

MURPHY HART

Exceptional Pedigree, Title Examinations in Southern Illinois

by Sherry Karabin

BENTON—Possessing solid research skills is important for all attorneys. For Hart Cantrell LLC partner Murphy C. Hart, however, his work hinges on the ability to conduct flawless title examinations.

That's because Hart's real estate practice focuses on title work and closings for clients, real estate agents and lenders in real estate and loan transactions, many of which are the highest in terms of dollars—and many times emotions—that the parties will ever be a part of.

Hart says when a potential client comes in for an appointment, it is often the only exposure to a lawyer the person has ever had.

"The client's end goal is to either sell or purchase a certain property, and it's my job to assure that the client gets through the transaction with the least bumps along the way," he says.

Hart says the client is relying on him and Hart Cantrell to handle the transaction in a delicate and professional manner. The client usually is not aware of the tasks that must be done to assure that the property has a clean title, without liens or disputes over ownership.

"Much of our work comes from realtors and lenders, and they are looking for the transaction they are a part of to be handled efficiently and accurately. They usually have a sale contract they have negotiated with the buyer and seller over price, potential repairs and division of the costs involved," says Hart.

"We then take it from there and examine the title (the chain of transfers over the years), produce a title commitment and prepare for closing."

Part of his work includes helping people through what can be, oftentimes, a very emotional experience.

"They are torn by the decision to let go of the family farm or the house that they and, many times, their parents grew up in. Sometimes, they can't let go, but usually we can help them realize that what they are doing is best for all involved," Hart says.

"We recently handled a transaction in which the sellers were passing on some family lands that had been held by the family for three generations," he says. "Over the course of



three separate closings, many tears were shed."

Hart usually performs the title searches himself, seldom contracting the work out.

"Especially here in Franklin County, where the courthouse is across the street, I begin the title process by conducting the search," Hart says. "If things go smoothly, we then prepare the title commitment and get that to the relevant parties."

The final step is to get ready for the closing, where the deeds and loan papers are signed.

"It's very satisfying work," he says. "Usually, all parties involved walk away happy, as opposed to litigation, where the resolution may leave one or both parties unsatisfied."

Over the years, Hart has acquired a number of repeat clients and loyal realtors and lenders, such as longtime realtor Christy Powers.

"I have used Murphy for title examination and closings ever since I first started buying and selling homes," says Powers, an agent at Property With TLC in nearby Herrin. "Murphy is very efficient, quick and trustworthy, and that's the way we like it!

"I buy many homes that are not in the best shape. I need someone who can do the title work and the closing quickly and accurately."

About four years ago, Powers was looking to buy 22 lots when she hit a wall while relying on a commercial title company.

"The other company was the seller's choice," says Powers. "It was taking months, and the job still was not completed, so I pulled the work and gave it to Murphy. He finished the entire project within a few days.

"If you need something done on a tight deadline, he can do it."

A FAMILY TRADITION

While some people have trouble figuring out their career paths, it was not a problem for Hart. In fact, you might say he had a job waiting for him from the time he was born—if he wanted it.

His great-grandfather, William H. Hart (1862–1941), started the family law firm in Benton in 1887, erecting the current building in the early 1900s. It sits directly across from

the Franklin County Courthouse.

The building was originally the law office as well as the office of the Hart-Williams Coal Company upstairs and the company store downstairs.

“My great-grandfather practiced with his sons, William W. Hart (1894–1968) and Marion Hart “Duce” (1896–1964), my grandfather,” says Hart.

“My father, Richard O. Hart (1927–2018), practiced with his father, his Uncle Bill, his cousin Bill (William W. Hart, Jr., 1925–1996) as well as me, here in this building for 60 years. I have carried on the family tradition.”

Although the opportunity was presented to Hart early in life, no one ever pressured him to go into law. He just never wanted to do anything else.

“I am doing what I always wanted to do—practice law in this firm, with this family, in this building and in this town,” he says.

After receiving a bachelor’s degree in political science from Eastern Illinois University in 1980, he earned his law degree from Southern Illinois University (SIU) Law School in 1983.

During law school, he was a summer law clerk at the firm. As a rising 2L, he obtained a 711 license, working in the Franklin County State’s Attorney Office in the summer of 1982. He mostly handled traffic court matters.

“That summer was a valuable experience for me,” he says. “Most of my days were spent in the courthouse and in court. I learned my way around and got to know the county officials and court personnel. Just as importantly, they got to know me.”

In November 1983, he started as an associate at Hart Cantrell. After handling a wide variety of matters, he settled on real estate.

“I never much enjoyed the litigation side of the practice, but I found my calling in real estate,” he says.

In the mid-1980s, Hart met his wife Jody.

“We met on the tennis court. She was teaching tennis and knew some friends of mine who played. I’m not so sure I made the best impression on her that first meeting, but somehow it all worked out. She certainly caught my eye.”

Jody was a teacher at the local high school at the time, preparing to go to graduate school at SIU in Carbondale.

They married in 1985 and have two sons. Their younger son, Caleb, is a professional online video gamer, who has three certificates in culinary arts.

“He soon realized his real love was gaming, and he has made quite a name for himself in that world,” says Hart.

Their other son, Ryan, is an attorney, who recently shifted careers after receiving his MBA from the University of Notre Dame in 2019.

