

U.S. COUNTY LAND RECORDS – AN INDEX TO THE AMERICAN DREAM

David W. Moore
david@dwmooore.com

Introduction. Land records are a great resource for genealogical information. They are usually the oldest and most comprehensive type of information available for genealogical research. A tremendous amount of information is available or can be derived from land records. Family relationships, types of property and furniture, who witnessed the document, and why it was necessary can usually be found from a review of these land documents. While it may take experience and a knowledge of land and legal principles, much can be derived from these records.

Land records have existed for many hundreds of years. The Domesday book was commissioned in December 1085 by William the Conqueror, who invaded England in 1066. It contains records and information for 13,418 settlements in England counties South of the then border with Scotland. This "taxation" book provides information which is invaluable for genealogical research. Information about this book is available at <http://www.domesdaybook.com.uk/>.

The United States was founded, developed and expanded because of the rights and ownership of land. The first laws and ordinances which required the filing of documents dealing with land were established in Massachusetts in 1640. The law was subsequently amended to become a full fledged recording law. As originally written it stated: *"For avoiding all fraudulent conveyances and everyone shall know what estate or interest other men may have in any howses, land, or other hereditement they are to deal in, it is ordered that after the end of this month no mortgage, bargaine, sale or graunt hereafter to bee made of any howses, lands, rents or hereditament shalbee or force against any other person except the graunter & his heires unless the same shall be recorded as hereafter expressed"* (Records of Massachusetts 116, adopted October 7, 1640). Essex County, Massachusetts has made available online images of their original 20 books. (<http://www.salemdeeds.com/historic.asp>)

Property provided rights and privileges not available to non-land owners. In early American history, land ownership was necessary for political office, or to vote. Land was often necessary for a family's existence. Food and commodities would be produced to sustain the family. This country was founded on the principles of freedom and land ownership. Governments in the U.S. hold land for one of two purposes: (1) for the benefit of the public; and (2) for distribution into private ownership. Because of this concept, extensive land records exist today.

Land Records Tutorials. Land records are unique, different and often difficult to understand because of local customs, land configuration, and the characteristics of the people, region, and state laws. A basic knowledge of land principles, techniques and laws is necessary to research land records. Experience is one of the best teachers. As you learn, go back and look at older research project. New information may be uncovered because of experience. It may be surprising. The following sites may provide information to understand land records.

Land Record Reference: <http://users.rcn.com/deeds/landref.htm>

Legal Terms in Land Records: <http://users.rcn.com/deeds/legal.htm>

Land Records, Deeds, Homesteads, etc.: <http://www.cyndislist.com/land.htm>

US Land & Property Research: <http://users.arn.net/~billco/uslpr.htm>

Types of Land Records. The type and extent of land records will differ because of the government entity maintaining the records, the information being maintained and the scope of information

available. The basic three types of available land records are (1) Federal; (2) State; and (3) County. For some areas of the country, the county records may be maintained on a municipal (city) level.

FEDERAL -- These are single transaction records which contain information compiled for the initial distribution of land into private ownership. Once the land has been distributed into private ownership, no additional or continuing information is maintained. The types of records will be based upon the types of situation which govern the distribution of the land. These records are based upon: (1) Warrants: military & pension. (2) Patents: purchase and homestead. (3) Mineral Rights. (4) Lease: grazing & mineral. (5) Land Grants.

STATE -- For the Eastern States, the initial transaction involved the specific state. Each state, and in some cases, specific areas within the state, would distributed through different types of situations. There are certain land title which have not origin from or with a government entity, and may have resulted from an earlier contractual right.

For the balance of the country, most land was distributed initial by the federal government. However, the federal government did distribute (convey) certain lands to the state for distribution. This distribution may have been to help the state economically, or was used for the development of agricultural colleges. In either case, the state records maintain information on a single transaction. No subsequent information will be found. This information contains sufficient data necessary to perfect the rights and ownership of the purchaser.

COUNTY -- For most of the United States, each county is responsible for maintaining the records of all land transactions from the initial deed from either the federal or state government to the current time. The county office for land records may be the "recorder" or the "clerk" or the such other office as designated by state law. All documents recorded in this office will be indexed so they can be found and reviewed when necessary.

OTHER COUNTRIES: Land Registration System (Torrens). Outside the United States, land ownership is maintained through a "land certificate" system. This system will vary from country to country, but are usually based on a system originally developed in Australia.

<http://www.landservices.sa.gov.au/history/torrenstitle/3rrtorrens.html>

Understanding the Real Estate Transaction and Process. To understand the information contained in land records and to understand the structure of land records, it is necessary to understand the different types of land transactions. Real estate principle are generally consistent over time. While there may be changes in laws and documents, the basic structure of the transaction remains consistent. Additionally, the names of witnesses, notary public, or magistrates may disclose family relationships. Also, the legal description may describe abutting owners. The type of transaction will dictate the type of document and information available:

SALE:	This transaction begins with a Contract, and ends with a Deed. There are many types of deeds used in real estate transactions (i.e. Quit Claim, Bargain, Sale, Warranty, Grant, etc.). The deed may reveal facts about the transaction.
DEBT:	Promissory Note (not public) with a Security Document (Mortgage, Deed of Trust). Lending practice vary, but are always associated with a recorded documents. This document will disclose the type and extent of the collateral and possibly the use of the property.
LEASE:	Possession for Time (Memo may be recorded)
STATUTORY:	Taxes, Liens, and Judgments.
JUDICIAL:	Probate, Divorce, and Condemnation.
MISC.:	Affidavits, Death Certificates, Maps.

