



Friday, March 18, 2016
Kellogg Center, E. Lansing

Legal Description 101 Boot Camp

Prepared and Presented by:

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AGENDA
LEGAL DESCRIPTIONS BASIC BOOT CAMP 101

- 9:30 Registration
- 10:00 Welcome and Introduction – Debbie Wiley
- 10:10 Overview and Context – Allan Dick
- 10:30 Basics of Legal Descriptions – Part 1 – History and Types of Descriptions – Lorri Lavelle
- 11:00 Workshop #1 – Locating Parcels and Use of Equipment - Lorri Lavelle
- 11:30 Basics of Legal Description – Part 2 – Describing and Drawing Descriptions – Philip Savich and Allan Dick
- 12:00 Lunch
- 12:45 Workshop #2 – Metes and Bounds – Debbie Wiley, Phil Savich, Allan Dick & Lorri Lavelle
- 1:15 Other Variations and Factors – Allan Dick
- 1:30 Claims and Issues resulting from Incorrect Descriptions Why Proper Descriptions Matter – Phil Savich
- 2:15 The Wrap Up, Tying This All Together – How Does All This Affect you? – Allan Dick
- 2:45 Wrap up – Q&A



MLTA Legal Description Basics “Boot Camp”

- **LEGAL DESCRIPTIONS** – what are they, and what’s the big deal with them, AND what’s so “legal” about them? (And, why a full day “Boot Camp” devoted to them?)
- To answer those questions, we must start with another – **WHY ARE WE HERE?**
- The answer to that question is quite simply (and obviously): **TITLE INSURANCE**
- So, borrowing from our previous MLTA Title 101 “Boot Camp”, the starting point and most basic question is: **What is Title Insurance?**
- Elementary, of course, *insuring “Title”*. But, “Title” to what, and what is “Title”?
- Title = Ownership. In this case, the Ownership of Land and all that is attached to it.
 - Land, also know as Real Estate, as well as Real Property.



- Real Property (or Land) – so, what is it and how is it unique?
- Well, there are three basic kinds of “Property”: Personal, Real and Intellectual.
- Personal Property = touchable, movable, and often consumable.
- Real Property = (generally) immovable or not consumable, and (as Scarlett O’Hara’s father told her in *Gone With the Wind*): “... it’s the only thing that lasts!”
- Intellectual Property = personal, but not physical property – art, music, literature, software, concepts and ideas.
- In order to *insure* property, you must first be able to identify and describe it.
- Limited opportunities and reasons to insure Personal Property. Must be large enough (in value) and not readily consumable, and have a unique ID (e.g. automobile VIN).



- Intellectual Property is insured by copyrights and patents.

- Again, in order to insure property, you must be able to identify and describe it, and in the case of Real Property, you must be able to locate it, precisely.
- A proper Legal Description will locate, identify and describe the Land to be insured.
- We must be sure that we are insuring the CORRECT Land (sounds simple enough).
- But, then we learn that there may be multiple ways to locate, identify and describe the Land in question (e.g. by reference, vicinity or address), many of which lack accuracy or precision, and may be based on faulty information or assumptions.
- Addresses, for example, are the most common form of identification we receive, when a title order is placed. But addresses may be misleading or inaccurate.
- For that reason, Registers of Deeds (the keepers of the Land Records) do not “officially” catalogue the parcels of Land by address (although these days, they may cross reference them by address, due to their improved software capability).



- Rather, the Registers of Deeds (ROD) catalogue Land by Legal Description – the official description – and maybe also by tax parcel no., which reflects the Legal Description, as we will see. (Official Description = Legal Description)
- But, speaking of the ROD, and the Land Records, as you may well know, we in the title business use a variety of sources for our searching information, all derived from the ROD's records in one form or another, as displayed in Abstracts in days of yore.
- Yes, addresses and tax parcel IDs are important in the big picture. But, the Legal Description rules, even though many of the people and customers we deal with don't realize that. But, that is why we need to read the documents thoroughly.
- And sometimes the lack of a proper Legal Description can hang up a transaction, to the dismay of our customers, which is why we all need to understand this.
- That all seems straight-forward enough and logical, right? Maybe even ... simple.



- Well, not so fast! As today's speakers will instruct you with greater detail, not only are there multiple ways to locate and identify parcels of Land, there are also several different ways to describe that parcel, different TYPES of "Legal Descriptions", derived, in most cases, from the historical beginnings of the United State of America and the State of Michigan, even before statehood, with its earliest settlers.
- This, of course, adds to the complexity, which is why this is not simply an hour long webinar (meaning no disrespect), but rather a full day workshop.
- You will also learn that even these various types of Legal Descriptions can be subject to interpretation and inaccuracies, which can make it a real challenge to insure a parcel without taking on far more risk than we would choose.
- What kinds of risk? Conflicting or confusing Legal Descriptions could result in competing claims of title to the Land, or fragmented interests, as well as claims of encroachment or trespassing. We will see some illustrations of that this afternoon.



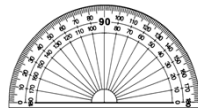
- For that reason, often times we title folks are the only watch-dogs, gate-keepers, insisting on clear, accurate, unambiguous LEGAL DESCRIPTIONS, because we have a vested interest (liability).
- That is why we are here today – to better learn about the many aspects of Legal Descriptions. How to read them, how to compare them, and in some cases, how to draw them – either we a certain degree of precision, or just as a quick sketch.
- Sometimes we need to draw out these descriptions in order to visualize them, to answer questions or to make sure that there are no issues or discrepancies, such as overlapping descriptions or gaps, or questions of access to the parcel of land.
- Sometimes it may be the need to follow such a description around the perimeter of the parcel, as displayed in a land survey. Even if you won't need to draw out the description in your normal day-to-day routine, at least you will be able to recognize and relate to the process. The use of the skills and information, we hope to provide today, will serve you differently, depending on your job, your role. But, escrow or title, like it or not, Legal Descriptions are important to us all.



- I mentioned “liability” – not only liability under the title insurance policy, but also the liability from the handling of documents in an escrow, settlement capacity.
- You will find, if you have not already done so, that the lines between title and escrow are not so distinct, and – regardless of your position – you may be called upon to review and identify the Legal Description on a document, whether it is already recorded or being presented to you at a closing.
- Then, you will join this team of “watch dogs”, because, whether you work as a title abstractor, searcher or examiner; or as an escrow processor or closer; or even as a marketer or in order entry, you will undoubtedly come into contact with Legal Descriptions. And we need to be familiar with their importance. They are the cornerstone of the Title insurance Policy!
- The information we will attempt to cover today may jump around a bit. The topics intertwine a bit, making it hard to go in a straight line (that’s Legal Description humor). This is intended to be quite informal, and we know there are many of you with limited experience with Legal Descriptions. That’s why you are here. Don’t hesitate to ask questions. Interrupt us – we don’t mind.



BASIC LEGAL DESCRIPTIONS



History

All land within the boundaries of the 13 American Colonies, after the ratification of the United States Constitution, came under the control and jurisdiction of the particular state in which the land was situated. The land outside of the 13 colonies became the property of the Federal Government.

These original lands were described by the then accepted system of “metes and bounds” – that is, measurement of the land with certain external boundaries or lines limiting the tract on all sides. This system required a commencement point easily distinguished – usually consisting of some prominent existing object, such as a large rock or stone, a particular type or size of a tree, a certain point on a river bank, or anything that would seem to be of more or less a permanent nature.

As lands were acquired and incorporated within the new country, it became necessary to adopt a more uniform system of describing land.



History

After trial and error the Rectangular Survey System was officially adopted by the government. It was first used in the area known as the "Northwest Territories", lying west of Pennsylvania, north of the Ohio River and east of the Mississippi River. It is now used to describe practically all land west of the Mississippi River as well.

By providing a uniform and systematic way to locate, describe and parcel out land in rectangles, it would provide for a more accurate way to describe property.

To understand the Rectangular Survey System you need to have an understanding of the framework upon which this system is built.



History

The system called for establishing a central point in a survey district, determining its longitude and latitude, and then running a meridian line north and south from that point and a base line east and west.

These two lines provided the basis for laying out townships.



History

Once the meridian and base line were established, townships were numbered north and south from the base line and east and west of the meridian.

Beginning at the intersection of the meridian and base line, points were established at six mile intervals.

These lines form a grid of rectangles, each theoretically six miles square called Townships.

Each Township is then divided into 36 sections, each theoretically one mile square and containing 640 acres.

We typically see these referenced in legal descriptions as:

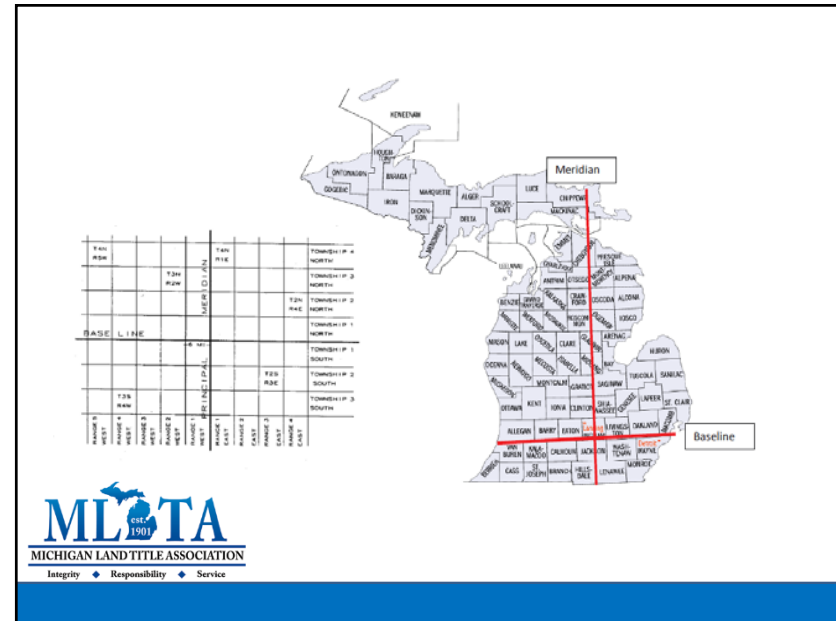
Township 6 North, Range 10 West

or

Town 6 North, Range 10 West

or

T6N, R10W



History

The 36 sections within a Township are numbered in a serpentine manner, beginning in the Northeast corner.

