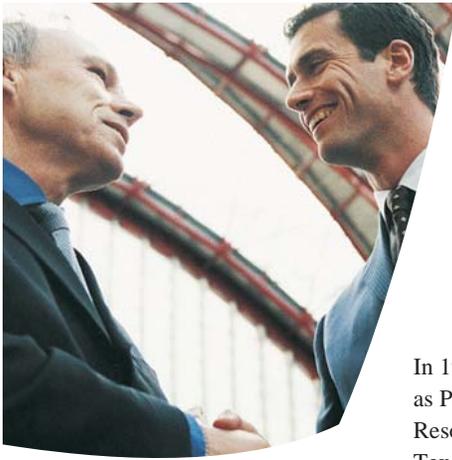
For a copy of the Opinion, Click [HERE](#)



Who we are.....

Our national consulting firm specializes in providing proven expert witness testimony, reports and analysis for litigation concerning escrow, title insurance and real estate closings. Our experts are licensed attorneys and each have more than 30 years industry-specific experience. In addition to management consulting, we also provide title insurance software development and implementation consulting.





Bob Philo



Overview of his experience

Years of handling claims and working through difficult underwriting issues have allowed Bob to gain invaluable experience .



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Bob Philo began his career with 10 years in law enforcement, leaving as a Sargent in the Major Fraud Unit for Montgomery County, Maryland after securing a law degree from the University of Maryland in 1972. In 1980, he moved to Texas and became a member of the Texas State Bar. Between 1981—1984, he served as the Assistant Director of Title Insurance for the Texas State Board of Insurance.

In 1984, he accepted a position as President and CEO of Title Resources Guaranty Corp, a Texas Title insurance underwriter. He held that position until 1996 and then began to work with several of the national underwriters as subsidiary President and or State manager actively managing agents, handled underwriting and developed software to enhance underwriter operations.

Bob served as President of the Texas Land Title Association in 1995 and was awarded the "Title Man of the Year" in 2007

Title Experts and Management Services was formed in 2000 and since then, he has had an opportunity to testify in over 75 cases in a number of state and federal courts including Texas.

He holds a 'Certified Title Insurance Associate' Certification, the highest offered by the state of Texas. He has taught real estate and title insurance courses for the Texas Land Title Association for each of the past 31 years.

For a complete Curriculum Vitae and all contact info, click [HERE](#) or scan the QR code below with your smartphone



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Gene McCullough



Overview of his experience

For each of the last 30 years, he has simultaneously managed agency operations in up to 17 different states and is very familiar with the unique differences in business practices that vary from state to state.

After graduation from the University of Memphis School of Law in 1977, Gene opened a solo general law practice where he handled closings and served as a title agent. In 1983, he accepted a position with Southern Title Insurance Company and served as its President from 1986 until 1998. Then, after a merger, he served as the Regional President of Fidelity National Title of New York from 1998 until 2002. He then accepted a SVP position with Southern Title Insurance Corporation but has served as President from 2008-2011.

During this career, he has handled

virtually every position with an underwriter, including managing direct operations, handling claims, responding to defalcations, development of forms, filing of rates, approval of agency applications, responding to market conduct exams, drafting audit procedures and managing operations.

He has testified in the legislature and was instrumental in securing passage of Tennessee's Good Funds Law. He regularly presents Fraud Prevention seminars and has been on the 'first response' defalcation team of all his underwriting companies for the past 20 years.

In 2007 he served as the President of the Tennessee Land Title Association as well as a Director and Committee Chair for numerous years. He was the Chairman of the ALTA Title Executives Council on two occasions and Chaired the Tennessee Bar Association's Real Estate Council.

Gene regularly presents CE and CLE accredited seminars and is currently retained to write the Pre-licensing course materials for the Tennessee Title Agent's License .

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