

# RESL 102 - Public Records & Legal Documents

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## Comprehensive Outline

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### Module 1 - Public Records Systems (Where Title Evidence Comes From)

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#### 1.0 Learning Goals

- 1.1 Identify the major public record sources used in title examination
  - 1.2 Explain how **recording** + **indexing** make instruments discoverable (constructive notice concept)
  - 1.3 Distinguish **land records** vs **tax/assessor** vs **court records** vs **municipal** vs **state/federal registries**
  - 1.4 Perform a basic search plan: **name search** + **parcel search** + **legal description cross-check** + **court/tax checks**
  - 1.5 Spot common system problems: **indexing errors**, **name variations**, **recording gaps**, **unofficial sources**
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#### 2.0 Core Definitions

- 2.1 **Public record**: government-maintained record open to public inspection (rules vary)
  - 2.2 **Recording**: filing an instrument in the official land records to give notice
  - 2.3 **Indexing**: how records are organized for searching (name-based, parcel-based, etc.)
  - 2.4 **Instrument**: a recordable document affecting real property (deed, mortgage, easement)
  - 2.5 **Constructive notice**: legal concept that properly recorded items are “notice to the world”
  - 2.6 **Chain of title**: the sequence of recorded conveyances and interests tied to a property
  - 2.7 **Vesting**: how title is held (owner name + capacity + type of ownership)
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### **3.0 Land Records Office (Recorder / Register of Deeds / County Clerk)**

#### **3.1 Purpose and Scope**

3.1.1 Primary repository for recordable instruments affecting real estate

3.1.2 Typical documents recorded

- Deeds (warranty, quitclaim, corrective, trustee/referee deeds)
- Mortgages / deeds of trust
- Assignments, modifications, subordinations, satisfactions/releases
- Easements, right-of-way, licenses (as recorded)
- Plats/subdivision maps, condo declarations, CC&Rs, HOA documents (where recorded)
- Notices of pendency/lis pendens (where recorded)

#### **3.2 How Records Are Organized (Index Systems)**

3.2.1 **Grantor–Grantee index (name index)**

- Grantor = party conveying/selling/releasing (depending on document type)
- Grantee = party receiving/buying/benefiting (depending on document type)
- Title examiner task: run both directions and capture all relevant instruments

3.2.2 **Tract index (parcel-based index)**

- Organized by parcel/lot/tract ID (not available everywhere)
- Strength: ties directly to property
- Weakness: depends on accurate parcel mapping and updates

3.2.3 **Legal description / subdivision references**

- Lot & block ties to recorded plat book/page
- Metes & bounds cross-check with prior deed descriptions

3.2.4 **Book/Page vs Instrument Number vs Document ID**

- Book/page: older recording system
- Instrument/document number: modern system
- Some jurisdictions use both; examiners must capture the correct reference for proof

3.2.5 **Image access vs index-only access**

- Some sites show index data but require separate request for images
- Examiner must confirm: “Do I have the actual instrument image?”

### **3.3 Search Methods (Practical Workflow)**

#### **3.3.1 Name search (grantor/grantee)**

- Search current owner + prior owners back to a “good root”
- Search variants: initials, middle names, maiden names, hyphenations
- Entity searches: exact legal name + former names (DBA, mergers)

#### **3.3.2 Parcel/tract search (when available)**

- Use parcel ID to pull all instruments tied to property
- Confirm legal description matches parcel ID output

#### **3.3.3 Document type filters**

- Deeds, mortgages, assignments, releases, liens, easements, plats
- Use filters carefully—don’t miss misc documents mis-indexed under “other”

#### **3.3.4 Date-range strategy**

- Work backward from current vesting deed
- For liens: search forward/back around acquisition date and refinance dates
- Capture “gap periods” where indexing is weak (older scans)

#### **3.3.5 Cross-check strategy**

- Compare deed legal descriptions across transfers
- Confirm mortgage borrower matches vesting owner
- Confirm releases match the recorded mortgage (same instrument number/book/page)