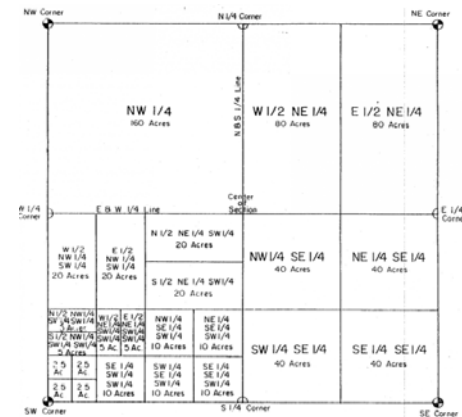
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



Each section is divided into quarters.

- A quarter is described by its location in the section.
- Northwest 1/4
- Northeast 1/4
- Southwest 1/4
- Southeast 1/4

A quarter would be one-half mile square and contain 160 acres.



After each section is split in quarters, the four direction points are referred to as the 1/4 corner or 1/4 post.

Each corner of the section is referred to by the direction corner.

North South 1/4 line: A line that runs north and south through the section that divides the section in half.

East West 1/4 line: A line that runs east and west through the section that divides the section in half.

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Fractional Sections / Government Lots

Since it is impossible for every section to equal one square mile, corrections were carried to the north and west of each township (sections 1-6, 7, 18, 19, 30 and 31).

Fractional areas are also found along rivers and lakes. These are identified as Government Lots and are typically numbered.

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Rectangular Survey System

You now have enough information to locate a tract of land using the Rectangular Survey System.

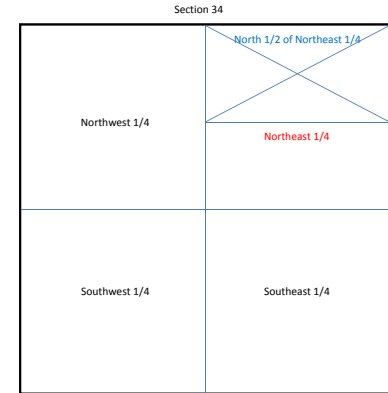
The general rule with this type of description is to work backwards because it is common practice to place the general reference to location at the end of the description.

This is similar to locating a residence using the mailing address. You need to first locate the state, then city, then street.



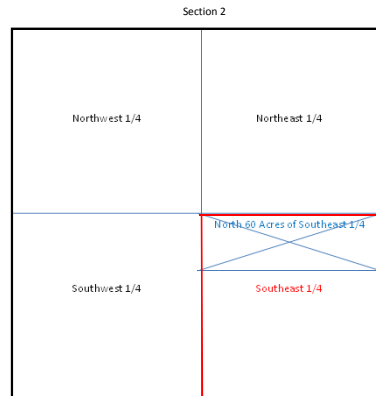
The North 1/2 of the Northeast 1/4 of Section 34, T3N,R8W.

Start by locating the intersection of the meridian and baseline; then locate the Township that is 3 North of the base line and 8 West of the meridian line. The next step is to locate Section 34. Then locate the **Northeast 1/4**. Then locate the **North 1/2 of the Northeast 1/4**.



Acreage Descriptions

The North 60 acres of the Southeast 1/4 of Section 2, Town 5 South, Range 3 East. The same process is used here: Start by locating the intersection of the meridian and base line; then locate the Township that is 5 South of the base line and 3 East of the meridian line. The next step is to locate Section 2. Then locate the **Southeast 1/4**. Then locate the **North 60 Acres of the Southeast 1/4**.



Unknown Dimension Formula

$\frac{\text{Number of Acres} \times 43560}{\text{Known Dimension}} = \text{Unknown Dimension}$ (number of square feet in one acre)

Example:

The North 60 acres of the Southeast 1/4.

$$\frac{60 \times 43560}{2640} = 990$$

The North 60 acres of the Southeast 1/4 is 990 feet North and South by 2640 feet East and West.



Metes and Bounds

The metes and bounds method of describing property continues to be used for describing parcels which are not able to be described using the Rectangular Survey System.

“Metes”, meaning measurements and “bounds”, meaning boundaries, are designated units of measurements along a specified line.

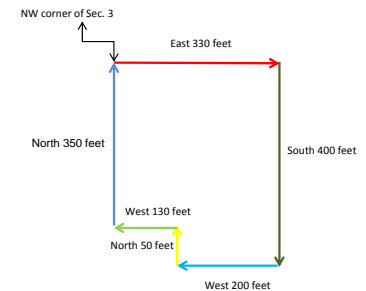
This type of description sequentially works around the parcel by beginning at a point and ending at the same point. A couple general rules are:

- ❖ The total of the courses of the boundary must produce a closed area, either mathematically or by ties between points.
- ❖ The bearing of the courses must be continuous from the point of beginning around the area of the parcel until the final course ends at the point of beginning.



Metes and Bounds

That part of the Northwest 1/4 of Section 3, described as; Commencing at the NW corner of said Section 3; thence East 330 feet; thence South 400 feet; thence West 200 feet; thence North 50 feet; thence West 130 feet; thence North 350 feet to the place of beginning.

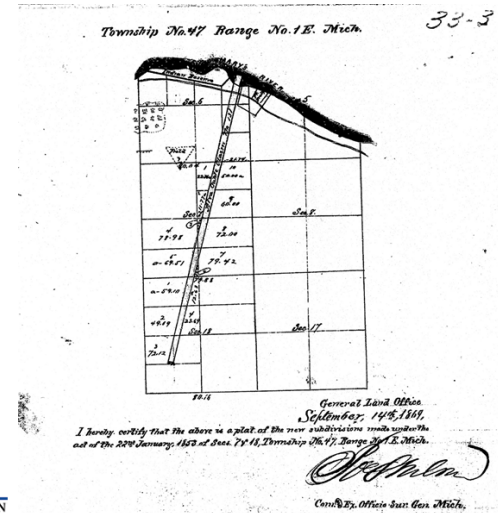


NOTE: Not to scale



Private Claims

Private Claims Descriptions are a much less common form of land description found primarily along water courses in Monroe, Wayne, Macomb, St. Clair, Cheboygan, Mackinac and Chippewa Counties. Private claims are references to government honored land titles given to settlers by French or British governments prior to United States sovereignty. These "private land claims" existed before the G.L.O. (General Land Office) and replace the rectangular survey references. Rather than being referenced by section, township, and range, these descriptions are referenced by their assigned private claim numbers.



Platted Property

This is a method of describing land by lots and blocks after the area has been surveyed, platted, filed with the State of Michigan and recorded in the Register of Deeds Office in the county where the land is located.

Lot 14, Berger Estates No. 8, according to the recorded plat as recorded in Liber 30 of Plats, Page 47, Ottawa County Records.

BERGER ESTATES NO. 8
Part of the N.E. 1/4 and N.W. 1/4, Section 11, T6N, R13W,
Georgetown Township, Ottawa County, Michigan
Sheet 1 of 2

Note the reference to quarter-quarter and Section, Town, Range within the recorded plat description.



Condominiums

Units of property may also be created by the recording of a Condominium Master Deed. Condominium unit ownership is designed and intended for separate ownership; however, it is a form of ownership which binds all owners to a Master Deed.

One type of condominium is what may be referred to as a more “traditional” condominium. When you review the site plan of this type of condominium you will see buildings – attached or detached – the ownership is the interior space and a partial ownership interest in common elements.

Another type is a “site” condominium. The site plan within the Master Deed of this type can have more of the look and feel of a plat. There is typically still a partial ownership in common elements.



Workshop-Rectangular Survey

- a) NE 1/4
- b) E 1/2 of the NW 1/4
- c) E 1/2 of the W 1/2 of the NW 1/4
- d) W 1/2 of the W 1/2 of the NW 1/4
- e) NE 1/4 of the SW 1/4
- f) NW 1/4 of the SW 1/4
- g) S 1/2 of the SW 1/4



Workshop-Rectangular Survey

- h) E 1/2 of the NE 1/4 of the SE 1/4
- i) W 1/2 of the NE 1/4 of the SE 1/4
- j) N 1/2 of the NW 1/4 of the SE 1/4
- k) S 1/2 of the NW 1/4 of the SE 1/4



Workshop-Rectangular Survey

- l) NE 1/4 of the SW 1/4 of the SE 1/4
- m) NW 1/4 of the SW 1/4 of the SE 1/4
- n) SE 1/4 of the SW 1/4 of the SE 1/4
- o) SW 1/4 of the SW 1/4 of the SE 1/4



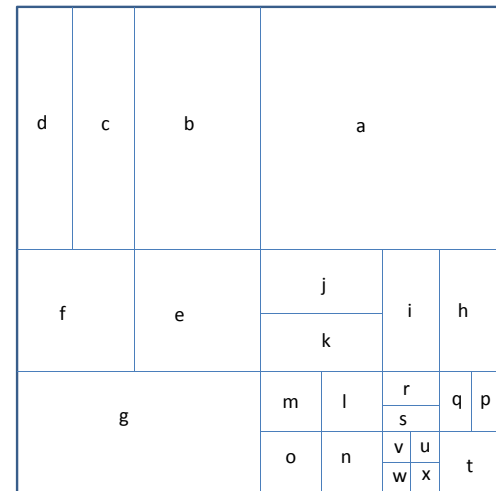
Workshop-Rectangular Survey

- p) E 1/2 of the NE 1/4 of the SE 1/4 of the SE 1/4
- q) W 1/2 of the NE 1/4 of the SE 1/4 of the SE 1/4
- r) N 1/2 of the NW 1/4 of the SE 1/4 of the SE 1/4
- s) S 1/2 of the NW 1/4 of the SE 1/4 of the SE 1/4



Workshop-Rectangular Survey

- t) SE 1/4 of the SE 1/4 of the SE 1/4
- u) NE 1/4 of the SW 1/4 of the SE 1/4 of the SE 1/4
- v) NW 1/4 of the SW 1/4 of the SE 1/4 of the SE 1/4
- w) SW 1/4 of the SW 1/4 of the SE 1/4 of the SE 1/4
- x) SE 1/4 of the SW 1/4 of the SE 1/4 of the SE 1/4



20-40 MAP SHEET

SCALE FOR QUARTER SECTION
400 Ft. = 1 inch

Each side large blue squares = 10 chains, 40 rods, 660 feet; area of square 10 acres.
Each side small red squares = 2.5 chains, 10 rods, 165 feet; area of square .625 of 1 acre.

