

Letter To Whom It May Concern:

Re:  
C15-2012-0092

My name is Georgia Duke and I opened my own title company in Austin, Texas in June of 1983. My company is still in existence and will be 30 years old in June of 2013. I have been in the title insurance business, in the State of Texas, starting in Victoria, Texas, then in Houston, Texas and then moving to the Austin area in the Fall of 1979, for some 57 years.

Our Industry is only allowed to research title as it is shown in the public records, such as the County Clerk's office, where all documents affecting title are recorded and where our plants can geographically post documents to our plants so that we may determine who owns the property and what effects the Sellers and Purchasers of property as to what liens, easements, etc. are recorded against the property. Every one in our Industry understands that we can only insure title to property but we cannot guarantee they can use the property in the manner they would like to.

Then after the property is purchased City ordinances also have to be considered, and it is in this arena that buyers are being caught unaware and encountering economic damage. The City seems to have some ordinances that apply in only some neighborhoods and are even interpreted differently in the neighborhoods all across the City. Residential buyers have a very short time to investigate all aspects of a property before they are obligated to purchase. These special rules and requirements need to be out front and obvious and I am finding that realtors, along with their clients, are missing these, looking to the title commitment to provide them the information, which we haven't the means to do because they are not recorded in the places that we have to look to examine the title.

Recently I closed a sale and purchase of property located in Austin, Texas at 3303 and 3305 Lafayette Lane to a long time client of mine. After she went through the process of purchasing, and jumping through all of the hoops through the City process, she finally got a Building Permit. Then after the property was started and foundation started and lots of money had been spent in anticipation of completing the process to build on one of the purchased lots, she was stopped by a Neighborhood group that have rules for their neighborhood that she was not told about nor was she made aware of that they even existed.

Construction has been stopped for several months now, and nothing further can be done until this issue is resolved.

It seems to me that either the City of Austin is going to have to have a list of these neighborhood groups and notify the Owners when they come through the City process or require that the Neighborhood Group file a document in the Real Property Records so that unsuspecting Buyers can know sooner rather than later that there is another group that has to be approached for approval in the whole process. Homeowner's Associations have to record documents to indicate that they have a Homeowner's Association and they are recorded in the County Clerk's office. Any changes or amendments to those documents must be recorded also.

*Georgia Duke*