“My dad was my primary motivator for

going to law school and becoming an attorney,” says Ryan, a finance associate at McKesson Corporation. “I hung around his office when I was growing up, and I would see him interact with clients. He was always professional and courteous whether or not people were paying him for his services.

“His practice requires him to maintain ongoing relationships with his clients in a small town where everyone knows your name. I think it suits him very well, as he doesn’t have to put on an act to treat everyone equally. It’s just in his nature to be a great professional, friend and father.”

Although Ryan no longer practices law, he spent five years at two firms, including one in which he did real estate litigation.

“While it was my plan from the start to practice law for a few years and later transition into finance, I wanted to follow in my dad’s

footsteps for a few years and do what he did. When you have a father like mine, it’s hard to not want to be like him.”

A COMMITMENT TO HIS CRAFT

While he enjoys what he does, Hart says it’s definitely not a 9 to 5 type of practice.

“With the advent of the cellphone, it is quite common to have realtors and lenders try to get ahold of me at any time and on any day of the week,” says Hart. “I realize I do not have to answer, but generally I do.

“There is no lack of demand in my practice area, and I try to make myself available as much as possible. Recently, a lender commented on how she appreciated my accessibility when I was off work.”

Although many of his title searches are straightforward, some require a lot of detective work.



The Franklin County Courthouse, directly across the street



The Hart Cantrell offices in a building erected by Hart’s great-grandfather

“When you have an older home, where the family has lived for generations, it can be tricky,” he says. “While the home has changed hands from grandparents to parents to children, the ownership changes are not registered at the courthouse, so we must run down heirs and former owners.

“We often need to speak with the current occupants to try to get a living history, and sometimes that can be difficult because some of the heirs have moved away or are estranged. We have to find out where they are and track them down before we can complete the transaction.”

Peter J. Birnbaum, president of Attorneys’ Title Guaranty Fund, has known Hart for most of his career.

“Murphy’s dad Richard was one of the founders of my company, and Murphy serves on the board of directors,” says Birnbaum. “Murphy is one of the most valued attorney agents of our title insurance underwriter. Over the years, we have worked together on many transactions.

“Murphy is one of the most gifted real estate attorneys I have ever known,” Birnbaum says. “Murphy has done the title work on over 5,000 properties. Not only are his technical skills unmatched, but Murphy also has a deep sense of responsibility to his clients.

“Murphy believes that consumers need an advocate in real estate transactions to assure they can navigate what would otherwise be a baffling process involving what is often the largest financial transaction in a consumer’s lifetime.

“I am proud to call Murphy my colleague and friend.”

THE TECHNOLOGY FACTOR

Hart says he does all of his title searches at the courthouse.

“I know it’s a bit ‘old school,’ but our county does not have online searches available. Even if they were, the courthouse is just across the street,” says Hart. “At this point, I don’t have faith in the other systems.”

Still, technology has made his job considerably easier.

“When I first started, I would deliver the paperwork in person or have my clients pick it up,” says Hart. “Then faxing came along, followed by email and cellphones.

“Now I have 24/7 access to my clients and they the same with me,” he says. “They can email me a sales contract and, based on the initial information, I can begin the title examination. Depending on the information they have, we then determine whether we have to search back 40 or 100 years or whether a five-year search is fine.”

Social media has also made tracking down estranged relatives simpler, he says.

“Now, if a family member is unaware of another’s location, we can run a search on social media and often find them that way.”

A BELIEF IN SERVICE

As a leader of what is believed to be the oldest continuous family law firm in the state of Illinois, Hart says giving back is a must for him.

A member of the Illinois State Bar Association and the Franklin County Bar Association, he serves as a longtime director of the Illinois State Bar Association Mutual Insurance Company, which writes errors and omissions insurance for attorneys.

He is also a member of the Illinois State Bar Association Standing Committee on the Attorney Registration and Disciplinary Commission as well as a longtime chair of the Franklin County Sheriff’s Merit Board and a member of the board of directors of the State Bank of Whittington.

A previous board member of the local Habitat for Humanity chapter, Hart now serves as its legal adviser.

He and his wife Jody volunteer and donate to the Benton-West City Ministerial Alliance Food Pantry and the Franklin County CASA chapter.

“Jody makes and sells delicious cookies, and the proceeds go to CASA,” Hart says. “We gain lots of satisfaction giving back to these valuable organizations and causes.”

A WALK IN THE FUTURE

At age 62, Hart says he will likely retire within the next five or so years.

An avid golfer who has won various tournaments in southern Illinois and qualified to play in the U.S. Senior Amateur Championship a couple of years ago, Hart looks forward to having more time to participate in the sport and give back to Habitat for Humanity and CASA.

The lifelong resident of Benton also hopes to do more traveling with his wife. Jody retired in 2017 after spending about 25 years as a health and fitness instructor at John A. Logan College.

“We both like to travel and swim,” says Hart. “We have a pool in the backyard, and we take advantage of it whenever the weather is good.”

Looking back at his career, Hart is happy with the choices he made.

“I would definitely recommend my area of work to new lawyers,” he says. “I am self-employed, so I have a really good boss!

“It’s very satisfying work since I see something good happen at the end of each day. I make tangible progress every day and hopefully make other people’s lives better as well.” ■