

## **Land Records**

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### **Units of Measure**

Pole, Rod, Perch = 16 1/2 feet = 5 1/2 yards (linear measure)

= 30 1/4 square yards = 1 perch x 1 perch (area measure)

Link = 7.92 inches. The distance between joints in a Gunter’s Chain, a one chain measure made up of one hundred

Acre = 10 square chains = 43,560 square feet = 1/640 square mile.

Township = six miles square containing 36 sections (each one mile square, 640 acres)

### **Why Use Land Records?**

Land ownership has historically been a driving force in American culture. As a result, land records are often the earliest formal records seen in a jurisdiction and land ownership is meticulously tracked and recorded. Upon the death of a land owner, records distributing his land to heirs often name all heirs, not just the recipient of the land. Land records document the passage of land through successive generations and provide evidence for relationships.

### **Brief History of American Land**

Early Colonial practices are varied and include, for example, Virginia’s headrights; Proprietors, such as the Penn family in Pennsylvania; and the New England town system.

Many states used a “metes and bounds” survey system – a system that resulted in irregular shaped parcels. Land was The Land Ordinance of 1785 and the subsequent Acts of 18 May 1796 and 1 June 1798 established the Public Land

Survey System as the method for future land disbursement. Land was surveyed prior using a rectangular system.

### **Using the Deed Index**

Your entry point for your deed search is the index. There are several common approaches to indexing deeds.

- ☐ Separate indexes for Grantor [seller] and Grantee [buyer]. Both indexes record each transaction under the names of the parties. There may be more than one grantor and more than one grantee for a transaction.

- ☐ Deed Index listing all parties in a single index and indication of the role of the parties.

- ☐ Devisee Index records conveyances of land to a recipient (devisee) through probate proceeding. Devisee indexes are not common, but are found in North Carolina and occasionally other jurisdictions. There will be a corresponding Devisor Index.

☐ Block Indexes are seen in some urban environments. To access deeds, you must know the block where your ancestor lived. Each block has a number, and all transactions for the block are in a numbered Block Book.

City Directories and period maps are important resources for determining the block number.

There are a variety of indexing methods. Some are designed to deal with phonetic spellings. Others serve to divide the index into manageable “chunks” that can be rapidly scanned.

☐ Two excellent (and portable!) resources for dealing with the indexes you will encounter are Christine Rose, Courthouse Indexes Illustrated; and the index tutorial at the Maryland State Archives web site, <http://guide.mdsa.net/viewer.cfm?page=using%20indexes>.

☐ The often maligned Russell Index (l-m-n-r-t) does well with phonetic spellings. And, once you locate your surname page for given names starting with letter A, you can go through the index incrementing the page numbers by 10 to locate the pages for given names beginning with B, C, ....

Some jurisdictions have computerized deed indexes. There are instances when the old paper index is a better resource.

☐ Very often the computer index matches exact spellings, or match the exact leading letters that you provide.

This misses phonetic spellings. Indexes such as the Russell are designed to catch those situations.

☐ Very often personal property transactions and other incidental recordings are omitted from the computerized index. They are, however, important resources for genealogy. If your research jurisdiction omits the personal property transactions from the computer index, you will want to check the old paper index

## **DEEDS**

☐ Deed of Sale, Indenture. Conveyance of real property, usually land.

☐ Warranty Deed. grantor guarantees clear title to the grantee.

☐ Bill of Sale. Transfer of personal property. May document the transfer of slaves.

☐ Quitclaim. The grantor gives up any rights they may have to property.

☐ Dower Release. A wife consents to her husband's sale of land; usually recorded at time of sale, but may be recorded separately.

☐ Lease. Grantee has right to use property for specified time; does not own property; at end of term rights revert to grantor.

☐ Lease and Release. A two-part transfer of property. The Grantor leases to the grantee (a first recorded document); then the grantor releases any claim to title (a second recorded document). May be used to ensure payment or obscure the consideration.

☐ Strawman Deeds. Two deeds filed successively where property passes through an intermediary.

☐ Power of Attorney. Appoints grantee to act legally on grantors behalf in specified matters.

☐ Fee simple. Absolute title to the property.

☐ Undivided interest. Several individual hold a share in the interest of the property. This often occurs upon the death of a land owner; the heirs may hold undivided interest in his property.

