

IOWA FINANCE AUTHORITY
TITLE GUARANTY DIVISION

ABTRACTOR APPLICATION FOR TRACT INDEX WAIVER - DAVIS COUNTY, IOWA

Name of Applicant: Davis County Abstract and Title, L.L.C. . (hereafter Davis County Abstract)

Telephone Number: (641) 777-7135

Business Address: 108 East Jefferson St. Suite 2,
Bloomfield, Iowa 52537

E-mail: DCabstract@pcsia.net

Web Site: (under construction)

I, David L. Truitt, Manager of Davis County Abstract and Title, L.L.C., do hereby submit for consideration the following information concerning Davis County Abstract's request for provisional waiver of abstractor participation and requirements of the use and ownership of a current forty year tract index for the Title Guaranty program:

1. Davis County Abstract seeks a provisional waiver pursuant to Sub-Rule 9.7(8)(a).
2. Davis County Abstract is an independently owned abstracting company that has not yet opened for business . Davis County Abstract intends to provides complete abstracting and title services in Davis County, Iowa. Davis County Abstract and Title, L.L.C. currently has four members and no employees.

David L. Truitt (the Manager) has been abstracting in a Government Title Plant environment since 1974, acquiring the Company from my father's estate in 1989 and Incorporating it in 2000 as Truitt Abstract Company, Inc. The corporation has only 2 stockholders, myself and my wife, Debra J. Truitt who is also a member of Davis County Abstract and Title, L.L.C. Davis County Abstract and Title, L.L.C. has been formed, however, we will not be engaging in abstracting until this waiver is granted due to the cost of opening with only an extremely limited/minimal market of potential work. Upon receipt of a provisional Waiver we plan to be in a position to open for business virtually immediately. At the present time I am calling on my Wapello County employees to work on building the Davis County indexes in their spare time but that is extremely limited. My duties will be the training and oversight of abstract production according to the standards of the Iowa Land Title Association Blue Book. I am currently the Southeast Regional Vice President of the Iowa Land Title Association, serving on it's board of Directors and familiar with the Abstracting Standards of the Association. ILTA membership has been applied for.

Debra J. Truitt is the CFO, Vice President and Secretary/Treasurer of Truitt Abstract Company, Inc. She has handled these and similar duties since prior to the incorporation in the year 2000. She has also helped through the years preparing abstracts, updating computerized files from the courthouse records in addition to handling all the financial matters of the business.

R. Kurt Swaim has been licensed to practice law in Iowa since June, 1975. He graduated from the University of Iowa College of Law that summer with High Distinction and as a Member of the Order of the Coif. He practiced for approximately three years as an Associate in Eldora, Iowa with the law firm of Lundy, Butler, Wilson and Hall. He then practiced for two years as Senior Staff Attorney for the Northeast Regional Office of Legal Services Corporation of Iowa in Dubuque, Iowa. Kurt then returned to his home in Davis County where he has been in the private practice of law since that time. Thirteen of those years, Kurt also served as Davis County Attorney; and for the last nine years, he has also served as a member of the Iowa House of Representatives. During those nine years, he has served as either the Chairman or Ranking Member of the Judiciary Committee, and he has served on many other standing and interim legislative committees. For twenty-four years, Kurt served as a Board Member of Citizens Mutual Telephone Cooperative; and for most of those years, he also served as Secretary-Treasurer of the company.

Kurt has engaged in the general practice of law since returning to Bloomfield, Iowa; and at all times, he has had an active real estate practice as a part of his general practice. Kurt practices in Bloomfield with his son, Justin. The two of them are the partners of Swaim Law Firm. Justin practices primarily in Des Moines, but he spends a significant amount of his time in Bloomfield. Due to Kurt's active real estate practice, he is familiar with the records in the Courthouse of Davis County and has examined many abstracts for his clients. In years past Kurt has served on the Title Standards Committee of the Iowa State Bar Association and earlier in his practice provided non-plant abstracting services from his office.

