

# Title Investigations: The Use of Rights of Way Agents vs. Title Attorneys

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# Definitions

1. **Displaced Person** – Any person who moves from real property or moves his or her personal property from the real property. The term “person” means a partnership, corporation, or association as well as individual or family (Rights of Way Relocation Assistance Manual, Chapter 3, page 3-1).
2. **Deed** – A conveyance of reality; a writing signed by grantor, whereby title to realty is transferred from one to another (Black’s Law Dictionary 6<sup>th</sup> Edition page 414).
3. **Easement** – A right of use over property of another’s of way (Black’s Law Dictionary 6<sup>th</sup> Edition page 509).
4. **Encumbrance** – Any right to, or interest in, real property which may subsist in another to diminution of its value, but consistent with the passing of the fee by conveyance (Black’s Law Dictionary 6<sup>th</sup> Edition page 527).
5. **Initiation of Negotiation** – When a written offer to purchase needed rights of way is made to the property owner based on a real estate appraisal.
6. **Preliminary Contact** – Initial or first contact with a property owner by a rights of way agent.
7. **Real Property** – Interest, benefits, and rights inherent in the ownership of real estate (Black’s Law Dictionary 6<sup>th</sup> Edition page 1216).
8. **Relocation Assistance** – A process in which federal, state, local public agency relocation services, moving cost payments, and related expenses to individuals, families, businesses displaced by urban renewal projects or other federal federally

assisted programs (Rights of Way Relocation Assistance Manual, Chapter 2, page 2-1).

## **I. Introduction:**

The Rights of Way Department is a unit in the Pre-Construction Division of the South Carolina Department of Transportation (SCDOT). The Rights of Way Department must secure all needed rights of way for a project between the rights of way obligation date, which is the date funding is approved to acquire needed rights of way on a project, and the construction obligation date, which is the date rights of way must certify that all needed property has been secured by permission, deed, easement, or condemnation, and all displaced persons and their personal property have been cleared of the needed rights of way. Acquisitions of rights of way can range from simple low value strip takes of land with no relocation with settlements of less than \$20,000 to complex high value total takes involving relocation with settlements of \$100,000.00 or more.

The federal law, which allows SCDOT to acquire rights of way for federally assisted projects, is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), as amended. The state laws, which empower the SCDOT to acquire rights of way both on federally assisted and state funded projects, are found in Title 28 (Eminent Domain) and Title 57 (Highway, Bridges, and Ferries) of South Carolina Code of Laws, as amended (Rights of Way Acquisition Manual, Chapter 3, page 3-2).

The Director of Rights of Way manages the overall Rights of Way Department which employs approximately 80 employees. The Rights of Way Department is divided into three

sections:

- ❖ **Field**
- ❖ **Headquarters**
- ❖ **Utilities**

The three sections have seven (7) primary functions (Rights of Way Acquisition Manual, Chapter 2, pages 2-3 thru 2-4):

- **Appraisal Function** -The appraisal function is to determine an opinion of market value.
- **Acquisition Function**- The acquisition function is responsible for the negotiation and procurement of right of way and other lands needed in the operation of the Department and is under the direction of the Rights of Way Field Administrator.
- **Relocation Function** - The relocation function is to ensure displaced persons are relocated in accordance with state and federal regulations.
- **Property Management Function** - The property management function is to maintain inventory and disposal of surplus property.
- **Utilities Function** - The utilities function is to provide guidance in the day to day operations of accommodating utilities within the right of way for roads within the state highway system.
- **Railroads Function** -The railroad function is responsible for submittals and discussions with railroad companies during the pre-construction phase of SCDOT road and bridge projects that affect property, crossings, tracks, or right of way of railroad companies operating in South Carolina and payment of associated invoices.

- **Administrative Support Function** -The administrative function is responsible for the research, maintenance, and accuracy of all records pertaining to rights of way acquisition. It processes all rights of way claims for payment and ensures that all necessary instruments are recorded in a timely manner.

