Access to Deeds and Land Records in Virginia: A Thirty-Year Perspective Part 2 â?? Digital Conversion is a Game Changer

Description

Read *Access to Deeds and Land Records in Virginia Part 1 â?? The Ghost of Title Search Past here.*

In my previous article in December 2023, I shared a glimpse from the past related to how individuals and businesses involved in the title industry conducted title searches by visiting 120 records rooms in the offices of clerks of circuit court located in 120 courthouses throughout Virginia. In Part 2 of my series, I will examine the migration from courthouse visits to conducting title searches via remote access as a result of the massive conversion of paper deed records to digital technology. The concept of digitizing deeds and offering remote access to these public records arose thirty years ago when the Virginia General Assembly assembled a team of Clerks of Circuit Court, title companies, and others to discuss the modernization of land records. A few years later in 1997, the Joint Legislative Audit and Review Commission released its official report entitled â??The Feasibility of Modernizing Land Records in Virginiaâ?• which recommended the conversion of deeds from paper format to digital format. A special fee, referred to as the Technology Trust Fund (â??TTFâ?•) was established to provide a funding source for Clerks of Circuit Court to finance the conversion efforts. Every Clerk of Circuit Court in Virginia has embarked on a digital conversion process since the Virginia General Assembly commenced this journey. Once a sufficient volume of records was digitized, Clerks of Circuit Court launched a remote subscription service for professionals who work in the title industry. Local and state government officials took notice of the efficiencies associated with remote access to deeds and land records and began requesting remote access services from the Clerks.

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In the early years of this migration from paper to digital, some Clerks lacked sufficient funding to aggressively pursue this conversion process. While the TTF did provide essential funding to finance the digital conversion process, many Clerks awaited the proper balance of funds to commence the conversion process. Recordation activity in a jurisdiction provides the fuel for TTF as a $5 TTF fee is assessed with each recording in the Clerkâ??s Office. The TTF was helpful to larger Clerksâ?? Offices as those Clerks who received a large volume of deeds for recordation also received substantial funding via TTF to digitize records. When the General Assembly recognized that Clerks who did not receive a high volume of deed recordings would be delayed in implementing a conversion process, the General Assembly modified the TTF process so that $1 of each TTF fee would be set aside for a statewide fund for all Clerks to use. By virtue of the annual state grant program managed by the State Compensation Board, all 120 Clerks of Circuit Court could submit request to use some of the $1 TTF funds to finance their respective conversion processes.

The goals established by the Virginia General Assembly, the Virginia title industry and the Clerks of Circuit Court have been achieved as envisioned by this team in 1993. All of the 120 offices of the Clerks of Circuit Court have digitized a substantial portion of their respective deeds and land records which permits the Clerks to offer remote access subscription services to the title industry, attorneys, surveyors, local and state government agencies and other professionals who search land records. Based upon a statewide survey I conducted in 2022, each Clerk of Circuit Court in Virginia offers some form of remote access to the Clerkâ??s local clients. Fifty-two (52%) of all Clerks have a subscriber

base of 50 or more users. Thirty-six (36%) of all Clerks have a subscriber base of 100 â?? 200 users. Thirty-four (34%) have more than 200 subscribers who use remote access in those respective Clerksâ?? Offices. Based upon this survey, Clerks that have fewer than 200 subscribers typically serve in smaller, less populated jurisdictions. Clerks who have more than 200 subscribers typically serve in larger, more populated jurisdictions. For example, the Clerk for Rockingham County/Harrisonburg, with a population of 85,397 has 191 remote access subscribers. The Clerk in Arlington County with a population of 238,640 has 612 remote access subscribers. Albemarle County has an impressive volume of remote access subscribers with a relatively small population of 112,400 as the Clerk there has 384 subscribers.

Remote access to deeds and land records permits professionals in the title industry to conduct title searches or bringdowns from the convenience of their office, home, coffee shops or anywhere they can acquire a WiFi connection. Remote access also permits subscribers to have access to most Clerksâ?? deeds and land records on a 24-hour, 7-day basis. Many of my remote access subscribers in Loudoun County have advised me that having 24/7 access not only permits them to access deeds at critical times but this service also empowers them to modify how they do business and cater to their clientsâ?? needs at key moments. Kate Gordon is the owner of Loudoun Commercial Title in Leesburg, Virginia, and a frequent user of Loudounâ??s remote access service. â??Remote access to the land records enables my commercial-focused title company to respond quickly and efficiently to requests for title copies, title bringdowns, and chain of title documents, without the need to travel to the courthouse to make copies or hire an outside contractor to do so. Our remote access subscription is vital to our operations because it enables us to provide rapid response to our customers,â?• stated Gordon. Remote access to deeds and land records every day at any hour of the day is a remarkable contrast to the manner in which title searches were conducted prior to the emergence of remote access. Record rooms used to be filled with title examiners prior to the digital and remote access efforts. Significant limitations on the times and days that title professionals and other groups who researched land records in the Clerkâ??s record room were driven by the typical Monday through Friday, 8-hour work day in the local courthouses. The proverbial record rooms in the Clerksâ?? Offices are now open whenever you need to access and research deeds and land records. Today, only a handful of title examiners are physically appearing in Clerksâ?? Offices to conduct title research. Based upon a survey I conducted a few months ago, most Clerks of Circuit Court have fewer than 10% of their title examiner clients visiting the Clerkâ??s Office to conduct research. The fact that fewer than 10% of title professionals are physically appearing in the Clerkâ??s Office is further proof that the objectives of digital transformation and remote access have been achieved.

