

AI: Agent Intelligence

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By Philip S. Janny

Over the last few decades, much has changed in the title industry. Conversations by title agents used to center around the cover date of county recorders, how long does it take you to get a title search, what time does your recorder's office open, what are the tax collector hours, does your lender drop off loan packages or send them by courier? Fast forward to today, and much of the conversation has changed to efficiencies that have sped up our industry, e-recording, digital closings and the various types of fraud and phishing attacks.

In today's ever-changing world, the title agent continues to evolve and change with the times and has much to be on the lookout for, all the while preparing and closing transactions. One conversation that has been drowned out lately by technology advances and all the regulatory issues is title Agent Intelligence, or as I will refer to it as "A-I," Agent Intelligence. While we welcome the dawn of AI—as in artificial intelligence—we must be reminded of the A-I, Agent Intelligence, title agents provide. The human element to a real estate transaction that title agents provide daily to consumers remains essential. Let me just share one example with you of A-I, Agent Intelligence.

A few months ago, I received a call and an email from a Realtor client sending me an Agreement of Sale to prepare to close on a 10-acre tract of land, located in a beautiful rolling hill countryside setting in northeast Pennsylvania. The clients planned on building their dream home on the property. I certainly thanked him, and said we will proceed and prepare for closing and be in touch once we have the title search in and reviewed.

Reviewing the Agreement of Sale, my A-I—Agent Intelligence—immediately kicked in, as it would for many of my fellow title agents. The first thing I did before ordering the title search was to take a look at the county tax map for this parcel. Upon a review of the tax map, I noticed that this particular 10-acre property is landlocked, not near or on a public road. So, I proceeded to order a title search with the hopes of an easement or right of way showing up in the chain of title showing access.

Unfortunately, no easement or right of way was found. Our DNA as title agents is to always go the extra mile for our customers, so I decided to look at the neighboring property that is in between the 10-acre lot and the public road just to make sure there was no easement or right of way on this property that could potentially provide access to the landlocked parcel. Sure enough, the search took us to a plan in the chain of title that showed a "50-foot-wide access and utility easement" crossing the property to the 10-acre tract. It depicted a square box that read "50-foot-wide access and utility easement," with a deed book reference and nothing more or less. It was poorly stated, but an easement, nonetheless. Reviewing the deed reference made on the plan, it took us to a deed from 1975 with the simple language of "excepting and reserving a 50-foot-wide access and utility easement across said lands to Butler Road," which is a public road.

While many of us in the industry understand title coverages and access, we know legal access does not guarantee any particular level or convenience of access, developable access or access for a particular purpose.

On a daily basis in our roles as title agents, we all try to think outside of the box to anticipate how we can help our customers purchase their dream property. My first thought upon seeing the plan was how I could make this better so to avoid any issues down the road for these buyers. The idea of a new or more defined agreement crossed my mind, and then recording the document detailing as much as we can for the parties using this access area.

So I asked my underwriter if we could see if the owners of the land that the easement runs across would be willing to sign a new agreement laying out the maintenance obligations, clarifying the easement area with a metes and bounds description and plot plan. This was a very practical approach so when the buyers go to take out a construction loan to build their dream house, this matter is addressed and we now have a recorded document providing clarity. This my friends, is what I am referring to as A-I—Agent Intelligence.

The Realtor couldn't have been happier with the idea. A few weeks later, we were able to complete the agreement and get it signed and recorded accordingly. I was able to then proceed to close on the purchase of the 10-acre tract of land for the buyers with the comfort of knowing these buyers have an agreement of record providing vehicular access to this property and maintenance obligations laid out so to conform with their lender for the construction of their dream home. In taking the time to do this, both the owners of the 10-acre tract and the property owners with the easement, now can live happily ever after, "quietly" knowing where the easement is, who gets to use it and who maintains it and its purpose. One can say I provided "peace of mind" to these property owners.

Title agents all across this country strive every day for excellence to protect life's biggest purchase for consumers—their home. As our industry advocates for the safe and efficient transfer of real estate land records and the protections offered in ALTA's title policies, Agent Intelligence brings the highest standards and core values to the industry in seeking to eliminate risk before insuring, which provides the best possible chance of avoiding land title problem. Title agents are the human element advancing the art of clear title. Title agents should always be proud of their role in the process and the A-I—Agent Intelligence—they provide to consumers.

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