The field section is responsible for securing needed rights of way on a project in a timely manner to meet the construction obligation date. The field acquisition unit divides the state into four regions (Central, Eastern, Southern, and Western). Each region has a central office. The four regions vary in size from seven (7) counties to fourteen (14) counties. Three (3) regions consist of approximately fourteen (14) employees and one (1) region consists of approximately ten (10) employees:

- **Regional Rights of Way Administrator (one per region):** Regional Rights of Way Administrator is responsible for the appraisal, relocation, and negotiation functions within a single region. He/she coordinates all activities to ensure project delivery is on time (Rights of Way Acquisition Manual, Chapter 2, page 2-5).
- **Team Leader (two per region):** The Team Leader is responsible for the appraisal, relocation, and negotiation functions for specifically assigned projects within a Region and provides supervision and guidance for his/her staff (Rights of Way Acquisition Manual, Chapter 2, Page 2-5).
- **Rights of Way Appraiser (two per region):** The Rights of Way Appraiser performs professional work in right of way appraisals pursuant to Eminent Domain laws. The Appraisers prepare an opinion of market value for the property to be acquired by easement and title to real estate. He/she also serves as review appraiser for appraisals prepared by staff and contract appraisers. He may also function as a Relocation and/or Acquisition Agent (Rights of Way Acquisition Manual, Chapter 2, page 2-5).
- **Rights of Way Agent (seven per region):** The SCDOT currently operates under the one-agent concept which provides services to property owners through combining the functions of relocation and acquisition. This ensures a better understanding of the information being supplied and reduces the possibility of confusion on how the system works. In order for a Rights of Way Agent (Agent) to acquire rights of way for

the SCDOT, he must have knowledge of title investigations, sales data compilation, preparation of legal deeds and writing legal descriptions. He must have the ability to communicate effectively with property owners and be skilled in reading, interpreting and explaining proposed construction plans. The Agent must also provide relocation assistance for those individuals, families and businesses displaced as a result of right of way activities (Rights of Way Acquisition Manual, Chapter 2, Page 2-6).

- **Administrative Specialist (two per region):** The Administrative Specialist assists each region with needed clerical duties answering phones, typing, ordering supplies, and updating the preconstruction project management system.

Prior to receiving rights of way authorization (funding to acquire) on an individual tract or the project as a whole, the Rights of Way Department cannot make “Preliminary Contact” with the property owner, start the negotiation process (Initiation of Negotiation) nor secure rights of way by deed or easement. The Rights of Way Department can determine ownership, interest, and encumbrances on each tract on a project.

When SCDOT acquires real property for rights of way with Agents, the responsibility for determining ownership, interest, and encumbrances falls upon the Agent assigned to the project. This research is done by the assigned Agent completing a title investigation on each individual tract at county courthouses. On occasion, SCDOT may employ an attorney to determine ownership, interest, and encumbrances on a tract of real property by a preparing a title opinion. When SCDOT hires on-call consultants to acquire needed rights of way on a project, the on-call consultants are required to hire a title attorney to determine ownership, interest, and encumbrances on a tract of real property being acquired for rights of way.

## II. Problem Statement:

Determining the ownership, interest, and any encumbrances on a tract of real property is critical when acquiring rights of way. It plays a role in what interest SCDOT acquires in the property and may impact the valuation of the tract. With or without rights of way authorization, no other acquisition phase can begin until the title work phase is complete. This phase is completed by researching recorded public records in the county courthouse by an Agent which is called a title investigation. If the information is gathered by an attorney it is called a title opinion.

A **title investigation** (title search) is an examination of the records at the registry of deeds which contains records of title documents to determine whether title to the property is good or bad by producing a title abstract (Black's Law Dictionary 6<sup>th</sup> Edition, page 1487). A title abstract is a condensed history of the title to land, consisting of a synopsis or summary of the material or operative portion of all the conveyances, or whatever kind or nature, which in any manner affect said land, or any estate or interest therein, together with a statement of all liens, charges, or liabilities to which the same may be subject, and which it is in any way material for purchasers to be appraised (Black's Law Dictionary 6<sup>th</sup> Edition, page 10). The title investigation completed by an Agent is recorded on the Agents worksheet for each tract. The Agent must search the title back through enough conveyances to satisfy himself/herself that the title, interest, and all encumbrances are sufficient. Title investigations must be researched back a minimum of five (5) years and two (2) conveyances and include current mortgages, liens, leases, easements, probate information, or any other information affecting the title.