Kurt is married to Julie. They have four children. Justin is the oldest. Mandy is the next oldest. She is married to Dr. Drew Porter, a physician in Wichita, Kansas. Joshua is next. He is a United Methodist minister in Humboldt, Iowa. He is also an attorney, but Joshua is not actively practicing now. Jon is in his second year at Drake Law School.

Julie R. Swaim has been the Office Manager of Swaim Law Firm for 15+ years. She has also worked as a Paralegal/Secretary during that same time period for the law firm. She has assisted in all areas of the office management of the practice, and she has assisted as a Paralegal/Secretary in all aspects of the general practice, including the real estate practice.

3. Davis County Abstract intends to develop a forty year tract index for Davis County. We have proprietary software, developed for and used by Truitt Abstract Company, Inc. (TG# 8223) in Wapello County since 1992, which will aid in the development of the title plant. We will hire an employee specifically dedicated to building the title plant. Other employees will work on the title plant when not working on other abstracting work. Davis County Abstract will request from the Davis County Recorder the Index Records from 1971 through the present which are maintained digitally on computer. We will also request digital copies of any microfilm records of the indices back to 1954. This information will be added to the software to create the title plant. Daily records received from the County

Recorder's Office will be added to the title plant as received. The forty-year title plant will be maintained electronically with both on and off-site daily backup. When completed, the title plant may be searched by legal description: lot, block, sub-division or section, township, range. Searches can also be made by individuals' name. Approximately 15 years ago, David L. Truitt purchased the Government Tract Indices for Davis County, Iowa from the former owners thereof. These Government Indices cover the period from the Government to 1954. It is our intention, as time permits, to fill in the gap between 1954 and the electronic indices being created beginning January 1, 1971 ultimately resulting in a complete Government plant for Davis County. Davis County Abstract, upon completion of the 40 year indices, will have the only tract indices in Davis County, Iowa which will provide the property owners and lenders of Davis County, as well as Title Guaranty, a more accurate chain of title than can be provided by a non-plant abstracter.

Davis County Abstract believes a waiver is justified pursuant to Sub-Rules 9.7(7) and 9.7(8) and sets forth the following in support thereof.

4. **Hardship.** The title plant requirement described in Iowa Code Supplement Section 16.91(5)(A)(2) imposes a hardship to the abstractor applicant as follows: A significant majority of abstracts in Davis County, Iowa are for properties that have mortgages that will be sold on the secondary market or for lenders that require title guaranty abstracts. In order to generate the cash flow necessary to complete the construction of the title plant, a waiver is necessary. A stream of income is needed in order to complete the construction of the title plant.

5. **Public interest** will be served by granting Davis County Abstract a Tract Index Waiver. If Davis County Abstract is granted a waiver, Davis County Abstract will be able to offer competitive abstracting services. Additionally, Lenders would have two abstractors in Davis County to choose from for abstracts connected with mortgages sold on the secondary market which require Title Guaranty. At the current time there is only one abstract company in Davis County: Lynch Abstract, which is owned by Lynch Law Office in Bloomfield, a waived Attorney. Many lenders will not do business with a second abstractor unless the abstractor has a Title Guaranty Certificate allowing them to prepare abstracts for mortgages that will be available for the secondary market. The public interest will be served by increasing competition between abstract companies which will keep costs of abstracting services down and quality up, encourage participation in Title Guaranty and add integrity to the land title transfer system in the State.

6. Davis County Abstract seeks a provisional waiver pursuant to Sub-Rule 9.7(8)(a).

Evidence that a title plant will be built for Davis County. – Davis County Abstract is in the process of obtaining copies of the recorded documents from the Davis County Recorder in order to prepare its title plant. Davis County Abstract has acquired and has been trained on the software necessary to create and maintain the title plant from the Indices and records of Davis County. We will hire employees as required and designated to build the title plant and they will be trained on the software. Davis County Abstract believes that the title plant can be built within one year from the date the Waiver is granted.

