

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

9833

FILE: B-192378

DATE: April 17, 1979

MATTER OF: Harvey A. Young - Relocation Expenses -
[Request For Reimbursement of Attorney Fees incurred in Relocation]

DIGEST: Attorney fees incurred in connection with the purchase of a residence incident to a transfer of official station are reimbursable where they are not duplicative of payment made for items included in the fee for mortgage title insurance.

This action concerns the request of Vera S. Fravel, authorized certifying officer, Federal Mediation and Conciliation Service, for a decision concerning a voucher submitted by Harvey A. Young for reimbursement of attorney fees incurred in connection with the purchase of a residence incident to a transfer of official station. AGC 0

The record shows that Mr. Young was transferred to Philadelphia and purchased a new home there on March 1, 1978. He claimed reimbursement of \$737.50 for title insurance, and \$700 for attorney fees. The agency paid the claim of \$737.50 for title insurance, but questions whether the claim for attorney fees may be paid in view of its understanding that the services of an attorney may not be necessary where title insurance has been purchased.

The fee for title insurance included charges for a title search, title examination, title insurance binder, and a fee for conducting the settlement. The \$700 fee for attorney fees was itemized as follows:

Preparation of Agreement of Sale	\$225
Preparation of Bill of Sale	\$ 50
Preparation of Deed	\$ 75
Preparation of Mortgage, Note, Recission Notice , Deposit of Collateral and Commitment and Disclosure Statement	\$150
Representation at Settlement	<u>\$200</u>
	\$700

At the outset, we note that the title insurance fee in this case is reimbursable pursuant to Federal Travel Regulations (FTR)

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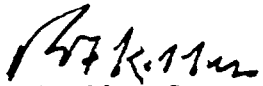
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(FPMR 101-7) para. 2-6.2d (May 1973). While the record indicates that the policy purchased by Mr. Young included both mortgage title insurance and owner's title insurance, the all-inclusive fee is reimbursable under Pennsylvania State insurance regulations requiring title insurance to cover both the mortgagee's and the new owner's interests, Matter of Carl F. Wilson, B-186579, October 28, 1976, and Matter of Alan G. Bolton, Jr. B-189488, August 18, 1977.

Attorney fees may be reimbursed under FTR para. 2-6.2c to the extent they do not duplicate payments made for other categories of real estate expenses. Thus, payments for attorney fees for title searches or title opinions may not be made if such payments duplicate expenses for title insurance. FTR para. 2-6.2c and Matter of Larry W. Day B-190547, September 7, 1978. In this instance, however, the itemization of charges for attorney fees shows that none of those items duplicates services rendered by the title insurance company. Accordingly, the fact that reimbursement has already been made for title insurance does not bar payment of attorney fees in this case.

In Matter of George W. Lay, 56 Comp. Gen. 561 (1977), we held that reimbursement may be made of the cost of legal services charged incident to the purchase or sale of a residence, except fees and costs of litigation, so long as the fee is within the customary range of charges for such services in the locality of the residence transaction. The Philadelphia office of the Department of Housing and Urban Development has advised that, for the cost of the residence purchased, both the legal fees and the title insurance claimed by Mr. Young are within the customary range of fees charged in that locality.

Accordingly, the voucher may be certified for payment.


Deputy Comptroller General
of the United States