A **title opinion** is an opinion by an attorney on the legal state of the title of a specific real property, it reflects any clouds on the title such as rights of way, servitudes, and easements (Black's Law Dictionary 6<sup>th</sup> Edition, page 1487). An attorneys title opinion must included a written title certificate, minimum forty (40) year title search, copies of the current deeds, mortgages, plats, any easements or liens, leases or other documents affecting the property including probate information, i.e. date of death, date probate filed, when probate opened and when probate closed, and the name of the personal representative including address and phone number for the individual parcels. With the Rights of Way Departments current procurement procedures it takes approximately twenty (20) business days (1-calender month) to secure a contract with a title attorney.

Before real estate can be conveyed to SCDOT for new rights of way a title investigation or title opinion must be completed on each tract to determine what real property ownership individuals or corporations have in a tract along with any other interest or encumbrances. This information is recorded and maintained in county courthouses in the Clerk of Courts Office, Register of Mense and Conveyance Office, or the Register of Deeds Office. Ownership, interests, or encumbrances in real property include but are not limited to the deeds, easements, leases, real property agreements, trusts, restrictive covenants, wills, probates, judgments, liens, mortgages, contracts, and options. Deeds, easements, and some leases and real property agreements (including Trusts and Restrictive Covenants) constitute a real property interest. Judgments, liens, and mortgages constitute an equitable or monetary value in the real property. Contracts, options, probates, and wills are devices by which property

may be bound for conveyance and when they exist must be dealt with in the acquisition (Rights of Way Acquisition Manual, Chapter 5 page 5-1).

In a perfect world an Agent would be given one project at a time to complete all phases of the acquisition process and then start a new project. However, Agents typically carry multiple projects at any given time. An Agent may be in various stages of the acquisition process on each project.

Typically Agents are assigned to projects after rights of way authorization based on their experience level, existing workload, and complexity of the project. While determining ownership on a parcel of real property is the first phase in the acquisition process, it does not play a role in project assignments so an agent with little experience could be assigned to what is perceived as a “simple acquisition project” but requires complex title work above their experience level. In these cases a second agent may be required to assist with the title investigation on a tract; the project is reassigned to another agent; or title opinions are requested.

Currently statewide, on in-house projects worked by Agents, a title investigation is the primary method by which ownership, interests, and encumbrances on a tract are determined. Should the Rights of Way Department require title opinions be completed by a title attorney on all in-house projects worked by Agents?

By reviewing and comparing practices currently being utilized to determine ownership of real property and other interest in that property, it will help meet the goal of the Rights of Way Department which is to acquire and clear the rights of way in such a way for construction

to ensure fair treatment and consistency to all landowners and displaced persons, and to promote public confidence (Rights of Way Acquisition Manual, Chapter 1, page 1-2).

### **III. Data Collection:**

Until now no data has been collected or analyzed to determine which method, title investigations or title opinions, should be used by to establish ownership of real property and any encumbrances thereon, or if one method is superior to the other in meeting the overall goals of the Rights of Way Department.

The data collected for this project was gathered in a variety of ways, such as, conducting informal interviews, questionnaire's, reviewing files, and reading manuals. The data collected came from a variety of sources, such as, current and former SCDOT rights of way personnel (Agents, Managers, Administrators, Director Rights of Way, Human Resource Manager), SCDOT Fleet Manager, SCDOT Accounting Office, SCDOT Legal Counsel, the Director of Operations for a private law firm that specializes in title opinions, on-call consultant managers that have over fifteen years of experience acquiring rights of way for SCDOT, and SCDOT Rights of Way Acquisition Manual.