SCALE FOR QUARTER QUARTER SECTION
200 Ft. = 1 inch

Each side large blue squares = 5 chains, 20 rods, 330 feet; area of square 2.5 acres.
Each side small red squares = 1.25 chains, 5 rods, 82.5 feet; area of square .15625 of 1 acre.

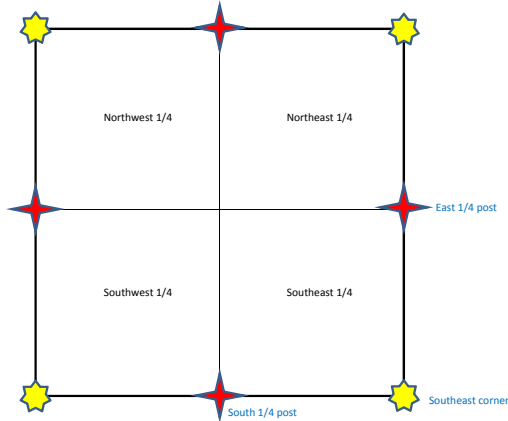
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Workshop-Metes and Bounds Within Rectangular Survey System

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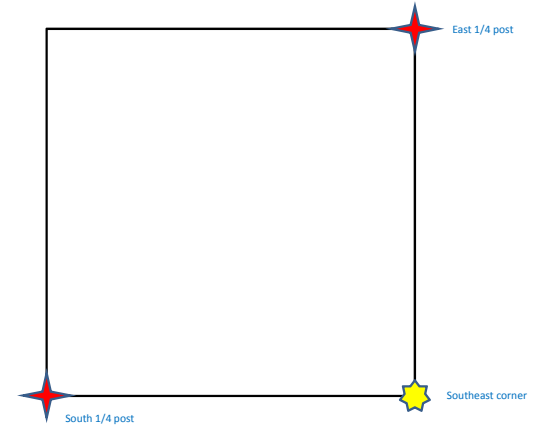
y) Part of the Southeast 1/4 described as: Commencing at the East 1/4 post; South 660 feet; West 450 feet; North 200 feet; East 100 feet; North 460 feet; East to the point of beginning.

Entire Section



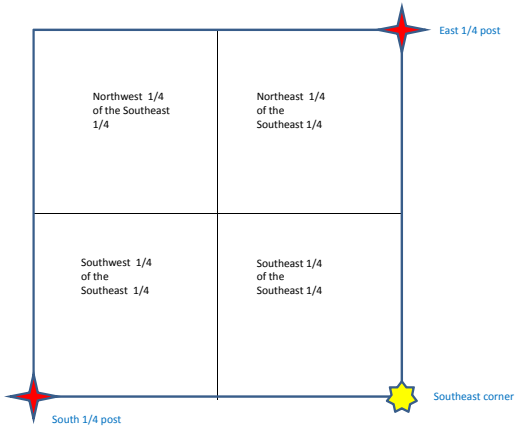
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SE 1/4



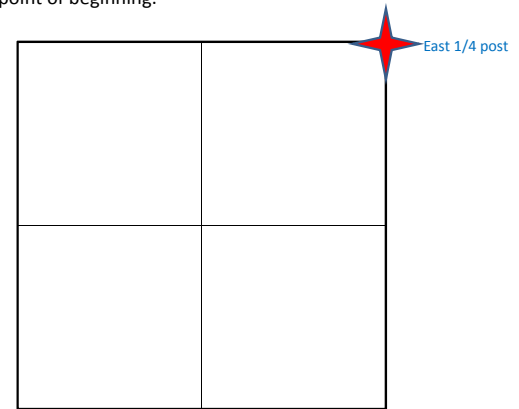
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SE 1/4



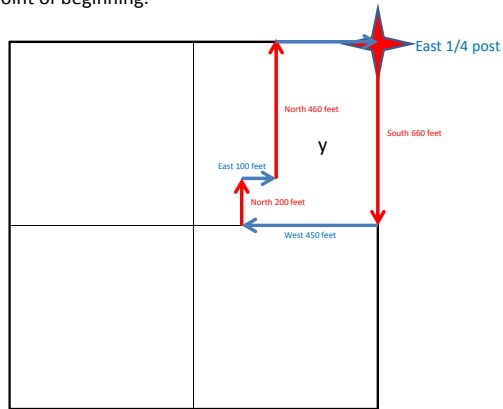
y) Part of the Southeast 1/4 described as: Commencing at the East 1/4 post; South 660 feet; West 450 feet; North 200 feet; East 100 feet; North 460 feet; East to the point of beginning.

NE 1/4
of the
SE 1/4



y) Part of the Southeast 1/4 described as: Commencing at the East 1/4 post; South 660 feet; West 450 feet; North 200 feet; East 100 feet; North 460 feet; East to the point of beginning.

NE 1/4
of the
SE 1/4

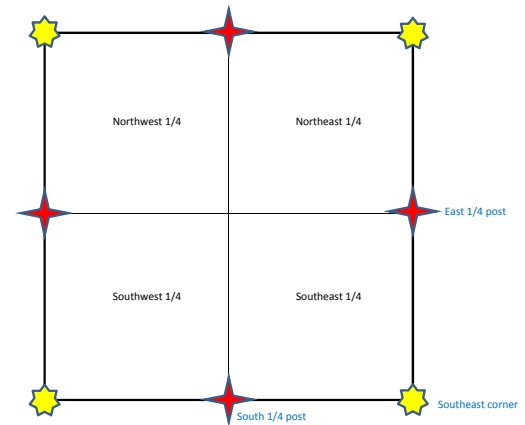


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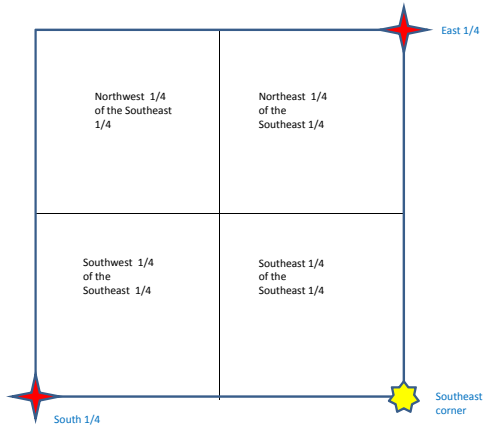
z) Commencing 350 feet West of the East 1/4 post; West 200 feet; South 460 feet; then East 200 feet; North 460 feet to the point of beginning.

Entire Section



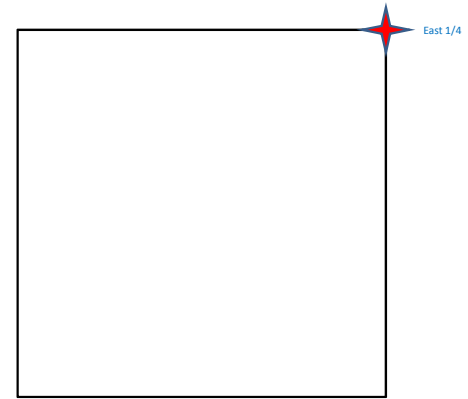
z) Commencing 350 feet West of the East 1/4 post; West 200 feet; South 460 feet; then East 200 feet; North 460 feet to the point of beginning.

SE 1/4



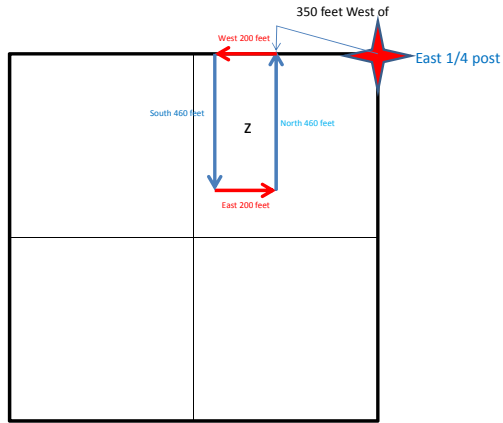
z) Commencing 350 feet West of the East 1/4 post; West 200 feet; South 460 feet; then East 200 feet; North 460 feet to the point of beginning.

NE 1/4
of the
SE 1/4



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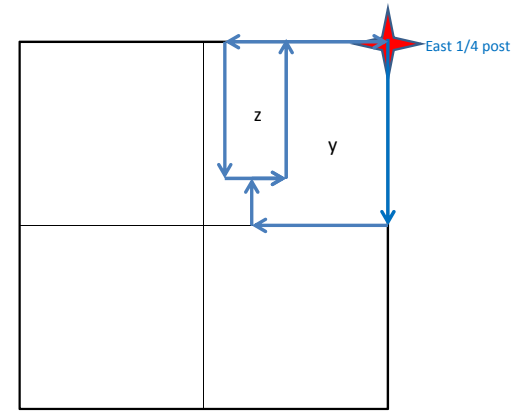
NE 1/4
of the
SE 1/4



NOTE: Not to scale

Does your y and z look like this?