Financial loss due to inability to provide abstracts for the Division. Without the waiver, Davis County Abstract will not be allowed to compete for a majority of abstracts in Davis County, Iowa. As stated earlier, a significant amount of the abstracts in Davis County are for lenders that require abstracts prepared by abstractors certified by Title Guaranty. Davis County Abstract intends to initially build a forty year title plant. The cost of start-up of the business and the loss of income due to Davis County Abstract inability to do abstract work which requires Title Guaranty, by law or by practice or policy, would create a financial hardship for Davis County Abstract . There have been significant financial resources expended in the start-up cost. There are significant expenses regarding payroll, rent, utilities, cost of obtaining records and information and insurance. Additional personnel will be added to prepare and create the forty year title plant which will increase further the costs of doing business. The stream of income from abstracts for Title Guaranty is necessary to justify the expense of building, owning and maintaining a title plant.

Waiver needed to produce revenue stream. – The provisional waiver is necessary in order to produce a revenue stream to justify the expense associated with building and maintaining a title plant.

Professional references and letters in support of our Application for Waiver are attached.

I, the undersigned, David L. Truitt, as Manager of Davis County Abstract and Title, L.L.C., do hereby and herewith attest to the accuracy of the facts provided in the Application for Tract Index Waiver and this supporting statement. They are true and correct as I verily believe.



David L. Truitt, Manager

State of Iowa

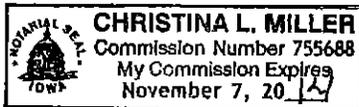
1. County of

Signed and sworn to (or affirmed) before me on 2nd day of November, 2011 by David L. Truitt, Manager of Davis County Abstract and Title, L.L.C.

Christina L. Miller

Notary Public in and for the State of
Iowa

(Seal)



My Commission expires Nov 7 2014

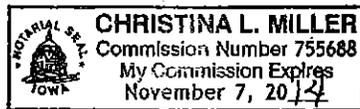
STATE OF IOWA:

SS:

WAPELLO COUNTY :

This instrument was acknowledged before me on November 2, 2011 by David L. Truitt, as
Manager of Davis County Abstract and Title, L.L.C.

(Seal)



Christina L. Miller

Notary Public in and for the State of Iowa

My commission expires Nov. 2014



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October 4, 2011

Iowa Finance Authority
Title Guaranty Board
Des Moines, Iowa

RE: R. Kurt Swaim/Provisional Waiver

To Whom It May Concern:

Community First Bank has been associated with Attorney R. Kurt Swain for many years. We have completed many real estate loans with Mr. Swaim's help with title opinions and all other matters pertaining to closing these types of transactions. Mr. Swaim has always provided very detailed opinions and is very timely in completion of his work.

I am hopeful that this recommendation will be helpful for the purpose of an application of the Title Guaranty Board for a provisional waiver to permit Mr. Swaim to commence an abstracting business. I think that Bloomfield would benefit from having another abstract business and give people more of a choice because of the competition. We have only one other abstracting business in Bloomfield and Davis County. This should also help in providing very timely service to our customers for all their real estate needs.

Sincerely,

James L. Harward
Senior Vice President
Community First Bank
110 North Washington
Bloomfield, Iowa 52537



MAIN OFFICE 109 NORTH MADISON • BLOOMFIELD, IA 52537 • 641-664-2006
BRANCH OFFICES MOULTON 641-642-3219 MILTON 641-656-4085
www.successbank.net

October 4, 2011

Iowa Finance Authority
Title Guaranty Board
Des Moines, Iowa

RE: R. Kurt Swalm/Provisional Waiver

To Whom It May Concern:

Attorney R. Kurt Swalm has been a highly respected citizen and legal professional in our community for many years. Kurt is a very detail-oriented professional who takes pride in providing accurate and timely services to the citizens of Davis County.

I recommend that a provisional waiver be granted by the Title Guaranty Board to allow Kurt to establish a new abstracting business. Davis County is currently served by only one abstracter. I believe the citizens of Davis County will be well served by competition in this vital professional service. Competition will help ensure that real estate transactions can be executed in the most timely and cost efficient manner possible.