The following data was collected from 2010 to 2013 and reviewed to establish the cost of a title investigation per tract by an agent:

- Salaries of Agents along with overhead rate needed to determine average daily cost.
- Miles driven per calendar year by Agents along with fleet operation cost per mile of state car used to establish daily cost of vehicle operation.

The following data was collected from 2010 to 2012 and reviewed to establish the number of title investigations completed by an agent on average per day:

- Time sheets with weekly agent logs.
- Interviews with SCDOT rights of way personnel, on-call consultants, and responses from questionnaires provided to SCDOT rights of way personnel and on-call consultants.
- Reviewing of project records.

The following data was collected from 2009 to 2012 and reviewed to establish the cost of a title opinion by an attorney per tract and time to complete a title opinion:

- Contracts directly with title attorney firms.
- Contracts with on-call consultants.
- Interviews with on-call consultants and responses to questionnaires from on-call consultants.

Information gathered from interviews and questionnaires was used to obtain better understanding of why the Rights of Way Department uses primarily title investigations on projects worked by agents in lieu of title opinions. The goals of the overall data collection for this project is to determine which method, title investigations or title opinions, would be the most time efficient expediting the overall rights of way acquisition process, cost effective, and produces the most accurate/detailed product; or if the analyzed data indicates that a combination of both methods be used to expedite the overall rights of way acquisition process.

#### **IV. Data Analysis:**

##### **➤ Accuracy and Detail:**

Upon review the 32 acquisition projects used for this project and informal interviews with SCDOT personnel, I could neither find quantifiable data to indicate that one method is

more accurate than the other method, nor more detailed than the other. However, from review of questionnaires a majority, 14 of the 20 respondents, indicated title opinions, solely based on their past experiences and opinion, are more accurate and detailed than title investigations (Appendix, Questionnaire Results - Title Opinions vs. Title Investigations, page A-7). Although multiple reasons were given, the only common reason is that a title opinion is completed by an title attorney and goes back a minimum of forty (40) years compared to title investigation which goes back a minimum of five (5) years or two conveyances or until the Agent is satisfied the title information is sufficient to move forward with the acquisition.

➤ **Time:**

Review of questionnaire indicated that a majority, 10 of the 20 respondents, indicated title investigations could be completed faster than a title opinion (Appendix, Questionnaire Results - Title Opinions vs. Title Investigations, page A-7). On average the respondents indicated that an Agent can complete on average four (4) title investigations per day or twenty per week (Appendix, Questionnaire Results for Title Investigations Timeframe, page A-3). The four (4) title investigations completed per day is when or if the Agent devoted all their time to completing title investigations on a project. Upon discussions with the Director of Operations for a title attorney and with on-call consultant managers, and review of six (6) on-call consultant projects, between 2010 and 2012, a title attorney can produce two (2) to three (3) title opinions per day or 10 to 15 per week (Appendix, Title Opinions through On-Call Consultants 2010 - 2012, page A-6).

Analysis was taken to further examine nineteen (19) random in-house projects that occurred between 2010 and 2012 where title investigations were completed by Agents. The

analysis indicated an Agent averaged 2.12 title investigations per day or 10.58 title investigations per week (Appendix, Title Investigations on In-House Projects 2010 - 2012, page A-4). Of these in-house projects the highest number of title investigations completed per day was 6.5 or 32.5 per week and the lowest number completed per day was 0.26 or 1.29 per week (Appendix, Title Investigations on In-House Projects 2010 - 2012, page A-4).

Projects identified as File 16.039803 (4-Tracts), File 19.036773A (103-Tracts), File 22.039758 (6-Tracts), and File 21.0337239 (130-Tracts) had one (1) to two (2) agents assigned to them to complete needed title investigations. On each project the Agents were totally devoted to completing the title investigation. The title investigations were completed in one (1) business day to ten (10) business days with each Agent completing on average 5.5 title investigations per day (Appendix, Title Investigations on In-House Projects 2010 - 2012, page A-4). In contrast to projects identified as File 8.039389 (66-Tracts), File 8.038779 (169-Tracts), 26.037238A.1 (18-Tracts), and File 32.273B (105-Tracts) had one (1) to four (4) Agents assigned them to complete needed title investigations. On each project the Agents were not devoted solely to completing the needed title investigations. Each Agent was working other acquisition projects, which is typical, while completing title investigations on these projects. The title investigations were completed in 20 business days to 125 business days with each Agent completing on average 0.71 title investigations per day. (Appendix, Title Investigations on In-House Projects 2010 - 2012, page A-4).