NE 1/4
of the
SE 1/4



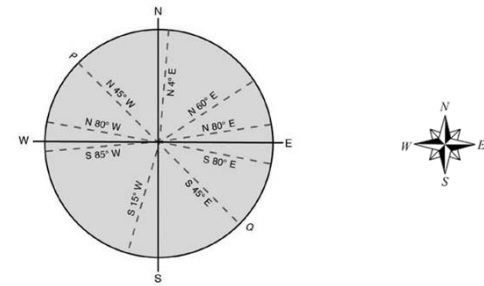
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On to more difficult legal descriptions..



Bearings and Distances

A bearing is an angle measured in reference to the magnetic compass. There are 360 degrees in a circle, and 90 degrees between the cardinal directions of the compass (in other words, between North and East is 90 degrees, between East and South is another 90 degrees, and so on...)

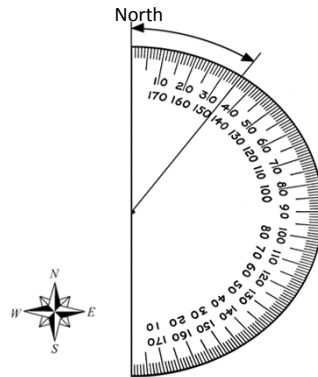


Bearings

Each degree is subdivided into 60 minutes, and each minute is divided into 60 seconds. Degrees, minutes, and seconds are often abbreviated using the °, ', and " symbols respectively. So an angle described as 35° 30' 42", means 35 degrees Plus 30 minutes Plus 42 seconds.

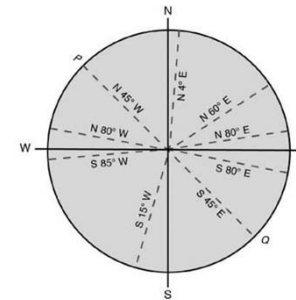
This angle is then more than 35 degrees, but less than 36 degrees.

Note... for the purposes of sketching a legal description, you can generally round off the minutes and seconds of an angle: 35° 30' 42" would be treated just as 35°.

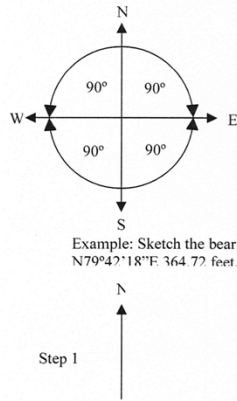


Bearings

Each bearing is an angle bracketed by a set of directions. Every bearing is referenced from either the North or the South Pole, and rotated towards the East or the West. For example... the first bearing given is South 89° 33' 23" West ... this means, "start by facing due South and rotate towards the West approximately 89 degrees". Once the bearing is established, the distance – almost always give in feet – is measured along the line from the point of origin outward.



Drawing a Bearing



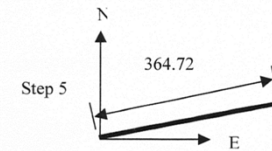
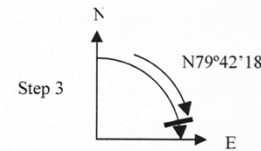
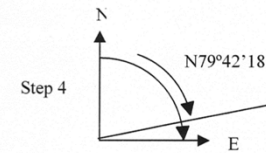
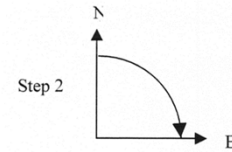
Example: Sketch the bearing
N79°42'18" E. 364.72 feet.

A circle contains 360 degrees (360°)
1 degree = 60 minutes (60')
1 minute = 60 seconds (60")

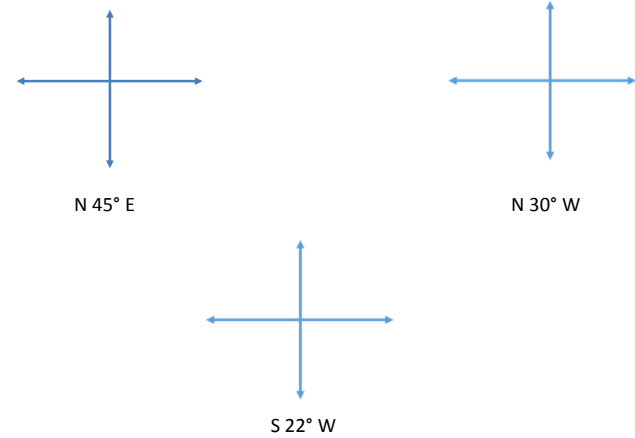
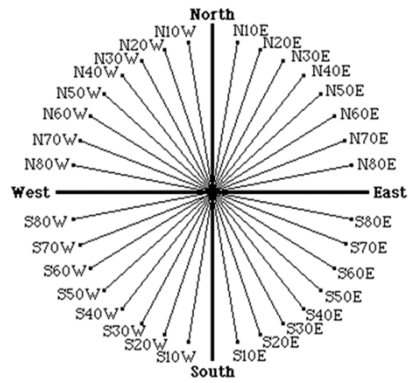
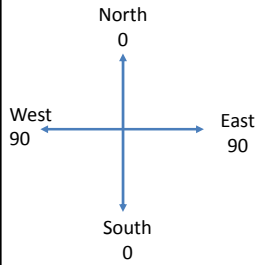
Angles are always measured from the North or South Pole, towards the East or West.

Step-by-step:

1. Face designated pole (N or S)
2. Locate secondary compass point (E or W) and draw reference arc from the pole to secondary point.
3. Measure in degrees along reference arc the given distance and mark.
4. Draw a line from the origin (the origin is the center of the cross) through this mark.
5. Measure given length along this line from the origin, and mark with a dot.
6. Repeat, using new dot as origin.



Bearing Practice



Three diagrams illustrating bearings. Each diagram consists of a blue cross with arrows at the ends. A red arrow indicates the bearing direction from the center. The first diagram shows a red arrow pointing into the North-East quadrant, labeled "N 45° E". The second diagram shows a red arrow pointing into the North-West quadrant, labeled "N 30° W". The third diagram shows a red arrow pointing into the South-West quadrant, labeled "S 22° W".

N 45° E

N 30° W

S 22° W

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Three diagrams illustrating bearings. Each diagram consists of a blue cross with arrows at the ends. The first diagram shows a red arrow pointing into the South-East quadrant, labeled "S 15° E". The second diagram shows a red arrow pointing into the North-East quadrant, labeled "N 89° 14' 22'' E". The third diagram shows a red arrow pointing into the South-West quadrant, labeled "S 80° 30' 15'' W".

S 15° E

N 89° 14' 22'' E

S 80° 30' 15'' W

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The diagram shows three separate coordinate systems, each represented by a blue cross with arrows at the ends. In the top-left system, a red arrow points into the southeast quadrant, labeled "S 15° E". In the top-right system, a red arrow points into the northeast quadrant, labeled "N 89° 14' 22'' E". In the bottom-center system, a red arrow points into the southwest quadrant, labeled "S 80° 30' 15'' W".

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Metes and Bounds

The Rectangular Survey System
and
Bearing and Distance

Let's put it all together...

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You can think of a “deed call” as a set of instructions that will guide you from one end of a straight line on the surface of the earth to the other. It doesn’t take into account that the earth is round. Every “deed call” gives two instructions...

Bearing (direction) and Distance

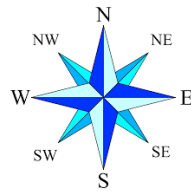
Whether the description contains simple bearings such as North, South, East, & West
OR
More complex bearings such as N 87 degrees 32’44” E,
a working knowledge of plotting is necessary to locating a Metes and Bounds description.



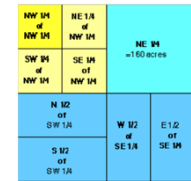
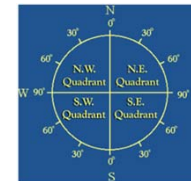
- ❖ A Metes and Bounds description will start at a known point which is indicated by a marker. This marker is also referred to as a monument. A monument is a physical object on the ground which establishes the starting point of a line. A monument may be a natural object such as a tree or river. Most monuments today are artificial monuments consisting of an iron or concrete stake placed in the ground.
- ❖ This description measures from the known location – usually a monumented point or the “point of commencement” (*POC*), to the first property corner - known as - the “point of beginning” (*POB*). The description must go back (closure) to the “point of beginning” (*POB*) when done.
- ❖ Every Metes and Bounds description begins by describing a “point of Commencement or Beginning”, then a line, or series of lines, leading to another point labeled the “point of beginning”. The “point of beginning” is simply the first boundary point of the parcel. Note: the *POC* & *POB* sometimes are the same.



- ❖ When reading a legal description, first find the direction on the survey or map – it should **always** show where North is. You will want North to point up.
- ❖ A course is the direction which is determined by its relation to a true North-South line. For example: a person who is going to follow a course of "South 65 degrees East" would face due South and turn 65 degrees to their left (Easterly).
- ❖ A distance is the length one would travel along a particular course. The rectangular survey system used measurement units known as rods, chains and links.



- ❖ Make sure your legal is complete
- ❖ You want "No Gaps" in the description / drawing (unless you have a bad legal description!!)
- ❖ You should be checking for overlaps of legal descriptions
- ❖ Check to see if Easements apply
- ❖ Verify if the legal description on a document apply
- ❖ The legal description must always "Close", unless it doesn't!!