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As state and local government agencies learned of the virtues of having remote access to deeds and land records, they clamored for the flexibility of accessing this public information. Information from deeds and land records empowers agencies involved with state and local taxation, surveys, mapping, zoning, real estate assessments, highways, subdivisions, parcel identification, easements, and many other land use transactions. Some of these state and local government representatives who need information from deeds for their operational objectives and organizational missions include the Commissioners of Revenue, County Treasurers, County Attorneys, Virginia Department of Transportation, Boards of Equalization, planning and land-use review agencies, mapping agencies, utility agencies and many other stakeholder groups that use information from deeds and land records. While many of the local government agencies are located within a short drive from the local Clerkâ??s Office to conduct research, these representatives may not be able to bring their laptops and mobile devices to local courthouses due to court security protocols. State government officials may be several hours away from the Clerkâ??s Office where they need to conduct research. Many state and

local government employees now work flexible and variant schedules beyond the conventional courthouse hours so having 24/7 access to land records is vital. â??The Countyâ??s real estate transactions and land development applications requires access to land records,â?• commented Courtney Sydnor, Assistant County Attorney in Loudoun County. â??Remote access is indispensable given the rate at which land development applications pass through the County Attorneyâ??s Office.â?•

Maintaining and updating the mapping information in Loudoun County, especially given the growth and constant changes in residential and commercial development requires the Loudoun County Mapping Office to frequently conduct research of deeds, plats, and land records in the local Clerkâ??s Office. The Clerkâ??s remote access permits the local mapping office to coordinate boundary adjustments quickly with local engineering companies that also have remote access. Remote access available to both entities enables the mapping team and the engineers to conduct simultaneous review of key documents, which can be helpful in reaching an expedited consensus about a changing boundary. As part of two recent critical County initiatives to locate and mark historic cemeteries and maintain information related to easements, Mapping Office Director Kristin Brown relied on the wealth of information and records available in Loudounâ??s remote access system. â??Staff was able to review historic deeds for clues to cemetery and grave locations and maintain a GIS layer of permanent conservation easements,â?• Brown reported that she personally regularly uses the remote access service to research records which enables her to find answers to her mapping and GIS questions within minutes. For her team in the Countyâ??s Mapping Office, remote access provides a wealth of information empowering this agency to act quickly in pursuit of local government initiatives.

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The Town of Lovettsville in the Northern section of Loudoun County uses the remote access service regularly to search for plats, deeds, easements, rights of way, covenants, and other information critical to the land-use team in the town. The remote access service spares town employees a one-hour round trip to and from the local courthouse to conduct deed research. According to Town Manager Jason Cournoyer, town employees use remote access to provide more efficient and responsive service to town residents. â??To travel the approximately 28 miles round trip to the courthouse, park, and navigate the courthouse each time would be incredibly time-consuming and expensive. Remote access allows Town staff to better assist town residents, and improve customer service while saving them a trip (to the courthouse),â?• advises Cournoyer. For a small town with limited staffing, remote access is an incredibly valuable resource.

While the digital conversion of deeds and the remote access to those deeds is an obvious value and benefit for the title industry and other professionals who need access to deeds, remote access is a tremendous benefit to the average Virginia resident whether they do research of deeds or not. Maintaining the records in digital format is much less expensive than maintaining microfilm equipment, producing microfilm, and maintaining bound books that permit the title industry to conduct deed research. Providing remote access to the title industry instead of hosting scores of visitors each day in the courthouse to do research significantly reduces the space needs for Clerks in the courthouses which reduces the local tax burden on taxpayers for capital improvements associated with new construction and/or office renovations. Providing remote access significantly reduces the volume of vehicles on congested roadways as title examiners no longer need to travel on Virginia roads from courthouse to courthouse. In highly populated jurisdictions with large volumes of daily commuters, reducing the number of vehicles on Virginia roadways via remote access is a benefit to those who must travel on major roadways during prime commuter hours. Parking for clients who visit local courthouses for court cases and other local government services is easier since remote access clients no longer

need to park at or near the courthouse. The most significant benefit for the average taxpayer in Virginia is that Clerks have TTF resources to finance conversion efforts and remote access maintenance expenses to finance these endeavors. This means that Clerks do not need to ask their respective boards of supervisors or city councils for local tax funding to pay for digital conversion and remote access system maintenance. Clerks that use TTF are saving local taxpayers money by not requesting this funding in local government budgets. This is truly a major benefit to the average taxpayer in Virginia.

In 1993, the Virginia General Assembly assembled a team of clerks, title companies, and other stakeholders to serve on a task force to assess the concept of digitizing deeds statewide. By 1995, the Virginia General Assembly commissioned the study to assess the feasibility of implementing advanced technology solutions in clerksâ?? offices which would pave the way for remote access to deeds. Thirty years later, we are now celebrating the success of this vision and the goals established by a visionary team that included Clerks of Circuit Court and numerous title companies in Virginia. The goals of digital conversion and remote access have been realized in Virginia. Remote access has expanded to numerous professionals who can conduct deed and land records research from their office, home, or any location where they can access the internet. The success of remote access has inspired Clerks and the title industry to pursue another major technology initiative in Virginia. In the next VLTA newsletter, I will provide information regarding the electronic commerce solutions implemented by Clerks in Virginia that offer an additional remote access service to the title industry.

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He is dedicated to implementing customer service programs that provide premium service to Loudoun residents and clients from the Northern Virginia region. Gary has received numerous awards for Government Best Practices from the National Association of Counties and the Virginia Association of Counties for customer service programs, technology solutions, creative local government innovations and virtual educational programs. He has served as the president for the Virginia Association of Constitutional Officers and as the president of the Virginia Court Clerksâ?? Association. Gary serves on the Board of Directors for the Morven Park Foundation and on the Board of Directors for the Visit Loudoun Foundation. He previously served on the Board of Directors of the Loudoun Free Clinic for 10 years.

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