

American Fidelity Title's
Insider's Edition

American Fidelity Title

Water, Water Everywhere...

With the advent of hurricane season comes a number of challenges: not only for Florida residents, but also for title practitioners. Generally, when dealing with lands adjacent to a water body, changes to the boundary of the upland parcel may occur due to accretion or erosion (see definitions below for each term). If the upland parcel has a metes and bounds description that runs along the mean high water line or ordinary high water line, then title to any accreted land would belong to the upland land owner. On the other hand, the State of Florida would acquire title to any lands lost by erosion. Changes to the water boundary that occur due to avulsion or man-made forces do not follow the above rule. This article focuses on avulsive events.

Consider the following facts: Sally Tansalot is the upland owner of a piece of property on the Gulf of Mexico. Hurricane Debbie came through and when the storm ended, Sally found an additional 15 foot strip between her property boundary line and the water. Her neighbor, Bob emerged from the storm to note that 10 feet of his property disappeared into the depths of the sea. Because the changes occurred by avulsion, rather than accretion or erosion, title to the strips in question does not change. The state of Florida does not lose title to the formerly submerged lands and is the owner of the 15 foot strip between Sally's property and the water.

Bob stills owns the 10 foot strip of his property that is now submerged. Bob, the upland owner of record can make application to the Board of Trustees for a disclaimer or Quitclaim Deed for the privately-owned lands which were submerged as a result of the avulsive event. The requisite criteria and limitations necessary to reclaim the lands can be found on the Florida Department of Environmental Protection website at www.dep.state.fl.us. Applications can also be found at this website as well.



Definitions

Accretion: Slow and natural buildup or the gradual and imperceptible accumulation of land by natural causes along the seashore or the bank of a river or stream.

Avulsion: Sudden relocation by natural causes such as storms or the loss or addition of land bordering the seashore, river or other body of water by sudden or violent and perceptible action of the elements.

Erosion: Slow and natural washing away of the gradual and imperceptible washing away of the land along a sea, gulf, river or lake by natural causes. The term "erosion" is also used where there has been submergence of the land due to permanent encroachment of the waters.

Source: LandFloridian Volume 2005 Issue 2

Bankruptcy Reform

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 was enacted on April 20, 2005. Although some provisions take effect immediately, the law generally is effective as to cases filed 180 days from enactment (October 17, 2005). The Act is the first major reform to bankruptcy laws since 1978.

Please look for more information in our next newsletter!

Source: LandFloridian Volume 2005 Issue 2



Thank you to all of our participants in last month's brain teasers contest.

Here are our winners:

\$100.00 Gulf States Mortgage

and tied for second place both receiving

\$50.00 Charles Dinsmore III and Hanif Ahmed
 with ReMax Partners



For more information, please contact your American Fidelity Title Marketing Representative at 954-492-5000

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Body Language – The Language Everyone Speaks

We always use body language! Looking at someone for example means something completely different than not looking at someone. Even our very presence conveys a message. In our contact with other people it is impossible not to communicate. Several investigators estimate that at least 70% of the communication between people takes place through body language and tone of voice. The best known theory is that of the American psychologist Mehrabian. He states that when it comes to expressing feelings:

- 55% of the communication consists of body language,
- 38% is expressed through tone of voice and only
- 7% is communicated through words.

If this is the case we express 93% of our feelings in a non-verbal way!

Source: Frank van Marwijk



American Fidelity Title

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Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around.

- Leo Buscaglia