In addition, analysis of seven (7) title attorney contracts for title opinions between 2009 and 2012 indicated that title attorneys completed on average 1.63 title opinions per day or 8.17 title opinions per week (Appendix, Title Attorney Contracts with SCDOT 2009 - 2012, page A-5).

Title opinions were prepared by title attorneys on projects identified as File 21.037269A (145-Tracts), File 21.037241A (122-Tracts), File 26.036781A (111-Tracts), and File 21.037271A (94-Tracts). On these contracts all title opinions had to be completed within 60 business days. On average 1.85 title opinions were completed per day on File 26.036781A to 2.42 title opinions per day on File 21.037269A (Appendix, Title Attorney Contracts with SCDOT 2009 - 2012, page A-5). Also title opinions prepared by title attorneys on projects identified as File 26.036836A (9-Tracts) and File 26.039886 (13-Tracts) had to be completed in twelve (12) to fourteen (14) business days. On average 0.64 title opinions were completed per day on File 26.036836A to 1.08 title opinions per day on File 26.039886 (Appendix, Title Attorney Contracts with SCDOT 2009 - 2012, page A-5).

➤ **Cost:**

Review of questionnaire indicated that a majority, 20 out of 20 respondents, indicated title investigations cost less than a title opinion (Appendix, Questionnaire Results - Title Opinions vs. Title Investigations, page A-7). Upon determining the average yearly salary with overhead cost of the 27 Agents in the Rights of Way Department (Appendix, Average Rights of Way Agent Salary with Overhead, page A-2) plus the average miles driven by an Agent per day multiplied by the cost per mile to operate the state vehicle (Appendix, Average Cost per Day for State Vehicle per Agent, page A-1) the average cost per business day for an Agent was determined to be \$304.32. Based on the respondent's expectations, an Agent is expected to complete an average of four (4) title investigations per day which cost \$76.08 per title investigation. Further analysis was taken to examine nineteen (19) random in-house projects where title investigations were completed by Agents that occurred between 2010 and 2012.

The analysis indicated an Agent completed on average 2.12 title investigations per day. The indicated average cost on these projects is \$143.55 per title investigation. It cost SCDOT on average \$234.29 to \$250.00 per tract for a title opinion (Appendix, Title Attorney Contracts with SCDOT 2009 - 2012, page A-5 and Title Opinions Through On-Call Consultants with SCDOT 2010 - 2012, page A-6).

➤ **Conclusion:**

No quantifiable data could be found to indicate that accuracy and detail are compromised with the completion of a title investigation. However, a majority of respondents think that because a title opinion is completed by a title attorney and has a 40 year research requirement that it is more accurate and detailed than a title investigation which is completed by an Agent and has a five (5) year and two (2) conveyance minimum research requirement.

The data also indicates that on average the cost to SCDOT of completing a title investigation on a tract is less than the cost of having a title opinion completed.

Also, the data suggests that if all the title investigations cannot be completed on a project within twenty (20) business days (1-calander month), it is an inefficient use of an Agents time. The data indicates that it will be a more efficient use of time to a hire title attorney to complete title opinions when title investigations exceed twenty (20) business days (1-calander month).

Based on my data analysis, my recommendation is for Agents to continue to conduct title investigations on in-house projects. However, in order to improve the efficiency, I also suggest that a limit is set on the time spent completing title investigations. It is recommended

that if title investigations on in-house projects cannot be completed within twenty (20) business days (1-calendar month) then title opinions should be ordered. By setting this threshold of time, it will provide clear policy which will expedite the title research phase and allow Agents to focus on other projects.