☐ Dower interest. Wife's lifetime interest in her husband's property, usually 1/3. When the husband sells property, the dower interest must be released or the resulting title is encumbered.

## **Parts of a Deed**

Deeds, regardless of jurisdiction, follow a common format:

☐ Preface. The Preface may indicate the type of deed and give the date of execution. The clerk may make an inset block to separate this deed from the prior deed; there may be additional clerk's notations there.

☐ Parties. Party of the first part is usually the grantor; party of the second part the grantee. Residences and occupations may be given. There may be multiple grantors or grantees. There may be indications of spouse, role (administrator, executor, guardian, trustee). When estates sell property, the recital of parties may include the name of the deceased and statements of relationship or heirship. Understand women's rights during the time period and in the place you are researching. Dower rights and femme covert are important.

☐ Consideration (payment). Be attentive to low amounts coupled with phrases such as "and for love and affection." Some deeds will include an obligation to provide the grantor with food and lodging for the remainder of their lives. This may indicate that an individual is making provision for their upkeep. It may also indicate that the individual is disposing of property to avoid probate. Such a deed may exist for an individual who leaves no probate records.

☐ Property description. The description may be metes & bounds or use Public Land Survey System nomenclature. There may be reference to neighbors, waterways, roads, or other geographic landmarks.

Land descriptions were often copied verbatim from prior documents. If you suspect that something is amiss in the description, compare with an earlier conveyance for the property and check for scrivener's errors.

Because of this practice, property descriptions may name deceased neighbors.

☐ Recitation of Title. Following the description may be words such as "being the same..." indicating a recitation of title (history of ownership) for the property. Such recitals may refer to prior unrecorded deeds, prior recordings, or the warrant or patent for the first private owner. Chain-of-title appears more commonly

☐ Warranty Clause. States that the seller has rights to convey the land.

☐ Witnesses. Witnesses may, or may not, be related to buyer or seller. If the transaction took place in a legal setting (courthouse, attorney's office) then the witnesses may be unrelated. Appearance as a witness indicates that the person was alive at the date of execution and was of a minimum age.

☐ Signatures. Deeds are recorded documents, transcribed from the original. While they indicate whether the parties signed or made mark, recorded deeds typically do not bear original signatures. Clerks may attempt to copy marks or unusual aspects of a signature (such as German Script signatures).

☐ Receipt of Payment. The date and place appearing here may differ from the date and place of execution.

☐ Acknowledgement. The seller represents before an official that he acknowledges a conveyance. If the seller cannot appear, then witnesses attest that the seller signed the deed. If the seller does not appear, the circumstances that prevent appearance may be significant.

☐ Dower release. In many jurisdictions, a wife has a lifetime interest in her husband's property. She must sign away this right for the purchaser to have clear title. Typically the wife makes a statement separate from her husband acknowledging that the transfer is done of her own free will. Lack of a dower release may indicate

☐ Recording. The date of recording may be a considerable period of time after the execution date. Particularly if property remained in the family, the owners would choose not to incur recording fees. At some later point a buyer may insist that prior deeds be recorded.

## **Deed or Mortgage?**

Distinguishing between deeds and mortgages can be confusing. Mortgages are recorded as sales that become null and void upon fulfillment of some condition (repayment of the loan). Look for language such as "conditioned upon" or other wording that states the sale is void when some condition is fulfilled. There may be notations in the margin of "satisfaction" indicating that the loan was repaid. If it appears that your ancestor sold the same land several times, look for language indicating that several of the transactions were mortgages.

## **Abstracting a Deed**

- ☐ Note both the date executed and the date recorded.
- ☐ Identify Grantor(s) and Grantee(s) and any identifying particulars, such as residency or occupation.
- ☐ Include the consideration (payment amount)
- ☐ Include all other names seen in the deed, including neighbors mentioned in the property description.
- ☐ Include the land description (metes and bounds or Public Land Survey System).
- ☐ Note any exclusions (portion of the property; waterway, mineral or other rights).
- ☐ Note whether the grantor signed, made mark, or other special attributes of the signature
- ☐ Include any dower release that may follow the deed, or note the lack thereof in a time and place where this
- ☐ Carefully note any conditional language that indicates the document is a mortgage.
- ☐ Include any marginalia (such as satisfaction of mortgage).
- ☐ Read the several deeds preceding and following the item of interest.

