

A

ABSTRACT OF TITLE-a condensed history of all recorded transactions affecting a particular tract of land.

ACCESS-The right to enter and leave a tract of land from a public way. "Oftentimes the right to enter and leave over the lands of another."

ACCRETION-An addition to land through natural causes such as wind or water.

ACKNOWLEDGMENT-The declaration before an authorized officer or notary public by a person signing a legal document that he does so of his own free will.

ACRE-A tract of land containing 43,560 square feet of land.

ADMINISTRATOR-A person appointed by the court to settle the estate of one who dies without a will. Administratrix is the term, if such person is a woman.

ADVERSE POSSESSION-A claim made by a party who has been living on or using someone else's land in an open and notorious manner.

AFFIDAVIT-A written statement signed and sworn to before some person authorized to take an oath.

APPURTENANCES-Anything so attached to the land or used with it that it is considered part of the property and would pass to a purchaser. For example, a garden or an easement.

ASSESSMENT-Imposition of a tax, charge or levy for or against a piece of property, usually according to established rates.

ASSESSOR-A public official who evaluates property for the purpose of taxation.

ASSIGNEE-One to whom a transfer of interest is made. "For example, the assignee of a mortgage or contract."

ASSIGNOR-One who makes an assignment. "For example, the assignor of a mortgage or contract."

ASSUMPTION-Action whereby one person agrees to pay the debt incurred by another.

ATTACHMENT-Method by which a debtor's property is placed in the custody of the law and held as security pending outcome of a creditor's suit.

ATTORNEY IN FACT-A person authorized by another by Power of Attorney, to act in his place, for a particular purpose, for a special act, or for general business.

B

BANKRUPT-A person who, through a court proceeding, is relieved from the payment of all his debts after surrender of all his assets to a court appointed trustee.

BREACH OF CONTRACT-Failure, without legal excuse, of one of the parties to a contract to perform according to the terms of the contract.

C

CHAIN-A term of land measure being 66 feet in length.

CHAIN OF TITLE-A term applied to the past series of transactions and documents affecting the title to a particular parcel of land.

CLEAR TITLE-One which is not encumbered or burdened with defects.

CLOUD ON TITLE-A claim or encumbrance that may affect title to land.

COMMITMENT TO INSURE-A report issued by a title insurance company, or its agent, showing the condition of the title and committing the title insurance company to issue a form policy as designated in the commitment upon compliance with and satisfaction of requirements as set forth in the commitment.

CONDEMNATION-Taking of private property through court proceedings, for a public use by a government unit, with compensation to owner.

CONDITION OR CONDITIONS-A proviso in a deed or will that upon the happening or failure to happen of a certain event, the title of the purchaser or devisee will be limited, enlarged, changed or terminated.

CONDITIONS AND RESTRICTIONS-A common term used to designate the uses to which land may not be put and providing penalties for failure to comply. "Commonly used by land developers on newly platted subdivisions."

CONDOMINIUM-A unit in a multi-unit structure, each individually owned, and carries with it a share of ownership in the common areas of the structure and facilities. Individual units may be mortgaged separately.

CONTRACT-An agreement to sell and purchase under which title is withheld from the purchaser until such time as the required payments to the seller have been completed.

CONVEY-To deed, assign or pass title from one person to another.

CONVEYANCE-A document by which title to property is transferred; a deed.

COVENANT-An agreement written into deeds and other instruments promising performance or non-performance of certain acts, or stipulating certain uses or non-uses of the property.

CUL DE SAC-A dead end street which widens sufficiently at the end to permit an automobile to make a "U" turn.

D

DEED-A written instrument by which title to land is conveyed.

DELIVERY-The final and absolute transfer of a deed from seller to buyer in such a manner that it cannot be recalled by the seller. A necessary requisite to the transfer of title.

DEVISE-A transfer of real estate by will or last testament.

E

EARNEST MONEY-Advance payment of part of the purchase price to bind a contract for property. The money is usually placed in escrow.

EASEMENT-Rights of a person or company to use the land of another for limited purpose, such as laying a sewer, electric power lines, or crossing the property.

EGRESS-The right to leave a tract of land. (See Access)

EMINENT DOMAIN-The power of the State to take private property for public use upon payment of just compensation.

ENCROACHMENT-A fixture, or structure, such as a wall or fence, which intrudes upon a portion of the property belonging to another.

ENCUMBER-To burden a parcel of land with a lien or charge such as a mortgage.

ENCUMBRANCE-Claim or liability (such as lien, judgment or unpaid taxes) that affects title to property.