**V. Implementation Plan:**

The implementation plan to improve the way the Rights of Way Department conducts title investigations is as follows:

- ✓ Add time criteria to complete title investigations on projects in the Rights of Way Acquisition Manual. Criteria: An Agent must complete all title investigations on a project within twenty (20) business days (1-calendar month) of start of title research. Draft to be written by the Rights of Way Field Administrator and approved by the Director, Rights of Way.
- ✓ Obtain approval for changes to Rights of Way Acquisition Manual from the Federal Highway Administration (FHWA). To be completed by the Director, Rights of Way.
- ✓ Cost: \$106.45 to \$158.21 per tract (based on average cost of a title investigation and the average cost of title opinion). The additional cost is minimal to SCDOT when considering the overall cost of an entire project from project development thru construction.
- ✓ The process to revise the Rights of Way Acquisition Manual and gain approval of changes from FHWA will be completed and implemented by January 1, 2014.
- ✓ Once time criteria is implemented, the Regional Rights of Way Administrator will be responsible for making the decision to conduct title investigations on a project or request title opinions. If necessary, the Regional Rights of Way Administrator will make a request to the Rights of Way Field Administrator for title opinions to be ordered. With approval from the Rights of Way Field Administrator the process for procuring services of a title attorney will begin. Securing title attorney services will take approximately twenty (20) business days (1-calendar month).

## **VI. Evaluation Method:**

Once this plan is implemented it will be monitored and evaluated monthly during the projects status meeting which occurs between the Rights of Way Field Administrator and the Regional Rights of Way Administrators. During this meeting status of each phase of the rights of way acquisition process is examined on a project by project basis. The data that is used to determine if the title investigations are being completed within the twenty (20) day threshold is the date title investigation starts on a project and the date the tile investigation is completed on a project. This information will be tracked in the new rights of way project data system that is anticipated to go on-line in June 2013.

## **VII. Summary and Recommendations:**

Based on existing policy and procedures the Rights of Way Department internal title investigations, prepared by Agents, are meeting the criteria of being cost effective, accurate, and detailed enough to secure real property for construction of a project. However, while cost, accuracy, and details of title investigations are adequate to accomplish the needed acquisitions, the time it takes to prepare title investigations is an not efficient use of an Agents time when it takes over twenty (20) business days (1-calendar month) to complete title investigations for a project. Time is critical on all phases of an acquisition project. Depending on the number of tracts on a project, the Rights of Way Department typically has 6 months to 18 months to complete acquisitions. By having title opinions prepared on projects were title investigations are anticipated to take over twenty (20) business days (1-calendar month) it will expedite the overall acquisition process.

# Appendix

## AVERAGE COST PER DAY FOR STATE VEHICLE PER AGENT

	CALENDAR YEAR			TOTAL
	2010	2011	2012	
<b>MILES DRIVEN:</b>	334,938	274,121	275,516	884,575
<b>AVERAGE DRIVEN PER CALENDAR YEAR:</b>	10467	8843	10204	29514

**YEARLY AVERAGE FOR THREE YEAR TIMEFRAME:**       $29,514 \div 3 =$                       9,838

**DAILY AVERAGE:**                       $9,838 \div 247 =$                       40  
 (247 WORKING DAYS A YEAR)

**OPERATION COST PER DAY:**                       $40 * 0.93 =$                       \$37  
 (EXPENSE COST IS \$0.93 PER MILE PROVIDED BY SCDOT FLEET MANAGEMENT)