## **Can't Find the Deed?**

You have evidence of land ownership, but there's no trace of your ancestor in the Grantor/Grantee or Mortgage

- ☐ Local collection of “unrecorded deeds.”
- ☐ Variant spellings. Indexed under name of executor, administrator, sheriff, party with power of attorney.
- ☐ Sheriff deeds kept as separate record set.
- ☐ Sale not recorded contemporaneously; recorded much later in heir’s name.
- ☐ Partition from estate probate in separate record set.
- ☐ Other legal ways to record transfer of land: probate, court action, legislative action.
- ☐ Could ancestor be first private owner – that’s another record set (state or federal).

## Recommended Resources – General

Betit, Kyle. Researching American Land Records . Toronto, Canada: Heritage Book Series, 2002.

Hiveley, Neal Otto. How to Plot Land Surveys: A Basic Primer for Drawing Deeds, Surveys, and Other Land Descriptions. No place, 2000.

Hone, E. Wade. Land & Property Research in the United States. Provo, Utah: Ancestry Publishing, 1997.

Hatcher, Patricia Law. Locating Your Roots: Discover Your Ancestors Using Land Records. Cincinnati, Ohio: Betterway Books, 2003.

Maryland Archives. “Identifying and Using Indexes.” <http://guide.mdsa.net/viewer.cfm?page=using%20indexes> : 2014.

Rose, Christine. Courthouse Indexes Illustrated. San Jose, California: CR Publications, 2006.

## Deeds Index Chart

by Christine Rose, 2006.

# TO LOCATE NAMES IN THE INDEX

Determine the first and second Key-letters after the initial letter in the Surname. In the column headed by the Given Name initial of the name for which you are searching, and opposite the Key-letters contained in the Surname, the number of the section is designated where the name will be found. Duplications of the same Key-letter are disregarded. Surnames, not containing a Key-letter, are found in the sections designated by the numbers opposite “Misc.” All names other than those of individuals are found in the sections designated by the numbers in the column headed “Corps., Etc.”, and opposite the Key-



letters contained in the first word of the name, disregarding the article "The."

[illegible]



RL	140	240	340	440	540	640	740	840	940	1040	1140	1240	1340	1440	1540	1640	1740	1840	RL									
RM	140	240	340	440	540	640	740	840	940	1040	1140	1240	1340	1440	1540	1640	1740	1840	RM									
RN	140	240	340	440	540	640	740	840	940	1040	1140	1240	1340	1440	1540	1640	1740	1840	RN									
RT	140	240	340	440	540	640	740	840	940	1040	1140	1240	1340	1440	1540	1640	1740	1840	RT									
T	150	250	350	450	550	650	750	850	950	1050	1150	1250	1350	1450	1550	1650	1750	1850	T									
TL	150	250	350	450	550	650	750	850	950	1050	1150	1250	1350	1450	1550	1650	1750	1850	TL									
TM	150	250	350	450	550	650	750	850	950	1050	1150	1250	1350	1450	1550	1650	1750	1850	TM									
TN	150	250	350	450	550	650	750	850	950	1050	1150	1250	1350	1450	1550	1650	1750	1850	TN									
TR	150	250	350	450	550	650	750	850	950	1050	1150	1250	1350	1450	1550	1650	1750	1850	TR									
Misc.	160	260	360	460	560	660	760	860	960	1060	1160	1260	1360	1460	1560	1660	1760	1860	Misc.									
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	Copy	File

## DEED ABSTRACT FORM

Source: Courthouse/office or Repository/microfilm \_\_\_\_\_

County \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_ Record Date \_\_\_\_\_ Execution Date \_\_\_\_\_

Grantor(s) [Seller: name, residence]:

Grantee(s) [Buyer: name, residence]:

Consideration:

Location of real estate:

Mention of specific buildings:

Rights reserved (if any):

Property Description & acreage:

Recital (prior owner; underlying patent or warrant):

Conditions [indications document is mortgage]:

Witnesses:

Signatures [signed/mark/script]:

Seller's wife relinquish dower right?

Any other unique information?

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