Sincerely,

Dan Thompson
President

JOHN R. SILKO
Attorney at Law

22719 Monarch Trail
Bloomfield, Iowa 52537

email: jslaw@netins.net

Tel: (641) 459-3320
Fax: (641) 459-3410

October 4, 2011

Iowa Finance Authority
Title Guaranty Board
Des Moines IA

Re: Kurt Swaim/provisional waiver

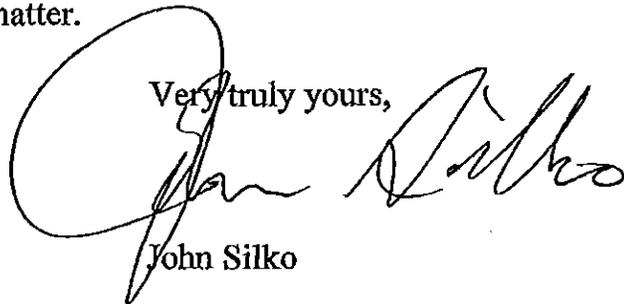
Ladies and Gentlemen:

I am a licensed, practicing attorney with over 40 years of experience. During the last 17 years I have practiced in Davis County, and have become well-acquainted with Kurt Swaim. I've had opportunities to observe Kurt in connection with numerous legal cases, as well as with his work in the state legislature, and always found him to be well-prepared, hard-working, professional and public-service-minded.

It is my understanding that Kurt intends to expand his law practice to include an abstracting service which will offer some new features, and seeks a provisional waiver to begin operations. Given that Davis County currently has only one abstracting service, I believe that competition could be beneficial to both the practicing lawyers and community at large. Accordingly, I urge you to approve Kurt's request for a provisional waiver.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Silko", written over the typed name "John Silko". The signature is fluid and cursive.

John Silko

JS/clc

Copy: R. Kurt Swaim



..... *The Law Office of*
SHANNON J. WOODS

November 2, 2011

Iowa Finance Authority
Title Guarantee Board
2015 Grand Ave.
Des Moines, Iowa 50312

Sent electronically to:
matt.white@iowa.gov

Re: Davis County Abstract & Title, L.L.C.

Dear Title Guaranty Board:

I have had the pleasure of working with attorney R. Kurt Swaim and abstractor David L. Truitt for the past eight years. I am a practicing attorney in Bloomfield, Iowa with a general practice office. Prior to opening my office in Bloomfield, I was a partner with a firm in nearby Ottumwa. Since 2003, each and every one of my dealings with Mr. Swaim and Mr. Truitt have been extremely professional, courteous and positive. They are not only gifted professionals, but valued citizens in the community as well.

The purpose of this letter is to recommend to the Title Guaranty Board that Davis County Abstract & Title, L.L.C.'s application for a provisional waiver be granted. I believe that Davis County can greatly benefit from an additional abstracting service; as we currently only have the benefit of one. There have been numerous occasions where my clients have endured lengthy waiting periods for real estate transactions and a second abstractor in the area would significantly help.

Should you have any further questions, please contact me.

Sincerely,

Shannon J. Woods
SJW:aen

cc: R. Kurt Swaim
David L. Truitt

John B. Martin, Attorney at Law

101 South Madison
P. O. Box 108
Bloomfield, Iowa 52537

Telephone 641-664-2025
Fax 641-664-2125
E-Mail: jbm1aw@netins.net

October 4, 2011

Iowa Finance Authority
Title Guaranty Board
Des Moines, Iowa

Re: R. Kurt Swaim/Provisional Waiver

To Whom It May Concern:

I have been a practicing attorney in Bloomfield, Davis County, Iowa, continuously since June 1973. Attorney R. Kurt Swaim commenced his practice in Bloomfield, Davis County, Iowa, in approximately 1980 and I have had ongoing professional interaction with Mr. Swaim in our capacities as attorneys since that time. I have the highest regards for Attorney Swaim and can safely say that he is one of the most industrious and detailed attorneys I have had an opportunity to professionally associate with.

