

## Faulk, Camilla

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**From:** Stephani Owens [StephaniOwens@pnwt.com]  
**Sent:** Tuesday, April 29, 2008 2:00 PM  
**To:** Faulk, Camilla  
**Subject:** LPO Amendment  
**Attachments:** Document.pdf

-----Original Message-----

**From:** Stephani Owens [mailto:StephaniOwens@pnwt.com]  
**Sent:** Tuesday, April 29, 2008 2:00 PM  
**To:** Faulk, Camilla  
**Subject:** LPO Amendment

Here are my comments on the proposed amendment to APR 12 and 12.1

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-----Original Message-----

**From:** Jason Tiffany  
**Sent:** Tuesday, April 29, 2008 1:58 PM  
**To:** Stephani Owens  
**Subject:**

This document was digitally sent to you using an HP Digital Sending device.

April 28, 2008

Washington State Supreme Court  
Attn: Clerk of the Court

RE: Proposed Amendments to APR 12 AND APR 12.1 and Proposed New LPO  
Rules of Professional Conduct.

Dear Sirs:

I, as an LPO, am very concerned about this proposal. I am unsure why there are Proposed Amendments being presented.

It appears that the original APR 12 is being completely re-written under the guise of Rules of Professional Conduct. It also appears that the original idea of "selecting, preparing and completing documents as approved by the LPO board has now changed to include all escrow services.

In 1994 Justice Durham wrote a letter to the President of the WSBA, regarding the proposed changes to APR 12, stating "the proposed amendment to APR 12 should avoid even the appearance of violating the separation of powers doctrine. In particular it should not appear to usurp the legislative function of regulating escrow and title companies, banks and financial institutions".

The Proposed changes called 1.12 A (h) (1-8) and 1.12 B (1-9) do exactly that and would require a re-writing of RCW 18.44. These particular changes are Escrow duties and do not apply to "preparation, selection and completion of documents in any way shape or form, nor do they apply to the IOLTA issues in APR 12.1. They need to be removed. When we asked Barbara Fox why this was needed as it was covered by RCW 18.44 she was unfamiliar with the RCW or it's requirements.

L.P.O.s do not have clients, they have parties to the transaction, Client implies ownership as a "neutral third party" LPO's do not have clients. Attorneys have clients, LPO's do not.

1.2, who defines "timely", the broker? The Lender? The Client? If we get documents 2 hours before the client wants to sign, is that "timely" do we drop everything else to finish up the documents for fear of someone filing a complaint that we did not comply with their version of "timely"?

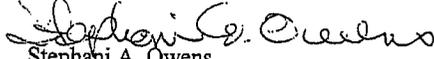
#### ELPOC 1.4 NO STATUTE OF LIMITATIONS

There needs to be a Statute of Limitations, we are required to keep records for 6 years, after that they may be destroyed. How do you defend yourself if you have no records?

I do not believe it is possible for anyone to remember what happened on an individual file 6 years after the date of the file.

In truth, I believe this is a thinly veiled attempt by outgoing board members to "make their mark". It was not until an outgoing member decided this was needed that this re-writing was even considered, no one, including other members of the Board, thought it was necessary. This is came straight from the Barbara Fox's mouth, when questioned as to why we need a re-write.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Stephani A. Owens".

Stephani A. Owens  
LPO #169.