Workshop Session 2



LET'S
DRAW

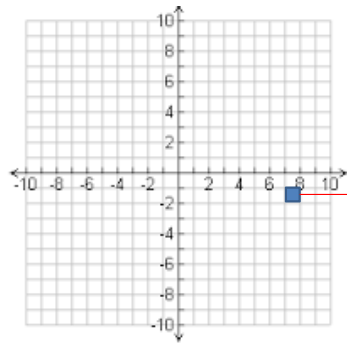


Being a part of the Northeast $\frac{1}{4}$ of Section 2, Town 2 South, Range 8 East, Canton Twp., more particularly described as: Commencing at the East $\frac{1}{4}$ corner of said Section 2; running thence South $89^{\circ}33'23''$ West 324.35 feet to the Point of Beginning. Thence continuing South $89^{\circ}33'23''$ West 240.30 feet; thence North $02^{\circ}23'00''$ East 100.00 feet; thence North $89^{\circ}33'23''$ East 239.81 feet; thence South $02^{\circ}01'30''$ East 100.00 to the Point of Beginning.



Lets Draw

Being a part of the Northeast ¼ of Section 2, Town 2 South, Range 8 East, Canton Twp.,



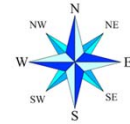
Town 2 South,
Range 8 East,
aka - Canton Twp



Being a part of the Northeast ¼ of Section 2, Town 2 South, Range 8 East, Canton Twp., more particularly described as:

Commencing at the East ¼ corner of said Section 2;

First, we sketch Section 2
With the *Point of Commencement* (POC) located:

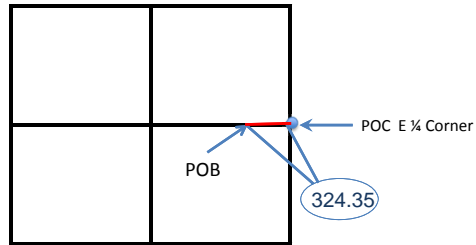
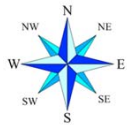


POC E ¼ Corner



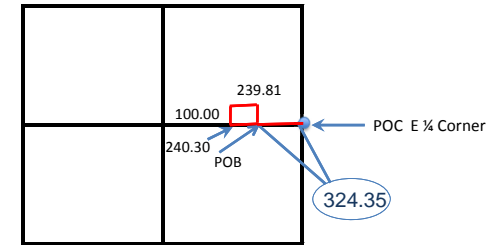
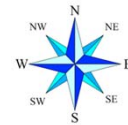
Next we will draw our first bearing and distance,
 "South 89°33'23" West 324.35 feet to the point of beginning."
 Thus, we start at the point of commencing...
 we would face South and turn 89 degrees to the West
 We would draw 324.35 feet and stop.

Note: S 89 degrees W is approximated for our purposes as due West

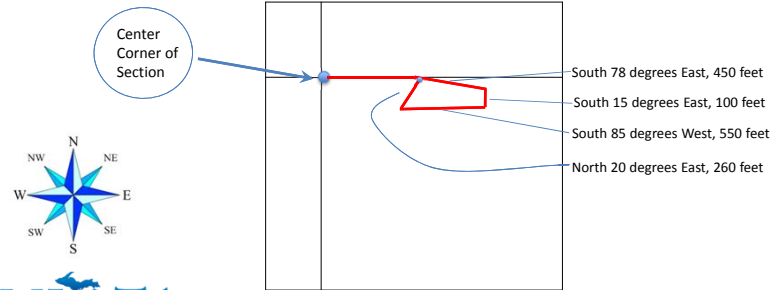


The next four "deed calls" describe the actual property perimeter
 and bring us back around to our point of beginning.

Thence continuing South 89°33'23" West 240.30 feet;
 thence North 02°23'00" East 100.00 feet;
 thence North 89°33'23" East 239.81 feet;
 thence South 02°01'30" East 100.00 to the Point of Beginning.



Being a part of the Southeast ¼ of Section 22 Town 2 South, Range 8 East, Canton Twp., more particularly described as: Commencing at the Center Corner of said Section 2; running thence East 550 feet to the point of beginning, thence South 78 degrees East, 450 feet; thence South 15 degrees East, 100 feet; thence South 85 degrees West, 550 feet; thence North 20 degrees East, 260 feet, to the POB.

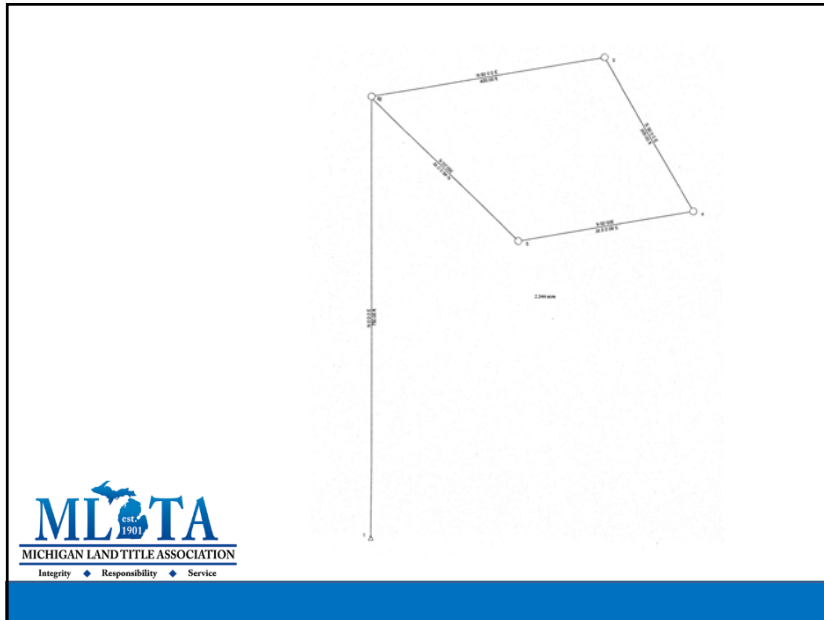


Let's Draw ~

Being a part of the Northeast ¼ of Section 10 Town 3 North, Range 13 East, Macomb Twp., more particularly described as:

Commencing at the Center Corner of said Section 10; running thence North 750 feet to the point of beginning, thence North 80 degrees East, 400 feet; thence South 30 degrees East, 300 feet; thence South 80 degrees West, 300 feet; thence North 46 degrees West, 350 feet, to the POB.



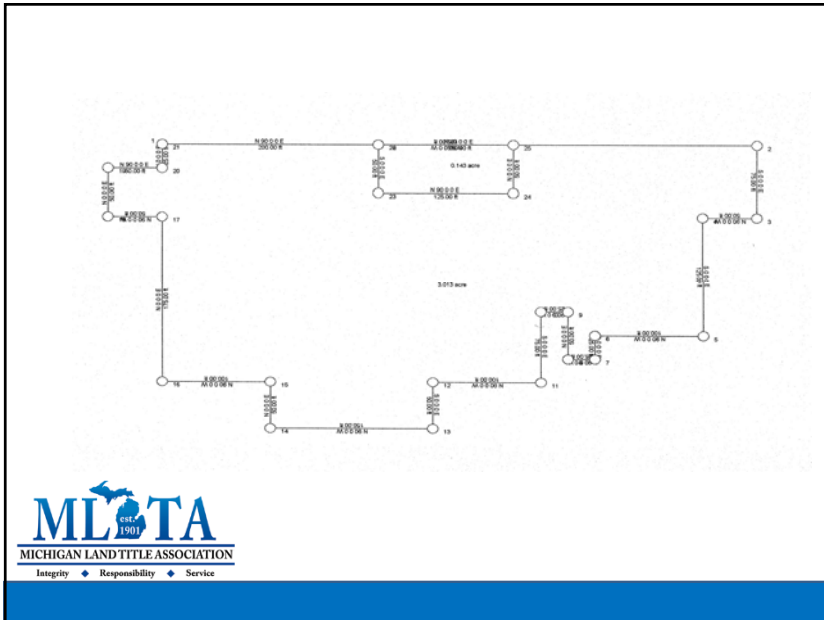


Let's Draw ~

A part of the Southwest Quarter of Section 12, and a part of the Southeast Quarter of Section 11, Township 11 South, Range 2 West, more particularly described as follows: Beginning at the Northwest corner of the Southwest Quarter of Section 12, thence East 550 feet to a point, thence South 75 feet, thence West 50 feet, thence South 125 feet, thence West 100 feet, thence South 25 feet; thence West 25 feet, thence North 50 feet, thence West 25 feet, thence South 75 feet, thence West 100 feet, thence South 50 feet, thence West 150 feet, thence North 50 feet, thence West 100 feet, thence North 175 feet, thence West 50 feet, thence North 50 feet, thence East 50 feet, thence North 25 feet to the point of beginning.