## AVERAGE RIGHTS OF WAY AGENT SALARY WITH OVERHEAD

Title	Region	Salary
Rights of Way Agent I	Western	\$27,720
Rights of Way Agent I	Eastern	\$27,720
Rights of Way Agent I	Eastern	\$27,720
Rights of Way Agent I	Western	\$29,128
Rights of Way Agent I	Southern	\$29,236
Rights of Way Agent I	Southern	\$35,162
Rights of Way Agent I	Central	\$35,358
Rights of Way Agent I	Central	\$35,462
Rights of Way Agent I	Southern	\$36,184
Rights of Way Agent I	Eastern	\$36,267
Rights of Way Agent I	Central	\$36,520
Rights of Way Agent I	Eastern	\$38,625
Rights of Way Agent I	Southern	\$33,289
Rights of Way Agent II	Western	\$35,854
Rights of Way Agent II	Western	\$36,025
Rights of Way Agent II	Western	\$36,774
Rights of Way Agent II	Central	\$37,548
Rights of Way Agent II	Eastern	\$39,691
Rights of Way Agent II	Western	\$41,148
Rights of Way Agent II	Central	\$41,780
Rights of Way Agent II	Eastern	\$45,612
Rights of Way Agent II	Southern	\$45,797
Rights of Way Agent II	Eastern	\$47,762
Rights of Way Agent II	Western	\$48,593
Rights of Way Agent II	Central	\$50,749
Rights of Way Agent II	Eastern	\$50,994
Rights of Way Agent II	Central	\$52,799
Total Agents: 27		\$1,039,517.00
<b>Average Yearly Salary of Rights of Way Agent</b>	$\$1,039,517.00 \div 27 =$	<b>\$38,500.63</b>
<b>Average Yearly Salary with Overhead Cost</b>	$\$38,500.63 * 1.715(\text{overhead}^*) =$	<b>\$66,028.58</b>
<b>Average Daily Salary with Overhead</b>	$\$66,028.58 \div 247 \text{ net working days} =$	<b>\$267.32</b>

\* Overhead rate provided by SCDOT Accounting Office

**QUESTIONNAIRE RESULTS - TITLE INVESTIGATION TIMEFRAME**

<u>RESPONDENT</u>	<u>TITLE INVESTIAGTIONS COMPLETED PER DAY</u>	<u>TITLE INVESTIGATIONS OR OPINIONS</u>
1	2.5	0.5
2	1.5	0.5
3	5.25	0.5
4	N/A	1
5	5	1
6	N/A	N/A
7	5	1.5
8	7.5	0.75
9	2.7	0.5
10	1.7	1
11	1.7	1.5
12	1.7	1
13	5	1.5
14	7.5	0.5
15	1.7	0.5
16	3.75	0.5
17	5	0.75
18	7.5	1
19	3	1
20	N/A	1

**Average Number Completed Within a Day: 4**

**Average Number Completed Within a Week: 20**

**Average Time to Complete Title Investigation or Title Opinion Update: 1 Hour**

**TITLE INVESTIGATIONS ON IN-HOUSE PROJECTS 2010 - 2012**

File Numbers	Number of Agents	No. of Tracts	Number of Business		Title Investigations		Title Investigations	
			Days to Complete	Title Investigation	Completed Per Week	Completed Per Agent Per Week	Completed Per Agent Per Week	Completed Per Agent Per Day
8.039389	3	66	20	16.50	5.5	1.1		
8.038779	4	169	40	21.13	5.28	1.06		
18.040477	1	4	15	1.33	1.33	0.27		
19.036773A	2	103	10	51.50	25.75	5.15		
21.037239	2	130	10	65.00	32.5	6.5		
26.037238A.1	1	18	70	1.29	1.29	0.26		
26.038888	1	11	5	11.00	11	2.2		
35.039052	1	10	5	10.00	10	2		
22.039758	1	6	1	30.00	30	6		
26.038528	1	5	10	2.50	2.5	0.5		
21.039221	1	5	9	2.78	2.78	0.56		
16.039803	1	4	1	20.00	20	4		
26.037725A	1	4	1	20.00	20	4		
45.039381	1	3	1	15.00	15	3		
21.039897A	1	2	5	2.00	2	0.4		
22.039883	1	2	4	2.50	2.5	0.5		
32.273B	2	105	125	4.20	2.1	0.42		
40.041335	1	9	10	4.50	4.5	0.9		
36.040444	1	7	5	7.00	7	1.4		

