

## Title Tips & Trivia: Title Report Checklist

### Description

## TITLE REPORT CHECKLIST

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- Title Report Front Sheet
- List Sheets for each owner in Chain of Title
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- Commissioner of the Revenue Printouts
- Copies of Deeds in Chain of Title
- Copies of Deeds of Trust & Liens
- Copies of Restrictions & Easements
- Copies all Plats in the Chain of Title
- Copies of Tax Maps (new GIS & old Tax Maps)

### The Title Order / The Contract

One of the worst things that can happen when doing title research is when the wrong property is searched, or when you don't search all of the property that is needed for the transaction! You would think it would be an easy process to identify the correct property and then conduct the title search, most of the time it is. But sometimes it is complicated. Sometimes the information provided in the title order / the contract does not match the information in the Commissioner of the Revenue records. A good example of this is when the title order states only a lot and an address. If you only search that lot by the address, then you may miss important information needed. It is not unusual for property owners to acquire adjacent lots/parcels and then build the house on both Lots. However, this may not be apparent from the Land Records, especially when there is no plat of consolidation of record.

In one particular situation Lot 1 was listed on the title order and was identified in the Commissioner of the Revenue system. When running the owner list there was a Trust that encumbered Lot 1 and Lot 2. A review of the Commissioner of the Revenue records revealed that the owner in fact owned both Lot 1 and Lot 2. The lots had separate Tax Map numbers with one lot showing improvements and the adjacent Lot with no improvements. It was not until a review of the GIS Tax Map and locating the properties using features such as "show buildings" that we could actually see the location of the building sitting on both lots. The client was contacted and determined that they needed both Lots searched.

#### Here are some suggestions in order to locate the property that you need:

- Begin by searching the owner's name to determine all the property that they own.
- Identify the property stated on the title order.
- Compare the lot(s) /parcel(s) with the GIS Tax Map and older Tax Maps.

- Check to see if that owner also owns any adjacent property
- If there is conflicting information call the client for clarification.

## The Title Report Front Sheet and List Sheets for each owner in the Chain of Title

The Title Report Front Sheet is a snap shot of the property, which contains information such as ownership, taxes, liens, encumbrances, easements, restrictions and notes concerning title issues. The information found during the 60 year search is brought forward and reflected on the Front Sheet. But, we are all human, mistakes can be made and sometimes information can be left off. So, how can we prevent these types of errors? Having a proofing process in place is one very important and necessary step that can be implemented. Also, a review of the 60 year title search by another title examiner with particular focus on the owner list sheets is one way to prevent errors.

The List Sheets are the ownership lists for each owner in the Chain of Title. The List Sheets contain a listing of all the documents that were found during each owner's period of time. Next to each document on the list you will find a legal description of the property that the document effects. It is important to review the items on the ownership List Sheets to make sure that all the information that pertains to your property has been brought forward and reported on the Front Sheet.

## Treasurer Tax Printouts

The Title Report should contain tax information. Taxes are a lien on property for a period of 20 years. Most Treasurer Offices have real estate information online, but not all information is shown in detail. In some jurisdictions the title examiner has access to the actual Treasurer's system in the Courthouse and can print the records. There are certain types of information that may not be available to the title examiner because of privacy reasons and other reasons such as:

- Deferred Taxes
- Land Use Taxes
- Supplemental Taxes
- Special Tax Districts
- Commercial Tax Districts

It is important to have a title examiner who is familiar with the jurisdiction and the practices/procedures used by that Treasurer. Calling the Treasurer is helpful, but you may get conflicting or incomplete information and you will not have a physical record. So, it is a good idea to have printouts from the Treasurer's Office of the information that was available at the time the Title Report was completed.