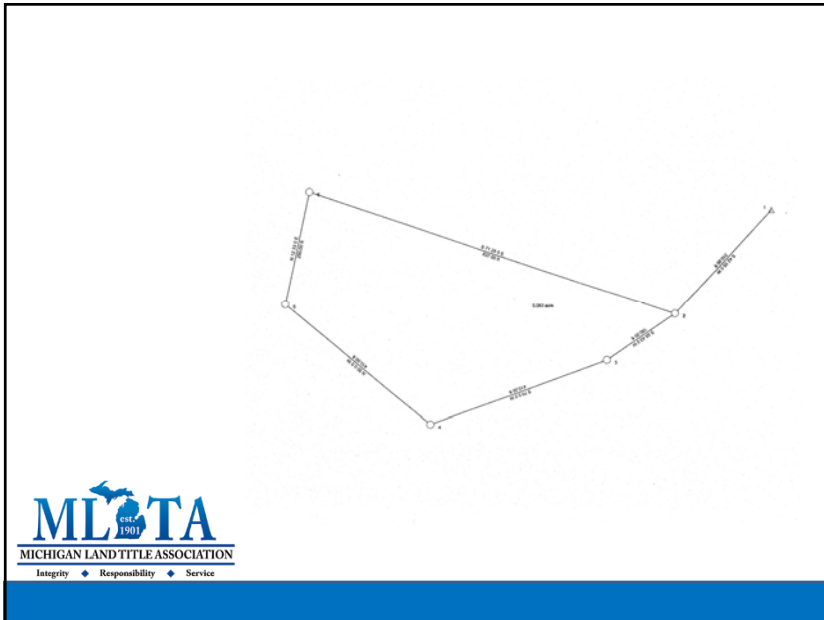
Excepting there from the following parcel of land: Commencing at the Northwest corner of the Southwest Quarter of section 12, thence East 200 feet to a point to a point of beginning, thence South 50 feet, thence East 125 feet, thence North 50 feet, thence West 125 feet.



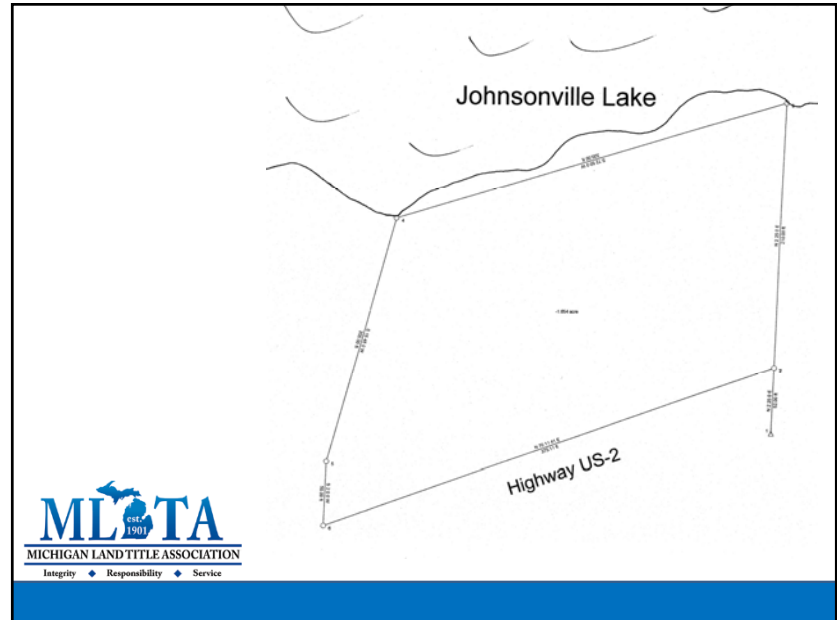
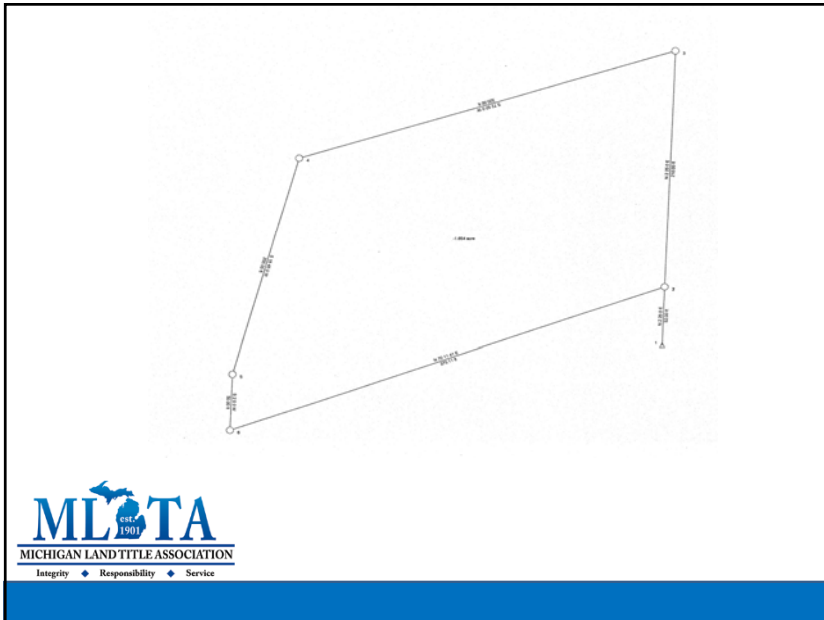


Part of the Northwest ¼ of the Northwest ¼, Section 12, Town 41 North, Range 6 East, commencing at the Northeast corner of said Northwest ¼ of the Northwest ¼; thence South 55° 43' West along the North line of the highway 310 feet to the point of beginning; thence South 55° 43' West 180 feet; thence North 50° West 410 feet; thence North 12° 33' East 250; thence South 71° 28' East 837 feet to the point of beginning.

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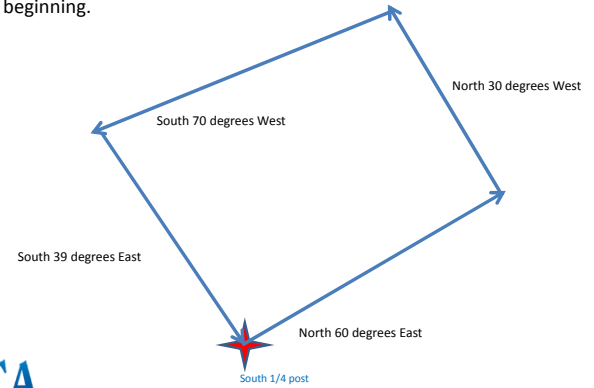
Beginning at the center of Section 32, Town 45 North, Range 7 East; thence North 02° 25' East 52 feet to the point of beginning; thence continuing North 02° 25' East 210 feet to an iron stake on the shore of Johnsonville Lake; thence along the shore of Johnsonville Lake 350 feet, more or less, to a point which bears South 72° 50' West 320 feet from the aforementioned iron stake on the shore of Johnsonville Lake; thence South 15° 45' West 200 feet; thence South 2° West 50 feet to the Northerly right-of-way line of Highway US-2; thence North 70° 11' 41" East along the Northerly right-of-way line of US-2, 375.11 feet to the point of beginning .



Commencing at the South 1/4 post of Section 1, T6N,R10W, thence North 60 degrees East 396 feet, thence North 30 degrees West 297 feet, thence South 70 degrees West 462 feet, thence South 39 degrees East 382 feet to the point of beginning.



Commencing at the South 1/4 post of Section 1, T6N,R10W, thence North 60 degrees East 396 feet, thence North 30 degrees West 297 feet, thence South 70 degrees West 462 feet, thence South 39 degrees East 382 feet to the point of beginning.



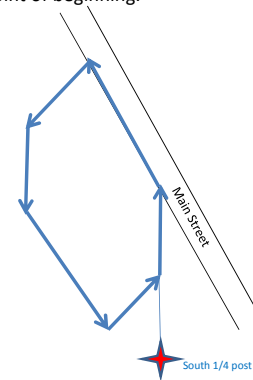
NOTE: Not to scale



Commencing on the North South 1/4 line at a point 200 feet North of the South 1/4 post; thence North 0 degrees 200 feet; thence North 30 degrees 00 minutes West 400 feet along Main Street; thence South 45 degrees 00 minutes West 200 feet; thence South 0 degrees 200 feet; thence South 30 degrees 00 minutes East 400 feet; thence North 45 degrees 00 minutes East 200 feet to the point of beginning.



Commencing on the North South 1/4 line at a point 200 feet North of the South 1/4 post; thence North 0 degrees 200 feet; thence North 30 degrees 00 minutes West 400 feet along Main Street; thence South 45 degrees 00 minutes West 200 feet; thence South 0 degrees 200 feet; thence South 30 degrees 00 minutes East 400 feet; thence North 45 degrees 00 minutes East 200 feet to the point of beginning.



NOTE: Not to scale

That part of the Northwest 1/4 of Section 3, described as; Commencing at the NW corner of said Section 3; thence East 330 feet; thence South 400 feet; thence West 200 feet; thence North 50 feet; thence West 130 feet; thence North 350 feet to the place of beginning.



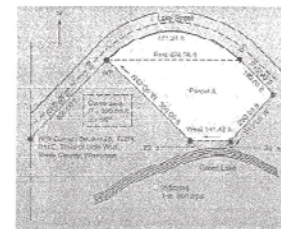
- **Just in case this is all making sense and you were getting comfortable – not so fast ...**
- **We have only scratched the surface on descriptions and their many variations and complications (sorry). For example, not all boundary lines are straight!**
- **Yes, there are also CURVES – what do we do with them? (Panic?)**
- **We'll fortunately, the majority of lines we encounter are straight (and thus easier).**
- **And, while there's not enough time today – or the need to spend too much time on curved lines, neither can we ignore them. So, a short introduction, and a few tips to somewhat demystify curves and suggest a practical approach for most of you.**
- **Surveyors, with their technical equipment and professional software can precisely draw the curved lines, based on certain specifications. We do not! (Not our job)**
- **But, we should become a little familiar with how they are derived and learn a helpful shortcut, in case we encounter a curve in our description.**



- So, with apologies, a bit more math. But, this time there will be no quiz!
- A curved line is determined and drawn based on the length of the curved line itself from point A to point B, determined by using an arc, based on a certain radius (of a full circle), and an angle or "delta" portion of that circle, with an imaginary straight line - the Chord or Long Chord, which connects points A and B. Confused? (sorry)
- Instead of trying to decipher and draw such a curve, we'll cheat and just use the straight line hidden within the curve description - the LONG CHORD (or Chord).
- This is technically a straight line that would connect the beginning point of a curve to its end point (as if it wasn't to be a curved line).
- Practically speaking, we don't concern ourselves with the actual curve, because it probably borders a road, or matches the description of the adjacent parcel of land.
- You simply use the direction and measurement of the Chord, as you would for any other straight line in your metes and bounds description. Here is an example.



