



February 13, 2007

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Re: Compliance With Massachusetts Unauthorized Practice of Law Statutes

Dear Mr. Turk:

Thank you for responding to the December 12, 2006 letter I wrote to Messrs. Dufficy and Johnson notifying them that Massachusetts does not permit "notary" closings.

As you point out in your letter, there has been a significant amount of cooperation and support between the Real Estate Bar for Massachusetts, Inc. and First American. Also, we fully recognize and appreciate that First American values its favorable relationship with Massachusetts attorneys. It was precisely out of respect for these ties that I wrote to Messrs. Dufficy and Johnson in the first place and provided the Opinion of REBA's Practice of Law by Non-Lawyers Committee which explained in detail why "notary" closings violate Massachusetts law.

Your concise response, that you have reviewed First American's operations and are satisfied that they comply with Massachusetts law, was disappointing. Perhaps unintentionally, you failed to appreciate the seriousness of this issue to our members. REBA has recently filed two civil actions to force a settlement service provider and a number of notaries public from conducting such "notary" closings. Also, we are discussing this issue with the Banking Commissioner and encouraging him to take more active measures against mortgage lenders who regularly violate Massachusetts law.

Imposing on REBA's long-standing and strong relationship with First American, and hoping to continue that relationship, we ask that you let us know that First American is not involved in "notary" closings in Massachusetts or explain more fully why you believe that such closings do not violate Massachusetts law. We look forward to your response.

Very truly yours,

Robert J. Moriarty, Jr., Esq.
Chair, Committee on the Practice
of Law by Non-Lawyers

cc: Peter C. Norden, Regional Vice President
Eugene Gurvits, Vice President, Regional Counsel

Serving the real estate bar for over 150 years as the Massachusetts Conveyancers Association