It is my understanding that this recommendation will be utilized for the purpose of an application to the Title Guaranty Board for a provisional waiver to permit Mr. Swaim to commence an abstracting business. I believe that Bloomfield and Davis County in general would benefit from having an additional abstracter in our community since presently there is only one. I am sure my clients would benefit from the competition between the abstracters. I have for some time felt that an additional abstracter in our community would greatly enhance the timely consummation of real estate transactions.

Sincerely,



John B. Martin
Attorney at Law

JBM:css

**WELLS
FARGO**

231 West Second Street
P.O. Box 220
Ottumwa, IA 52501
641 683-8100
641 683-8126 Fax

October 6, 2011

Board of Directors
Title Guaranty Division of the
Iowa Finance Authority
2015 Grand Avenue
Des Moines, IA 50312

To Whom It May Concern:

I am writing this letter in support of having an additional abstract company in Davis County. Davis County has been a single abstract company county for many, many years. My experience with the turn around times has been less than desirable at times. Sometimes it is good, sometimes not as good. They have 2 primary real estate offices which one is blood relation to one of the realtors offices so when an abstract comes through from the other office it seems to take much longer to get it done. It would proved much more efficiency and faster turn around times for abstract work if there were two abstracting offices.

I work for Wells Fargo Home Mortgage in Ottumwa, IA and have been here over 23 years. All of our mortgages require Title Guaranty. We service many of the surrounding counties as well as Wapello County. I have known Dave Truitt ever since starting with Wells Fargo and previously was with another lender in town. His service has been great. If I ever need one rushed he is more than willing to cooperate. I am very confident in the job he does and his experience is beyond my years at Wells Fargo.

Please accept this letter of recommendation from me in support of Davis County Abstract of Davis County to receive Title Guaranty status as we would like to use their services in Davis County.

Sincerely,



KIM SCHREINER

Mortgage Consultant

Wells Fargo Home Mortgage } 231 W 2nd St | Ottumwa, IA 52501

HARRISON, MORELAND & WEBBER, P.C.

Attorneys at Law
129 West Fourth Street
P.O. Box 250
OTTUMWA, IOWA 52501
TELEPHONE (641) 682-8326
FAX (641) 682-8329
E-MAIL: hmmw@hmmw.com

JOHN R. WEBBER III
MICHAEL J. MORELAND
GAYLA R. HARRISON

OF COUNSEL:
JOHN N. MORELAND

TIMOTHY J. MCKAY (RETIRED)

HEATHER M. SIMPLOT

WRITER'S DIRECT E-MAIL:
jwebber@hmmw.com

October 5, 2011

Board of Directors
Title Guaranty Division
Iowa Finance Authority
2015 Grand Ave.
Des Moines, IA 50312

Re: Davis County Abstract & Title, LLC

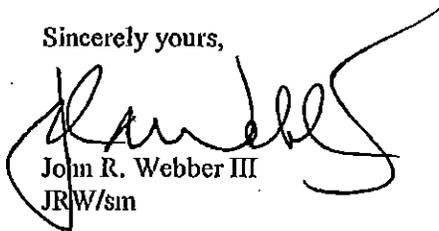
Ladies and Gentlemen:

I am writing this letter in support of the request by Davis County Abstract & Title, LLC for a provisional waiver of the 40 year title plant requirement for participation in the Iowa Title Guaranty Program.

It is my understanding that the provisional waiver being requested is for a period of one year to allow Davis County Abstract & Title, LLC to update its existing title indexes for Davis County. In my opinion, the granting of a provisional waiver is in the public interest. Davis County has been served by only one abstract company for a number of years and while they do a very good job with abstracting, additional providers which allow public choice are a positive. A new abstract company will increase competition. Increased competition will be good for the public as turn around times for abstracts will fall, customer service will improve and pricing may be lowered. The granting of the waiver will also allow Davis County Abstract & Title, LLC to compete for abstracts that require Title Guaranty.