ESCHEAT-A reversion of property to the State in those cases where an individual dies without heirs or devisees and without a will.

ESCROW-Holding of money and/or documents by a disinterested third party while conditions of intended contract are met.

ESTATE-A person's possessions.

EXAMINATION OF TITLE-The interpretation of record title to real property based on the title search or abstract.

EXAMINER-A title company employee charged with the duty of interpreting and passing upon the validity of documents dealing with real property.

EXCEPTION-That which is excluded from coverage in a title policy, such as easements, zoning ordinances, etc. In legal descriptions that portion of lands to be deleted or excluded.

EXECUTOR-A person or institution named by the individual making a will to carry out the provisions of his will. If that person is a woman the term is executrix.

F

FEE SIMPLE ESTATE-The most complete and fullest ownership possible in a parcel of land.

FINANCING STATEMENT-A document prepared for filing with the County Clerk or Secretary of State indicating that personal property or fixtures is encumbered with a debt.

FIXTURES-Any item of personal property so attached to real property that it becomes a part of the real property.

G

GRANTEE-A person to whom real estate is conveyed; the buyer.

GRANTOR-A person who conveys real estate by deed; the seller.

GUARDIAN-One appointed by the court to administer the affairs of an individual not capable of administering his own affairs.

H

HEIR-One, determined at the death of a decedent, who inherits under descent and distribution statutes.

HEIRS AND ASSIGNS-Terminology used in deeds and wills to provide that the recipient receives a "fee simple estate" in lands rather than a lesser interest.

HIATUS-A gap or space unintentionally left between, when attempting to describe adjacent parcels of land.

HOMESTEAD-Land, and the improvements thereon, where the head of the family resides, and therefore, protected by state law from forced sale by certain creditors of the owner.

I

IMPROVEMENTS-Those additions to lands tending to increase value such as building, streets, etc.

INDEMNIFY-To give security for or promise to reimburse a person in the event of a loss which may be suffered in the future.

INGRESS-The right to enter a tract of land.

INSURANCE-A contract of indemnity against specified perils.

INTESTATE-Legal designation of a person who has died without leaving a will.

J

JUDGMENT-The official and authentic decision of a court concerning the respective rights and claims of the parties to an action of suit.

JUDGMENT DOCKET-The record book of a County Clerk where a judgment is entered in order that it may become a lien upon the property of the debtor.

JUDGMENT LIEN-The charge against the lands of a debtor resulting from the decree of a court properly entered in the judgment docket.

L

LANDMARK-Any conspicuous object that helps establish land boundaries.

LEASE-An agreement which gives the right to use property for a fixed period of time, under certain terms and conditions and for a consideration.

LESSEE-One who uses property under the terms of a lease.

LESSOR-One who allows the use of property under the terms of a lease.

LIEN-A charge or encumbrance allowed a creditor against the lands of a debtor, giving the lienholder (creditor) the right to have property sold to pay the debt.

LIFE ESTATE-A right of use, occupancy or ownership limited to the life of the party holding it.

LINK-A term of land measurement being 1/100th of a chain or 66/100th of a foot.

LIS PENDENS-A notice recorded in the county records to indicate that a suit is pending affecting the lands where the notice is recorded.

LOT-A measured parcel of land having fixed boundaries.

M

MAJORITY-The age at which a person is entitled to handle his own affairs.

MARKETABLE TITLE-A title which is free from defects and can be sold or mortgaged.

MECHANIC'S LIEN-A claim allowed by law for purpose of securing priority payment for work and/or materials furnished in erecting or repairing a building.

METES AND BOUNDS-A system of describing the boundaries of property by starting at a known point and measuring in specified directions.

MONUMENT OF SURVEY-Visible marks or indications left on natural or other objects indicating the lines and boundaries of a survey. May be posts, stones and other such objects, but may also be fixed natural objects, blazed trees, roads and even water courses.

MORTGAGE-Legal document used to encumber property pledged as security for a loan.

MORTGAGEE-Person taking or receiving a mortgage - lender.

MORTGAGOR-One, who, having all or part of title to property, pledges that property as security for a debt - borrower.

N

NOTARY PUBLIC-One authorized to take acknowledgments.

O

OPTION-Right to purchase property within a definite time at a specified price. No obligation to purchase, but seller is obligated to sell if the option holder exercises his right to purchase.

OWNERSHIP-The right to possess and use property to the exclusion of others.

P

PATENT-A document issued for the purpose of granting public lands to an individual.