### **3.4 What to Capture From the Recorder Record (Minimum Data Fields)**

3.4.1 Recording office/jurisdiction

3.4.2 Instrument type

3.4.3 Parties (grantor/grantee or equivalent roles)

3.4.4 Recording date/time

3.4.5 Book/page or instrument/document number

3.4.6 Legal description reference (exhibit, lot/block, plat reference)

3.4.7 Notary/acknowledgment presence (basic check)

3.4.8 Notes: exceptions, reservations, subject-to language

### **3.5 Common Recorder/Index Problems (Examiner Red Flags)**

- 3.5.1 Misspellings and name variations (Garcia vs Garza; Jr/Sr; initials)
  - 3.5.2 Indexing errors (grantor/grantee reversed, wrong party indexed)
  - 3.5.3 Re-recordings without clear explanation
  - 3.5.4 Missing images/exhibits (legal description “Exhibit A” not included)
  - 3.5.5 Incorrect document type coding (“mortgage” coded as “misc”)
  - 3.5.6 Gaps due to scanning cutoffs, older books not digitized
  - 3.5.7 Unreleased mortgages or missing satisfactions
  - 3.5.8 Wrong legal description tied to the parcel in the index
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### **4.0 Assessor / Property Tax Records (Supporting Evidence)**

#### **4.1 What Assessor Records Show (and Don’t Show)**

- 4.1.1 Parcel ID, situs address, assessed owner, property class
- 4.1.2 Assessed value history (not proof of ownership)
- 4.1.3 Legal description summary (often abbreviated—must cross-check with deed)

#### **4.2 Tax Status Checks**

- 4.2.1 Current taxes paid/unpaid
- 4.2.2 Delinquency, tax liens, tax sale indicators
- 4.2.3 Special assessments (sidewalk, sewer, improvements) where applicable

#### **4.3 Assessor Record Limitations (Examiner Warnings)**

- 4.3.1 “Assessed owner” may lag behind record title
  - 4.3.2 Parcel splits/merges can mislead if legal description isn’t updated
  - 4.3.3 Address ≠ legal description
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### **5.0 Court Records (State and Federal)**

#### **5.1 Why Court Records Matter in Title Work**

- 5.1.1 Court actions can affect ownership and liens
- 5.1.2 Some court matters are recorded in land records; others appear only in court dockets

## **5.2 High-Frequency Court Record Types**

- 5.2.1 Foreclosure actions
- 5.2.2 Probate/estate administration (authority and conveyance)
- 5.2.3 Divorce/judgments affecting property interests (varies)
- 5.2.4 Bankruptcy filings (automatic stay concept; property implications)
- 5.2.5 Civil judgments that may become liens (jurisdiction-specific rules)

## **5.3 Practical Court Search Skills (Intro)**

- 5.3.1 Search by owner name (and known variants)
  - 5.3.2 Identify case status: open/closed/dismissed
  - 5.3.3 Pull key documents: complaint/petition, judgment/order, deed/order transferring title (if any)
  - 5.3.4 Flag when court record suggests a recorded document should exist (but isn't found)
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## **6.0 Municipal / Local Agency Records**

### **6.1 Common Local Records That Affect Title/Use**

- 6.1.1 Zoning classification and zoning letters (use/permit issues)
- 6.1.2 Building permits and certificates of occupancy (use compliance)
- 6.1.3 Code violations, open permits, fines/liens (where recorded as liens)

### **6.2 Special Assessments & Utility Liens**

- 6.2.1 Sewer/water assessments
  - 6.2.2 Sidewalk/street improvement assessments
  - 6.2.3 Utility balances that can become liens (jurisdiction-specific)
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## **7.0 State/Federal Registries and Special Filing Systems**

### **7.1 UCC Records (Personal Property Liens)**

- 7.1.1 UCC financing statements and why they matter in real estate context
- 7.1.2 Fixtures concept (when personal property is attached to real property—intro)