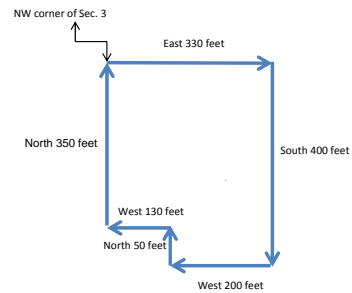
Example Metes and Bounds Description



Example description:
 That part of the SW 1/4 of the NW 1/4 of Section 28, T 22 N, R 11 E, Town of Linds Wolf, Brook County, Wisconsin, described as follows: Commencing at a stone monument at the W 1/4 corner of said Section 28; thence N45&00"E, 400.00 feet along the Southerly R/W line of Lake Street to a 1" iron pipe at the point of beginning of this description, said pipe also being the point of intersection of a curve to the right having a central angle of 250'00" and radius of 310'00" into whose center, 471.44 feet along the arc of the curve, the long chord of which bears S84°26'00" W, 474.26 feet, to a 1" iron pipe at the point of tangency thereof, thence also being the aforesaid Southerly R/W line of Lake Street; thence continuing along the Southerly R/W line of Lake Street, S45&00"E, 150.00 feet to a 1" iron pipe; thence S45&00"W, 300.00 feet to a 1" iron pipe located N45&00"E, 30 feet, more or less, from the water's edge of Green Lake, and is the beginning of the meander line along the lake; thence West 1&11' 43" feet along the said meander line to a 1" iron pipe at the end of the meander line; said pipe being located N45&00"W, 20 feet, more or less from the said water's edge; thence N45&00"W, 250'00 feet to a 1" iron pipe at the point of beginning - including all lands lying between the meander line herein described and the northerly shore of Green Lake, which is between true extensions of the Southeasterly and Southwesterly boundary lines of the parcel herein described, said parcel containing 2.54 acres, more or less. Bearings are based on astronomic north.



That part of the Northwest 1/4 of Section 3, described as; Commencing at the NW corner of said Section 3; thence East 330 feet; thence South 400 feet; thence West 200 feet; thence North 50 feet; thence West 130 feet; thence North 350 feet to the place of beginning.



NOTE: Not to scale



Reference Information



1 Acre = 43,560 square feet
1 Acre = 160 square rods
1 Acre = 1.1834 square arpents
1 Acre = 10 square chains
1 Acre = 160 square rods, poles or perches
1 Acre = .4047 hectare
1 Acre = 4047 square meters
1 Acre = is about 208 3/4 feet square
1 Acre Square = 5645.376 square varas



1 Chain = 792 inches
1 Chain = 66 feet
1 Chain = 23.76 varas
1 Chain = 22 yards
1 Chain = .1 furlong
1 Chain = .0125 miles
1 Chain = 4 rods, poles, or perches
1 Chain = 100 links
1 Chain = 20.1168 meters
1 Foot = 12 inches
1 Foot = .36 varas



- 1 Link = 7.92 inches
- 1 Link = .66 feet
- 1 Link = .2376 varas
- 1 Link = .22 yards
- 1 Link = .4 rods, poles or perches
- 1 Link = .1 chains
- 1 Link = 20.1168 centimeters
- 1 Link = .2017 meter



- 1 Mile = 5,280 feet
- 1 Mile = 8 furlongs
- 1 Mile = 320 rods, poles or perches
- 1 Mile = 80 chains
- 1 Mile = 1.60935 kilometers
- 1 Mile = 8000 links
- 1 Mile = 1,609.2655 meters
- 1 Mile = 1900.8 varas
- 1 Mile = 1760 yards
- 1 Mile = 1/3 league
- 1 Mile = 1609.344 meters
- 1 Mile = 1.6093 kilometers



- 1 Mile Square = a regular Section of land
- 1 Mile Square = 27,878,400 square feet
- 1 Mile Square = 640 acres
- 1 Mile Square = 259 hectares
- 1 Mile Square = 2.59 square hectares



- 1 Perch = 1 pole or 1 rod (see Rods)
- 1 Pole = 1 perch or 1 rod (see Rods)
- 1 Rod = 1 pole or 1 perch
- 1 Rod = 198 inches
- 1 Rod = 25 links
- 1 Rod = 5.94 varas
- 1 Rod = 5.5 yards
- 1 Rod = .25 chains
- 1 Rod = 5.0292 meters
- 1 Rod = 16.5 feet



- 1 Section = 1 mile long, by 1 mile wide
- 1 Section = 640 acres
- 1 Sitio (Texas-Spanish)= 1 league
- 1 Township = 6 miles long, by 6 miles wide
- 1 Township = 36 sections
- 1 Township = 36 square miles



Linear Measure

- 7.92 inches1 link
- 25 links }1 rod, perch or pole
- 16 1/2 feet }
- 100 links } 1 chain
- 4 rods }
- 66 feet }
- 80 chains }1 mile
- 320 rods or poles }
- 5,280 feet }



Square Measure

208,708 x 208,708 feet 1 acre
 43,560 square feet 1 acre
 16 square rods or poles 1 square chain
 10 square chains 1 acre
 160 square rods or poles 1 acre
 640 acres (one section) 1 square mile
 36 square miles 1 township

Official Plat of Township Sectionized and Numbered.
 With Adjoining Sections

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

Formula

1 acre
 1 acre
 1 acre
 1 acre



Square Footage Per Acre

There are 43,560 square feet in an acre.
 Some common equivalents:

- 1/4 acre = 10,890 square feet
- 1/2 acre = 21,780 square feet
- 3/4 acre = 32,670 square feet
- 1 acre = 43,560 square feet
- 1 1/4 acres = 54,450 square feet
- 1 1/2 acres = 65,340 square feet
- 1 3/4 acres = 76,230 square feet
- 2 acres = 87,120 square feet



Terms

Angular Lines: Many times, a metes and bounds description has an angular course, that is, a course that does not run due north or south or due east or west, but runs, let us say, "North 30 degrees East."

Circle: A plane figure bounded by a curved line called a circumference, every point of which is equally distant from the point within called the center.

Circumference: The bounding line of a circle. ARC is any part of a circumference. See Chart No. 3, Fig. 1 B C; 1/360 of any circumference. If the space about a point is divided into 360 equal parts or angles by straight lines meeting at the point, each angle is an angle of 1 degree.



Terms

Diameter – A line segment drawn through the center and terminated both ways by the circumference.

Chord – Any line segment terminated both ways by the circumference.

Secant – A line cutting the circumference in two points.

Tangent – A line that touches the circumference in but one point, however far the line is prolonged.



Questions?



Other Variations & Factors



- Other variations from the basic Government Survey (rectangular-section) and metes-and-bounds, or the simpler, platted descriptions, include Legal Descriptions that are:


- (1) Multiple lots or portions of lots, which may be described as metes and bounds within the lot or lots;
- (2) Combinations of lots together with an unplatted metes and bounds description;
- (3) An unplatted parcel, simply described by a specific amount of acreage, such that it should be accurately locatable and identified within a section, supposing that the section is precisely one mile on each side and therefore contains exactly 640 acres. (e.g. The West 40 acres of the East 80 Acres of the SE ¼ of section 5)
- (4) Other descriptions, based on Michigan's distinctive historical beginnings, mostly French settlements – creating, Private Claims and old Ribbon Farms found in some areas bordering the Great Lakes – primarily Lake Erie, the Detroit River, Lake St. Clair, the St. Clair River, and the St. Mary's River in the U.P. (perhaps others).



- So, where do these legal descriptions come from? How are they created?
- Well, as earlier explained, it typically begins with the Government Survey, a large section, metes and bounds or maybe Private Claims description, which then get divided into smaller parcels or converted (platted) into a subdivision.
- When we encounter a description, most of them have been so configured for a number of years (good). Hopefully that description has been accurate and clearly stated and stood the test of time – but not always.
- Now, if a property is being newly split (so that it will result in at least two new descriptions), there are requirements involved with that process, most especially the requirement to obtain an approval of the split by the local assessor, typically requiring a proper land survey. (Surveys will be discussed a bit later.)
- But, it is not the duty of the title company to create such a split or new description, and we should avoid doing that, despite our level of experience and/or expertise. On the other hand, we should heavily scrutinize newly created descriptions, before accepting them, which may add potential risks to us.




Government Lots



4

- **Okay, another description factor you might encounter would be Water boundaries. Back to the sections and townships for a moment – when part of a section borders a major body of water, the section descriptions might also include one or more “Government Lots”, irregular shaped pieces of land that could also be further divided up into smaller parcels. (Not all that common.)**
- **Water boundaries for descriptions are special considerations, because those water boundaries can change, especially as water levels rise and fall, sometimes causing issues and conflicts, and sometimes changing courses, as with rivers and streams. This is another area with all sorts of possible issues, which we won’t tackle today.**
- **Other than the Legal Description aspect of a water boundary. Much like curves have Long Chords as short cuts of a sort, when a description is intended to run to the water’s edge, often artificial boundary lines approximating the edge of the body of water or the high water mark, called Traverse or Meander lines, are used.**
- **Look back at our Curve diagram example. It also contains a Meander Line.**



- While changing water boundaries can create issues and conflicts, they are not the only source of such confusion. Occasionally we encounter what are apparently competing or overlapping descriptions, resulting in the need for interpretation (or resolution). Sometimes that may require a court decision, because there are so many potential factors that are simply not black and white. Monumentation and the precise location of the description lines are all subject to interpretation.
- So, what factors rule, when there are confusing or conflicting descriptions? Well, according to court cases, the intent of the grantor rules (if that is able to be determined). Obviously, that makes sense, although (especially long after the fact) that may not always be readily determined.
- But, often it is not so much a matter of intent. It may be more a matter of inaccuracy or unintentional mistakes. What then? When there is conflicting information and interpretation, what controls? Again, according to the courts: monuments (fixed points) take control; followed by fixed lines (roads); then description courses (bounds); and finally distances (metes).