I have been examining abstracts in Southeast Iowa since 1985 and am familiar with the principles involved in Davis County Abstract & Title, LLC and believe that they have sufficient experience and track record to provide quality services through Davis County Abstract & Title, LLC. I have been advised that Davis County Abstract & Title, LLC will employ the services of individuals who are experienced abstractors. This will allow Davis County Abstract & Title, LLC to provide quality abstracting services notwithstanding the temporary lack of a 40 year plant. I would further note that when the updating to the index is completed, that Davis County Abstract & Title, LLC will own the only complete title plant in Davis County.

Sincerely yours,


John R. Webber III
JRW/sm



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October 12, 2011

Geri Huser, Director
Title Guaranty Division Iowa Finance Authority
2015 Grand Avenue
Des Moines, IA. 50312

RE: Davis County Abstract and Title, LLC

Dear Ms. Huser:

Mr. David Truitt and Mr. Curt Swaim intend to open an abstract company in Davis County, Iowa. I truly support their work and their efforts. At this time, there is only one abstract company available in Davis County and as I am sure you have heard before, it can be difficult for one abstract company to keep up with the demands and provide timely service to the community.

I have known David Truitt as an abstractor in Wapello County, IA. for the last twenty-nine years and I have found him to be a tremendous resource for the real estate community in Wapello County. Although we have two abstract companies available in Wapello County, Truitt Abstract provides the full level of service the real estate industry needs, whether it be a quick answer on a phone call, or handling the large volume of abstracting and title needs to serve the many and various real estate closings and lenders involved in Wapello County transactions. David has a passion for the business, has been an active leader in his industry for many years, and has grown up in the industry, with his father and grand-father having also been abstractors and attorneys in the community since 1931.

Curt Swaim is an attorney with an office and residence in Bloomfield, Davis County, IA. He is well respected by the community and local Realtors as well. He most recently served in the Iowa House.

I encourage you to allow the title guarantee waiver for Davis County Abstract and Title, LLC. This new business will be a tremendous benefit for the real estate industry in Davis County, IA. Should you have any further questions, you may certainly contact me.

Sincerely,



Les Thostenson, Broker



October 06, 2011

To Whom It May Concern,

South Ottumwa Savings Bank currently uses the services of Truitt Abstract Company for updates on abstracts. The services they provide the bank are both professional and done a timely manner. This letter from South Ottumwa Savings Bank is to show our support of having Truitt Abstract Company as an additional abstract company in Davis County.

Please call me if you have any questions.

Sincerely,

South Ottumwa Savings Bank

A handwritten signature in black ink that reads "Penny J. Reed". The signature is fluid and cursive, with the first name being the most prominent.

Penny J Reed
Vice President

www.sosb-ia.com

MAIN BANK
320 Church Street
PO Box 516
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NORTH COURT BANK
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Phone 641-682-7541

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E-MAIL: kiplelaw@lisco.com
SENDER'S E-MAIL: pzingg@lisco.com

J. TERRENCE DENEFE
STEVEN GARDNER
PAUL ZINGG

RETIRED:
JAMES L. KIPLE
CHARLES M. KIPLE
JEROME M. BEAVER

ROBERT M. BOX

November 2, 2011

Board of Directors
Title Guaranty Division
Iowa Finance Authority
2015 Grand Avenue
Des Moines, Iowa 50312

Re: *Davis County Abstract and Title, L.L.C.*

Members of the Board:

I am writing this letter on behalf of Davis County Abstract and Title, L.L.C., located in Bloomfield, Iowa. Mr. David Truitt has requested a waiver of the 40-year title plant requirement for participation in the Iowa Title Guaranty Program.

Our office has a sizeable real estate business, and I have worked personally with Mr. Truitt and his staff since 1998. My work with Truitt Abstract Company, Inc. includes examination of their abstracts that require Title Guaranty. I have no doubt that Mr. Truitt and his experienced staff will continue to provide quality abstracting services. I would recommend your approval of his request for a provisional waiver of the 40-year title plant requirement.

Thank you and do not hesitate to call if you have any questions.

Sincerely,



Paul Zingg

PZ:dmd

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