## Commissioner of the Revenue Printouts

The Title Report should contain information from the Commissioner of the Revenue. The Commissioner of the Revenue is responsible for designating all property in their jurisdiction by Tax Map number and also setting the assessment value for all property. In some Commissioner of the Revenue

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/ Mapping offices in Virginia, they are now using the online GIS Mapping System with GPIN#s to designate each parcel in their jurisdiction. These online systems can provide detailed information and maps of the property that are very useful when conducting a title exam.

## Copies of Deeds in the Chain of Title

One of the first fundamental principles that I learned in the beginning when learning the title search process is that a title examiner must *READ THE DEED, read it line by line, word for word, and from beginning to end*. Often when we are doing a title search we are under pressure to complete the title report in a short period of time. This type of pressure can have an adverse effect on the process. Each Deed in the Chain of Title can contain many types of exceptions and reservations. How can we avoid missing important title issues? It is a good idea to request copies of the Deeds in the Chain of Title in order to review them for exceptions or errors. Having that second pair of eyes can be invaluable.

## Copies of Deeds of Trust & Liens and Copies of Restrictions & Easements

The Title Report will state liens, encumbrances, easements and restrictions on the Front Sheet. I remember back in the old days, when you had to order your copies from the clerk and it would take a week or more to get the hard copies. Back then we had to create a hand written abstract of all the documents to send with the Title Report while we waited for the hard copies. Now, most everything is online, easily obtainable, and we can make a PDF of the document and send everything electronically. Even still, it is important to have copies of these documents and to review them as a part of the Title Report.

## Copies of Plats in the Chain of Title and Copies of GIS maps & older Tax Maps

It is helpful to have a big picture approach when doing title research. The title examiner needs to know how the parcel lines have changed over time. Also, comparing the metes and bounds calls, between the plats, is essential to ensure the accuracy of the legal description in the Chain of Title. When trying to determine access to a state maintained road, the older Tax Maps can help to identify the actual location of rights of way. Comparing the plats to the older Tax Maps and then to the new GIS maps is a valuable resource and can help to identify title issues.

This is also an important step even when doing residential subdivision lot research. In one jurisdiction the Commissioner of the Revenue employed their own in-house surveyors to draw the Tax Maps. This was prior to the implementation of the GIS maps. In this situation, the in-house surveyors found that a newly recorded subdivision plat overlapped into existing lots from prior recorded subdivision plats. How did this happen? In this situation, it was the same surveyor who platted sections 1 through 5 of the subdivision. The remaining acreage was then platted and subdivided by a different surveyor and the overlap occurred. It is important to check and verify the metes and bounds calls on the subdivision plat and compare it to existing plats to ensure there are no overlaps, gaps or gores.

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## Do You Have Everything You Need?

Doing title research can be very interesting, because no two titles are exactly the same. It is like doing a very difficult puzzle. Hopefully, when you get to the end of the puzzle there aren't pieces missing. There are times with title research, when we come to the end of a difficult search and we find that there are missing pieces. However, this makes us enjoy the titles that fit together – nice and neat – even more. I hope you found this checklist and the following information helpful and interesting.



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Julie Ann Rutledge is owner and President of Land Title Research, Inc. located in Stafford, Virginia. She has over 33 years of experience in residential and commercial real estate title examination and research. Ms. Rutledge previously held a title insurance agent license for 18 years. A member of the Virginia Land Title Association (VTLA) since 1996, Ms. Rutledge currently serves as Treasurer of the VLTA. Currently she serves as the Assistant Editor of the VLTA Examiner Monthly Magazine and was formerly the Director/Editor-in-Chief of the VLTA Examiner magazine. In 2012, she developed and is the instructor for the VLTA Virginia Certified Title Examiner Course. Additionally, Ms. Rutledge previously served on the Stafford County Board of Zoning Appeals for sixteen years, three of which she served as Chairman. Julie graduated in 2000 from the Virginia Board of Zoning Appeals Certification Program conducted by Virginia Polytechnic Institute and State University and served three terms as an assistant instructor for the program. Ms. Rutledge earned her B.S.W. degree from James Madison University.

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