**TITLE INVESTIGATIONS COMPLETED PER AGENT PER WEEK**

Average:	10.58
Highest:	32.50
Lowest:	1.29

**TITLE INVESTIGATIONS COMPLETED PER AGENT PER DAY**

Average:	2.12
Highest:	6.50
Lowest:	0.26

**TITLE ATTORNEY CONTRACTS WITH SCDOT  
2009 - 2012**

<u>File Numbers</u>	<u>Year</u>	<u>Title Opinion Cost</u>		<u>Length of Contract (Business Days)</u>	<u>Title Opinions Completed Per Week</u>		<u>Title Opinions Completed Per Business Day</u>		<u>Title Opinion Update Fee Per Tract</u>
		<u>Per Tract</u>	<u>No. of Tracts</u>		<u>Completed Per Week</u>	<u>Completed Per Business Day</u>			
21.037269A	2009	\$225.00	145	60	12.08	2.42			\$40.00
21.037241A	2011	\$250.00	122	60	10.17	2.03			\$40.00
26.036781A	2011	\$220.00	111	60	9.25	1.85			N/A
26.036836A	2012	\$250.00	9	14	3.21	0.64			N/A
21.037272A	2012	\$235.00	85	60	7.08	1.42			\$40.00
21.037271A	2012	\$230.00	94	47	10.00	2.00			\$75.00
26.039886	2012	\$230.00	13	12	5.42	1.08			\$75.00

**TITLE OPINION COST**

Average Per Tract: **\$234.29**  
 Average Per Week: **8.17**  
 Average Per Day: **1.63**

Average Title Opinion Update Fee Per Tract:

**\$54.00**

**TITLE OPINIONS THROUGH ON-CALL CONSULTANTS  
2010 - 2012**

<u>File Numbers</u>	<u>Year</u>	<u>Title Opinion Cost</u>		<u>No. of Tracts</u>	<u>Length of Contract (Business Days)</u>	<u>Title Opinions Completed Per Week</u>	<u>Title Opinion Update Fee Per Tract</u>
		<u>Per Tract</u>	<u>Tract</u>				
47.036358A1	2010	\$250.00		69	N/A	10 - 15	\$75.00
47.036358A2	2010	\$225.00		106	N/A	10 - 15	\$75.00
32.255B	2010	\$250.00		44	N/A	10 - 15	\$75.00
26.036779	2010	\$275.00		202	N/A	10 - 15	\$75.00
26.036777	2010	\$275.00		142	N/A	10 - 15	\$75.00
8.038779	2012	\$225.00		67	N/A	10 - 15	\$75.00

**TITLE OPINION COST**

Average Title Opinion Cost Per Tract: **\$250.00**  
 Average Title Opinions Completed Per Week: **10 - 15**

**Average Title Opinion Update Fee Per Tract: \$75.00**

**Note: No Terms. Expect 10 - 15 Title Opinions Per Week.**

**QUESTIONNAIRE RESULTS - TITLE OPINIONS VS. TITLE INVESTIGATIONS**

	Which is more accurate?			Which is completed the fastest?			Which offers more details?			Which costs the less?		
	Title Opinion	Title Investigation	Both About the Same	Title Opinion	Title Investigation	Both About the Same	Title Opinion	Title Investigation	Both About the Same	Title Opinion	Title Investigation	Both About the Same
Respondent 1				✓								
Respondent 2	✓			✓						✓		
Respondent 3			✓									
Respondent 4						✓						
Respondent 5	✓			✓								
Respondent 6	✓			✓								
Respondent 7			✓			✓						
Respondent 8		✓			✓							
Respondent 9	✓			✓								
Respondent 10	✓			✓								
Respondent 11	✓			✓								
Respondent 12	✓			✓								
Respondent 13	✓			✓								
Respondent 14	✓			✓								
Respondent 15	✓			✓								
Respondent 16	✓			✓								
Respondent 17		✓			✓							
Respondent 18	✓			✓								
Respondent 19	✓			✓								
Respondent 20	✓			✓								
Totals: 14	2	3	1	10	7	2	1	14	2	3	1	0

	Title Opinion	Title Investigation	Both About the Same	No Response
Which is more accurate?	14	2	3	1
Which is completed the fastest?	10	7	2	1
Which offers more details?	14	2	3	1
Which costs the less?	0	20	0	0