Legal Descriptions. A legal description is anything which will describe the boundaries of the property. Sometimes they are complicated, sometimes they are simple. A land description identifies, by writing, the physical location of the land. Words used in land descriptions have a presumed order of importance attached to them: A call for a monument has more force than a recited distance. The purpose of a land description is to identify a particular area of land.

Every land description must somehow be related to existing or formerly existing monuments; there are no exceptions. Land descriptions can be divided into three classes: (1) Land described by reference to a map or plat; (2) Land described by words (metes and bounds). (3) Land described by a combination of the above two classes. Most of the legal descriptions, which are confronted in genealogical research, will be the metes and bounds type. These types of description set forth a beginning point and then describe the perimeter of the property. Physical characteristics of the land are often incorporated in the legal description.

An Overview of Legal Descriptions: <http://www.flatsurv.com/legaldes.htm>

What is a Legal Description: <http://www.or.blm.gov/lo/legal-description.htm>

Types of County Records. As public land records are maintained on an individual county level, these records will vary greatly from county to county. These differences will include the size and format of the index books, the format of the page; the extent of cross indexing, and the language or type of abbreviations which will be used. While each county is different, the basic type of information is usually the same. Therefore, even with the differences, a review of the pages and indexes should reveal the way to extract the needed information.

Information which should be understood to research county land records includes:

1. Document Number / Filing Location (Book & Page): Each document recorded will usually be given a number. This number may also be called the "entry number".
2. Indexes are usually maintained in chronological order and name indexes are double-alphabetized.
3. Typewriters, and photographic techniques are new introductions in land records. All indexes prior to the early 1900 will be handwritten. Even the documents are transcribed. The original documents are not available.
4. Besides indexes, the county recorder will also maintain a copy, or transcription of the original document. This document library is accessed through a book and page assigned to each document.
5. Indexes which are maintained are categorized as name, tract, or lists.

Name Indexes -- Grantee / Grantor (*seller / buyer*), Mortgagee / Mortgagor (*borrower / lender*), Liens & Leases, (*first party / second party*) Taxes / Assessments, Other.

Tract Index -- Documents are indexed by the property they affect. Counties which use tract indexes will also have name indexes. Different types of tracts indexes are usually maintained. They include subdivisions, city, townsite and government plats, and township & section).

Cross-Index for Index & Records – Indexes and references to the name (and tract)

indexes, together with maps, special filings, and unique documents will also be available.

A **availability & Location.** Original records are still maintained in the county office. While most land searches do not access the older records, under most state laws, these records must be maintained.

There are various county records which have been destroyed (i.e. Cook County, Illinois – The Chicago Fire; various counties in Southern states – the Civil War). With modern methods of record storage, most of the public land records have been microfilmed, with copies available in state archives. Also, various county offices may maintain records in different formats – original, reduced copy, microfilm, and digital image.

An additional resource for land records may be title and abstract companies. To help facilitate a title search, private records, which are index geographically are maintained by many title companies. These indexes may be available, or a title search can be purchased. Costs will vary.

Besides the original records, copies of public land records may be available at the following additional locations: (1) State Archives; (2) LDS Church Family History Library; (3) USGENWEB; (4) University / Historical Societies; (4) Private Title Plants

State & County Records Links: <http://www.dwmoore.com/gen.html>

R **esearch Techniques.** The type, scope and procedures used to research land records will vary because of the type of records and the location of the land. However, there are standard research concepts which can be followed to maximize the information obtained.

- A. ***Determination where to start.*** A basic review of the information you have available, and an understanding of what you are looking for is essential. Spend time getting acquainted with the history of the area, the type of records available, and the location of the land.
- B. ***Being able to read and understand the records.*** Spend some time reviewing old handwriting and decipher the abbreviations used. Handwriting in personal and each person has their own style. Knowing what to look for, may help to decode faded or illegible writing.
- C. ***Finding additional information*** -- probate, taxes, etc. Look for ancillary records. A court decree recorded in the land records may identify a particular judicial action. To terminate a “joint tenancy” interest, often a death certificate, and possibly an “affidavit” will be recorded. This will disclose the location of death or other factors about the person.
- D. ***Reviewing and understanding plats.*** Old maps are often a source of ownership. Official maps are often called “plats”, and may disclose surrounding ownership. Sometimes these old records are kept in a special location because of their fragileness. Phone calls to local government offices may often disclose valuable information. Also, phone calls to local title companies may reveal additional facts.

A **ddition Links.** There are a lot of wonderful sites to access county land records on the Internet. A lot of county recorder’s office maintain information which can be searched on-line. Some offices require an account, while others provide information at no cost. A temporary account may be available. Contact the number available for the web site.

Besides the information provided herein, it is recommended that different search engines be used to look for information. Try searching “county land records”; “land records”; “legal descriptions”. Do another search on the county’s name. Look for information on the state and county government web site. These site may give clues to additional information.

The **presentation** used during this seminar is available at: <http://www.dwmoore.com/gen.htm>