

## TITLE DISPUTE RESOLUTION

The Shulman Rogers Title Dispute Resolution Practice Group is co-chaired by shareholders Morton A. Faller and David M. Kochanski. Mr. Faller is an experienced real estate and commercial litigator. Mr. Kochanski is a recognized expert in real estate title and transactional matters and is a member of the American College of Real Estate Lawyers. Both have been selected for inclusion in the 2007 through 2009 publications of the *Best Lawyers in America*® and *Superlawyers*®.

Presently, the Practice Group regularly receives assignments from national and regional title insurers to represent their insureds in Maryland and the District of Columbia in defending title claims in litigation brought by third parties, and perfecting titles which fail to comply with the issued title insurance policy. The Practice Group also regularly represents the title insurers in the evaluation of coverage issues under existing policies of title insurance, in litigation or arbitration of disputes with their insureds.

As a result of our successes, the number of matters handled and the number of insurers requesting representation by the Practice Group has expanded over the past several years. This growth has been fueled by the policy of the Practice Group to assign staffing of cases to achieve a quality of representation consistent with the cost effectiveness of the required effort, and promptly evaluate appropriate alternatives to resolve the title dispute, including early settlement or the benefits of alternate dispute resolution (ADR).

**Recent successes include:**

### PRACTICE CHAIR

Morton A. Faller

David M. Kochanski

### ATTORNEYS

Matthew D. Alegi

Sandy David Baron

Jessica Hepburn Sadler

Marc D. Lipman

Stephen A. Metz

## TITLE DISPUTE RESOLUTION (Continued)

- Jury verdict for the insured property owner following a five day jury trial in the Superior Court of the District of Columbia in which a tenant's association sought to void a transfer of title of a multi-family residential property to the insured alleging that the sale violated the D.C. Tenant's Opportunity to Purchase Act (TOPA).
- Court decision in the Circuit Court for Prince George's County, Maryland, rejecting a former owners attack on an insured lender's efforts to foreclose a defaulted mortgage. The allegation involved a mortgage foreclosure scam violation of the recently enacted Maryland Protection of Homeowners in Foreclosure Act (PHIFA) which had divested the former owner of title.
- Located and obtained deeds of conveyance from remaindermen owners of a Maryland property which had been improperly sold (and administered) by the personal representatives of a deceased life tenant, who had no title upon her death.
- Successfully established record title of numerous "lost unrecorded mortgages" through judicial action and/or by re-execution by borrowers following a recording abstractor going out of business without recording or returning instruments to be recorded and insured.
- Successfully advancing and litigating equitable subrogation claims to protect the interest of mortgage lenders who refinanced and paid off existing mortgages, but then discovered that an overlooked intervening lien prevented the refinanced mortgage from being in the same priority against the insured property as the paid off mortgage.
- Successfully supervised the recordings of more than fifty unrecorded insured instruments retrieved by an insurer from a national title agent who went out of business without completing the recordings.
- Represented the only national title insurer to escape any payment in "flipping" case brought by numerous lenders in the United States District Court for Maryland.
- Successfully prosecuted adverse possession litigation increasing ownership of valuable residential property from four acres to almost nine acres.