

just not going to happen, because if you think about a subdivider investing thousands and thousands of dollars in a subdivision, he is simply not going to take a chance that the city is going to come back 120 days later or whenever he files the affidavit to correct an error. He is not going to take a chance that the city is going to come back and say, no dice, because he is going to have his hands full of law suits and all other kinds of problems if those deeds are not validated. So it is always going to be to his benefit to go in a straightforward manner to the city and get the proper subdivision. If he tries to avoid the process, he may very well end up in a situation where he destroys himself financially. So as a practical matter, I don't think that sort of elusive tactic would ever be used, and should it be used and the city discovered it, one good example would end that practice. With regard to Senator Cope's question, there might have been a little confusion on exactly what a subdivision is. When a whole plat is platted, that, in effect, is a subdivision, and the plat is approved by the city. So what we really are talking about is when individual owners, generally speaking, is when individual owners decide upon their own to go out and subdivide their lot the situation comes up most often in that context. With regard to title insurance, I have no idea who was in favor or against the bill, but it seems to me that Senator Nichol's answer to that was completely appropriate. The title insurance companies would be very much in favor of this kind of a bill because, of course, it is going to allow them to keep insurance rates down because they know that there is a possibility of correcting this type of defect should this type of defect show up on a piece of property that they have insured. So it should be good for homeowners everywhere in the sense that it will keep insurance rates down by making one more defect correctable.

PRESIDENT: The Chair recognizes Senator Barrett.

SENATOR BARRETT: Mr. Speaker and colleagues, I think probably there has been enough conversation on this subject up to now. One quick thought...I rise in support of Senator Nichol, the Judiciary Committee and 235. As a practicing realtor I have been aware of this problem for several years. In my own shop I was involved in a problem of this magnitude within the past year. This is simply curative legislation. There are titles in the state right now clouded because of the present statutes. We have attorneys who are suggesting in the rendering of their opinions that deeds have no cause and effect. I think this is extremely important and I would urge your support. Thank you.

PRESIDENT: Senator Nichol, you may close on the amendment.