### **7.2 Federal/State Tax Liens (Survey)**

- 7.2.1 Federal tax lien notices filing locations can vary (concept)
- 7.2.2 Examiner task: confirm required search location for the jurisdiction (policy/procedure)

### **7.3 Environmental and Other Special Notices (Survey)**

7.3.1 Environmental liens/notices (if applicable)

7.3.2 Lis pendens/notice of action (often recorded but sometimes located differently)

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### **8.0 Search Plan Template (Step-by-Step “Title Evidence” Workflow)**

8.1 Identify property identifiers

- Current owner name(s), parcel ID, address, legal description

8.2 Pull current vesting deed

- Confirm owner, vesting, legal description, recording reference

8.3 Run grantor/grantee search backwards

- Build chain of title back to root/required period

8.4 Run forward searches for liens and releases

- Mortgages, assignments, satisfactions; judgments; HOA liens; tax liens (as required)

8.5 Cross-check with assessor/tax records

- Confirm parcel mapping, check delinquencies and assessments

8.6 Check court records

- Bankruptcy/probate/foreclosure/judgment actions tied to owners or property

8.7 Compile results into title notes

- Vesting, legal description, open requirements, exceptions, pending issues
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## Module 2 - Recording Law Concepts (Title Examiner Core)

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### 1.0 Learning Goals

- 1.1 Explain why recording matters in title work (notice + priority)
  - 1.2 Define the key terms: **recording, constructive notice, priority, bona fide purchaser, acknowledgment, defective recording**
  - 1.3 Distinguish major recording statute models: **race, notice, race-notice** (conceptual)
  - 1.4 Apply priority concepts to common title scenarios: deed vs deed, deed vs mortgage, mortgage vs judgment lien
  - 1.5 Identify what makes an instrument **recordable** and what makes a recording **effective**
  - 1.6 Recognize corrective tools: **re-recording, corrective deed, subordination, release/satisfaction, curative affidavits** (intro)
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### 2.0 Core Definitions

#### 2.1 Recording

- Filing a document in the public land records (recorder/register of deeds) so it becomes part of the official chain

#### 2.2 Recordable instrument

- A document that can be accepted and indexed by the recorder because it meets statutory/formal requirements (jurisdiction-specific)

#### 2.3 Constructive notice

- Legal concept: properly recorded documents give “notice to the world” even if no one actually reads them

#### 2.4 Actual notice vs inquiry notice (intro)

- Actual: you truly know
- Inquiry: you should investigate based on facts/red flags (possession, unusual exceptions, etc.)

#### 2.5 Priority

- Which interest is legally superior when multiple interests compete (often determined by time + recording rules)

## 2.6 Bona fide purchaser (BFP)

- A purchaser for value without notice of prior unrecorded claims (concept)
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## 3.0 Why Recording Matters (Title Examiner Perspective)

3.1 Recording creates a “paper trail” for:

- Ownership transfers (deeds)
- Security interests (mortgages/deeds of trust)
- Encumbrances (liens, easements, restrictions)

3.2 Recording makes interests discoverable through indexing and searching

3.3 Recording affects who wins priority disputes (buyer vs buyer; lender vs lienholder)

“Title examiners read the public record to determine what interests exist and which ones have priority.”

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## 4.0 Recording Statute Models (Conceptual)

### 4.1 Race Statute (Concept)

4.1.1 First to record wins priority (simplified)

4.1.2 Notice issues matter less than the race to the recorder (concept)

### 4.2 Notice Statute (Concept)

4.2.1 A later purchaser can win if they buy without notice of an earlier unrecorded interest (BFP concept)

4.2.2 Recording protects the earlier interest by giving notice

### 4.3 Race-Notice Statute (Concept)

4.3.1 A later purchaser must be a BFP **and** record first to win (concept)

### 4.4 Practical takeaway for examiners

4.4.1 Your job is not to litigate the statute type—your job is to identify:

- What is recorded
- When it was recorded
- Whether anything appears missing/unrecorded that could cause a claim