PLAT OR PLOT-A map or chart of a lot, addition or subdivision.

POLICY-A written contract of title insurance.

POLICYOWNER-One who owns a title insurance policy.

POWER OF ATTORNEY-A document giving one person the authority to act in the place of another as his agent or attorney.

POWER OF SALE-A clause inserted in a will, deed of trust or trust agreement authorizing the sale or transfer of land in accordance with the terms of the clause.

PRORATE-To allocate between seller and buyer their proportionate share of an obligation paid or due. "For example, a prorate of real property taxes, rent or fire insurance."

Q

QUIET TITLE-To remove record defects that cloud a title.

R

RANGE-A part of the government survey, being a strip of land 6 miles in width, and numbered east or west of the principal meridian.

REAL PROPERTY-Land and any improvements - anything built on it, affixed to it or growing in it.

REALTY-A brief term for real property.

REDEEM-Literally "to buy back." The act of buying back lands after a mortgage foreclosure, tax foreclosure, or other execution sale.

REINSURANCE-To insure again by transferring to another insurance company all or part of an assumed liability, thus spreading the loss risk any one company has to carry.

RIGHT-OF-WAY-A right of passage over or across the land of another - an easement.

RIPARIAN RIGHTS-The rights of use and ownership of water by the owners of land along some river, stream or lake, which use is limited by statute.

S

SECTION OF LAND-A parcel of land comprising one square mile or 640 acres.

SET BACK LINES-Those lines which specify the required distances for the location of structures in relation to the boundaries of the property.

SUB-SURFACE RIGHT-The right to ownership of everything beneath the physical surface of the property.

SURVEY-The process of measuring land to determine its size, location and physical description.

T

TENANCY IN COMMON-An estate or interest in land held by two or more persons each having equal rights of possession and enjoyment but without any right of survivorship between the owners.

TENANT-Any person in possession of real property with the owner's permission.

TESTAMENT-Another term for a will. Commonly referred to as "last will and testament."

TESTATE-The estate or condition of leaving a will at death.

TESTATOR-A man who makes or has made a will.

TESTATRIX-A woman who makes or has made a will.

THENCE-Used in surveying and in metes and bounds descriptions to designate that the course and distance given thereafter is a continuation of the course and distance given before.

TITLE-Evidence in the form of a deed or other certificate of a person's legal right to ownership of property.

TITLE DEFECT-Any legal right held by others to claim property or to make demands upon the owner.

TITLE INSURANCE-Insurance which is designated to indemnify the holder for loss sustained for reason of defects in a title, up to and including the policy limits.

TITLE PLANT-The total facilities - records, equipment, fixtures and personnel - required to function as a title insurance operation. Technically, the organization of official records affecting real property into a system which allows quick and efficient recovery of title information.

TITLE SEARCH-Detailed review of title records, laws and court decisions to disclose the current facts regarding ownership of real estate.

TOWNSHIP-A division of territory 6 miles square, containing 36 sections or 36 square miles.

TRACT-An area of land.

TRUST-A right of property held by one for the benefit of another.

TRUSTEE-A person holding property in trust.

V

VENDEE-A purchaser of real property.

VENDOR-A seller of real property.

VEST-To pass to a person an immediate right. Title may be said to vest in John Doe.

W

WARRANTY-An agreement and assurance by the grantor of real property for himself and his heirs, to the effect that he is the owner and will defend the title given. The seller's limited-time guarantee of the quality of the house - usually a new house.

WILL-A written document properly witnessed, providing for the distribution of property owned by the deceased.

Z

ZONING-Procedure for classifying real estate for various uses, usually in accordance with a land-use plan that has been approved by a governing body.

METRIC TABLE

To convert acres to hectares:
(No. of acres) X .4047 = (No. of hectares)

To convert hectares to acres:
(No. of hectares) X 2.471 = (No. of acres)

To convert square miles to square kilometers:
(No. of sq. mi.) X 2.59 = (No. of sq. km.)

To convert square kilometers to square miles:
(No. of sq. km.) X .3861 = (No. of sq. mi.)

To convert square feet to square meters:
(No. of sq. ft.) X .0929 = (No. of sq. m.)

To convert square meters to square feet:
(No. of sq. m.) X 10.7639 = (No. of sq. ft.)

To convert square yards to square meters:
(No. of sq. yds.) X .8361 = (No. of sq. m.)

To convert square meters to square yards:
(No. of sq. m.) X 1.196 = (No. of sq. yds.)