

Tales from the Table: A View to A Kill

Description



By Stephanie Campbell, Westcor Land Title Insurance Company.

Most people are familiar with the **James Bond movie** *A View to a Kill*. An intense thriller with great music and exotic backdrops. The theme song by Duran-Duran runs through my head every time I repeat the crazy story of one of my many *Tales from the Table*. Seems kind of outlandish to think that a theme song from a James Bond movie would apply to a Title scenario, but this story does just that. The story, which ultimately became a Title Claim surrounds a view of a beautiful lake.

The story begins with a happy buyer looking for the perfect piece of property on which he intends to build his dream house. It must be far enough from civilization to feel like a vacation getaway, but close enough that no need goes unfulfilled without a short drive. The perfect solution to this problem was a rural subdivision. One of those subdivisions with large acreage lots, lakes, ponds, streams, lots of trees, separation from the neighbors, state-maintained roads and no formal homeowners' association. The buyer settles on a beautiful lot that meets all of his criteria and contains a large lake. The subdivision contains only a few fully built homes, one of which sits directly across from the lot he has purchased. The lot also contains an old barn that appears to have been on the property for many years, he feels this gives the lot added character.

As Title Agents, we know that subdivisions of this nature were originally farms containing several hundred acres, which often contained an original house and barn. Sometimes, the original home is renovated and becomes the clubhouse of the subdivision and sometimes the home is demolished when the property is sold and subdivided. In this case, the original home was demolished. This is where the story begins to get a little bit interesting. You see, the county demolished the original home, but left the barn standing. The lot the buyer purchased, was part of the property where the original house stood. Once the county demolished the home, the property was subdivided and the new plat put to record. The tax records now reflected that there were no improvements on the property or at least on the lot in question. Obviously, that was not the case, as the barn still stood. The property was taxed this way for several years. It continued to be taxed this way, even after the buyer's acquisition of the lot. The buyer held onto the lot for a couple of years until he had acquired enough capital to begin the construction of his dream home.

This is where the theme song to the movie begins to play! remember the neighbor? The one across the street? As construction began, it occurred to this neighbor that the lovely view of the lake from her front porch and living room windows, that she has had for many years, would now be obscured by the new house across the street. Having purchased and built her home to enjoy such a view, this was unacceptable to her. She decided she would call the county and complain. She wanted to figure out a way to stop the construction, so she could continue to maintain her view. She contacted the tax assessor, who kindly assisted her in pulling up tax records for both her property and the lot across the street. The tax assessor kindly informed the neighbor, that while he sympathized with her distaste in losing her view, there was nothing she could do. The lake was entirely contained on the lot in question and the new owner had the right to build his home. Unhappy with the answer, she made a comment to the tax assessor that she hoped the owner intended to renovate the dilapidated barn on the property in addition to building his new house. After the conversation, the tax assessor was dumbfounded. The tax records showed no improvements on that property. How could that be? So, he decided to some digging. He pulled up the subdivision plat, which did not note the barn. He continued to dig, until he discovered that the original acreage, did in fact contain a house and a barn. The house had been demolished some years back. It was assumed that the barn had been demolished at the same time. No one from the county verified this fact. The tax records were amended to reflect no improvements based on information they received from the demolition company. The tax assessor decided it was time to go take a look for himself and true to the neighbor's word, the old barn remained.

This presented two issues, not only did the barn remain, it hadn't been taxed in several years and the entire property was rezoned to form the new subdivision. Of course, at this point, the lot owner building his dream home is unaware of the issues brewing behind the scenes. The county tax office promptly decided it was time to notify the lot owner. He was informed that he may owe several years of roll back taxes and that the existing barn violated current zoning ordinances. The county encouraged the lot owner to apply for a zoning variance, which would allow the barn to remain where it currently stood. The owner complied with the county, completed and filed all of the necessary paperwork to request a variance. After review, the county denied the owner the variance and informed him that the barn must come down and be rebuilt in another area on the property.

Warning!Warning!Title Claim! Fortunately, the owner of the lot purchased an Owner's Title policy, which covered the cost of to move the barn. Also, the county was kind enough not to charge the lot owner roll back taxes, as they recognized it was their initial mistake that caused the snafu that followed.

The moral to the story here is that is always a good idea to purchase owners title insurance, as you might be faced with ***A View to a Kill***?! credits roll?! theme song plays?!



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