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## **5.0 The Priority Timeline (How Examiners Think)**

### 5.1 Build a timeline of recorded interests:

- Deeds (vesting changes)
- Mortgages and assignments
- Releases/satisfactions
- Liens (tax, judgment, HOA, mechanics)
- Easements/CC&Rs

### 5.2 Capture the key dates:

- Execution date (signed)
- Recording date/time (stamped)
- Effective date (if different by law/contract—concept)

### 5.3 General rule of thumb (concept):

- Recording date is critical for third-party priority
- Execution date can matter internally between parties but does not always protect against third parties

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## **6.0 Recordability Requirements (What the Recorder Typically Needs)**

### 6.1 Properly completed document format

- Correct margins/size, cover sheets (varies)

### 6.2 Correct parties and signatures

- Grantor signatures on deeds; borrower signatures on mortgages (basic)
- Entity authority and title of signer (concept)

### 6.3 Notary acknowledgment (common requirement)

- Acknowledgment makes the document eligible for recording (state-specific rules)

### 6.4 Witness requirements (some states)

- Some require one or two witnesses in addition to notarization (jurisdiction-specific)

### 6.5 Legal description attachment

- Many recorders require a complete legal description (or exhibit)

#### 6.6 Recording fees and tax stamps

- Some instruments require transfer tax, mortgage tax, or recording fee payments (varies)
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### **7.0 Defects That Can Affect Constructive Notice (Title Risk)**

#### **7.1 Improper indexing**

- Misspelled names, wrong grantor/grantee, mis-entered parcel references
- Can make a document “hard to find” (risk)

#### **7.2 Defective acknowledgment**

- Missing notary seal, wrong venue, expired commission (varies)
- Can affect recordability/validity

#### **7.3 Missing legal description**

- If the property can't be identified, constructive notice may be weakened

#### **7.4 Recording gaps**

- Missing deeds, missing satisfactions/releases, missing assignments

#### **7.5 Fraud/forgery indicators (refer out)**

- Suspicious signatures, abrupt transfers, inconsistent ID markers
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### **8.0 Common Priority Conflicts (Practical Examples)**

#### **8.1 Deed vs Deed (Double-Sale scenario)**

- 8.1.1 Owner signs deed to Buyer 1 (unrecorded)
- 8.1.2 Owner later signs deed to Buyer 2 (records first)
- 8.1.3 Who wins depends on statute model and notice (concept)
- 8.1.4 Examiner task: flag gap risk and confirm recording order

## **8.2 Mortgage vs Mortgage (Two lenders)**

8.2.1 First mortgage recorded

8.2.2 Second mortgage recorded

8.2.3 Priority generally follows recording order unless subordinated (concept)

## **8.3 Mortgage vs Judgment Lien**

8.3.1 Record mortgage vs record judgment lien timing

8.3.2 Examiner task: identify which recorded first; confirm any releases/subordinations

## **8.4 Mechanics Lien Timing (Intro)**

8.4.1 Lien rights can relate back to work commencement dates (jurisdiction-specific)

8.4.2 Examiner task: treat as high-risk item; confirm required notices/recordings and refer if needed

## **8.5 Tax Liens (Intro)**

8.5.1 Often enjoy high priority (jurisdiction-specific)

8.5.2 Examiner task: confirm current tax status and recorded tax liens if applicable

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## **9.0 Curative Tools (Fixing Problems in the Record)**

### **9.1 Release/Satisfaction**

- Removes a lien (mortgage satisfaction, lien release)

### **9.2 Corrective deed / correction instrument**

- Fixes clerical errors (names, legal description)
- Must be carefully matched to original instrument

### **9.3 Re-recording**

- Used when document was recorded incorrectly or without exhibit
- Examiner must compare versions and confirm proper indexing

### **9.4 Subordination agreement**

- Changes priority order by agreement (common in refinancing)

## 9.5 Affidavits and curative instruments (intro)

- Name affidavit, identity affidavit, heirship affidavit (where recognized)

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