- Suffice it to say, our goal is to avoid such conflicts and especially the court cases! But how? The easy answer is to be sure that we have an accurate, unambiguous Description that is singular to our parcel with no apparent conflicts. Sounds easy.
- So, now that you have experienced a barrage of Legal Description information and exercises, and have gotten a brief taste of some of the issues concerning Legal Descriptions, the obvious question: How does all this Description stuff affect me?
- What does it mean to me, and the company that employs me? And why is the accuracy and singularity of the Legal Description we insure so important?
- Well, the possible conflicts previously mentioned regarding perceived overlaps and defective descriptions may result in Title Claims and losses, or maybe the need to defend the descriptions we have insured, resulting in costs to the company (us), even if the defense is successful. Remember, while we have a named Insured, we are actually insuring the Legal Description. So, that said, our next section will offer some examples of Title Claims and issues relating to Legal Description issues.



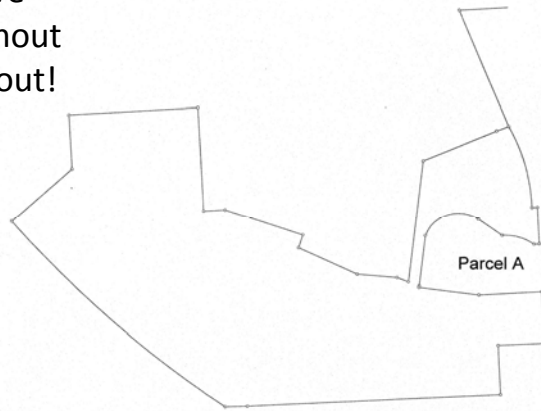
Questions?



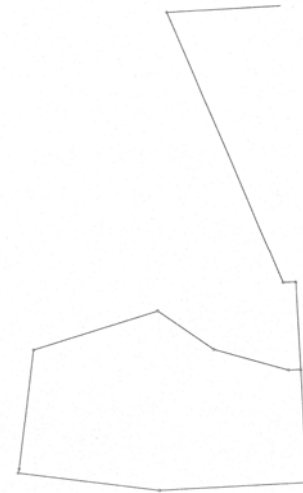
How Legal
Description Claims
Happen



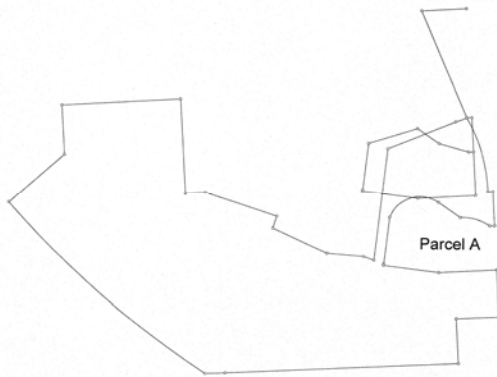
Don't believe anyone without checking it out!



Here's how the assessor saw it.



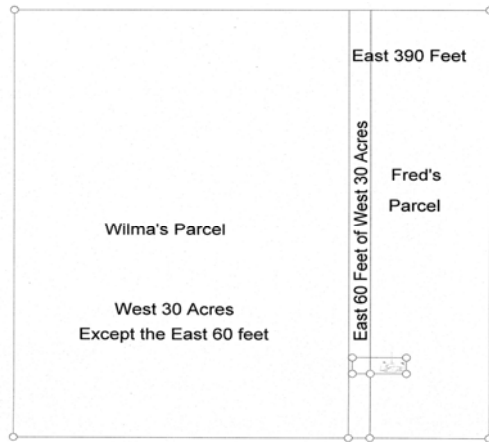
And here's how they fit together!



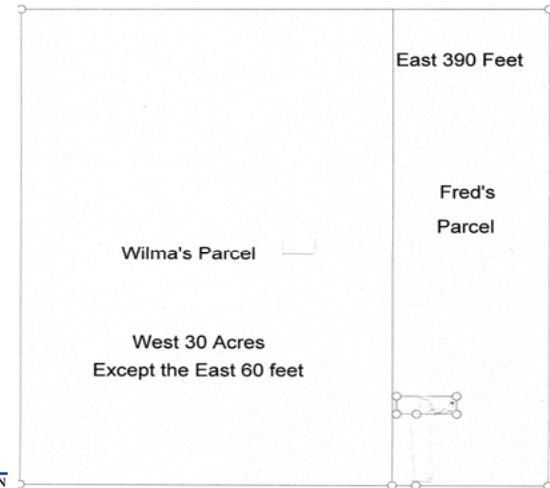
Here's what they had



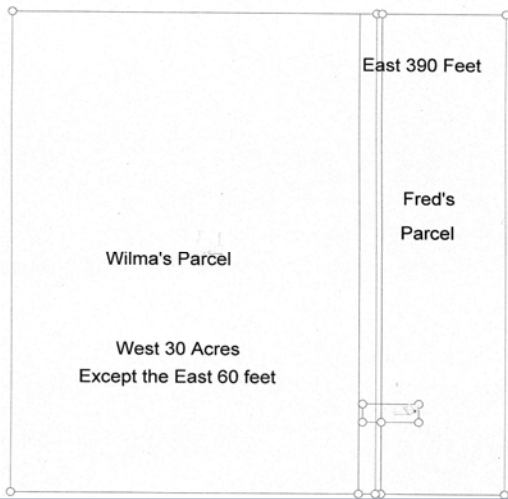
Here's how they fixed it.



Here's what they thought they did



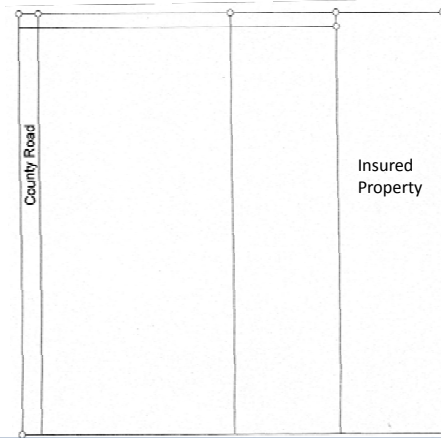
Here's what they ended up with



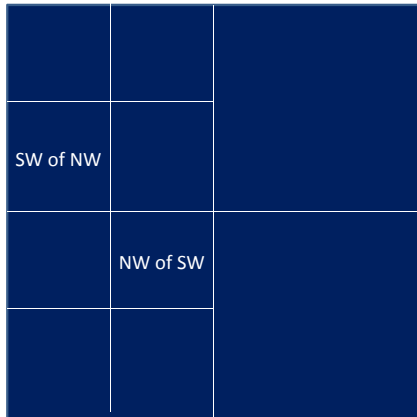
Parcel A: Part of the Northwest ¼ of the Southwest ¼, Section 31, Town 42 North, Range 4 East, described as beginning at the Northeast corner of the Northwest ¼ of the Southwest ¼; thence West 330 feet; thence South 1320 feet, more or less, to the South line of the Northwest ¼ of the Southwest ¼; thence East 330 feet; thence North to the point of beginning.

Parcel B: A non-exclusive easement for ingress and egress over the North 60 feet of the Southwest ¼ of the Northwest ¼, Section 31, Town 42 North, Range 4 East extending from the county road on the West to the West line of the East 330 feet of said Southwest ¼ of the Northwest ¼.

North-South- East-West--- What's the difference?



Yep—the easement was a quarter mile away from the property

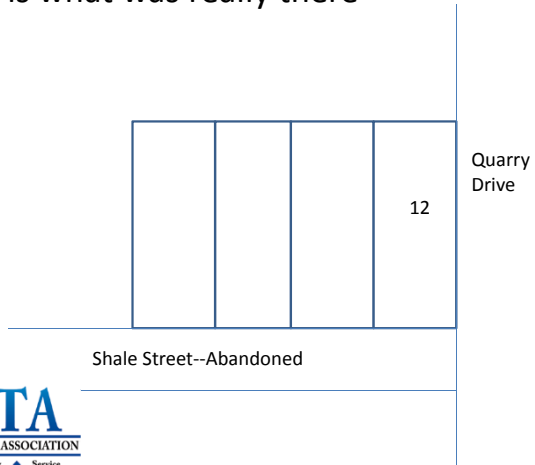


Be careful what you say!

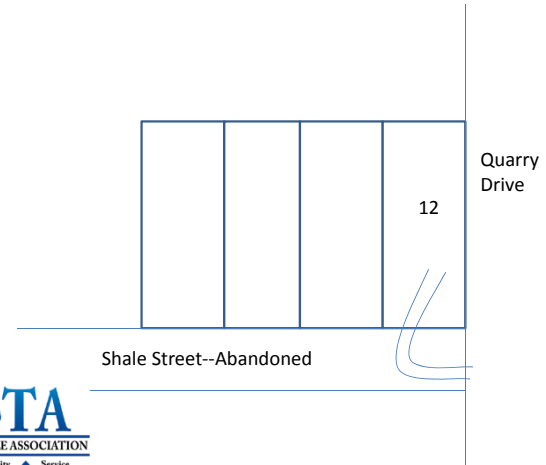
- Legal Description: Lot 12, Pebble’s Plat, according to the plat recorded in Liber 2 of Plats, page 16, Bedrock County Records, being bounded on the south by Shale Street and bounded on the east by Quarry Drive.



Here is what was really there



And here is where they put their driveway



Questions?

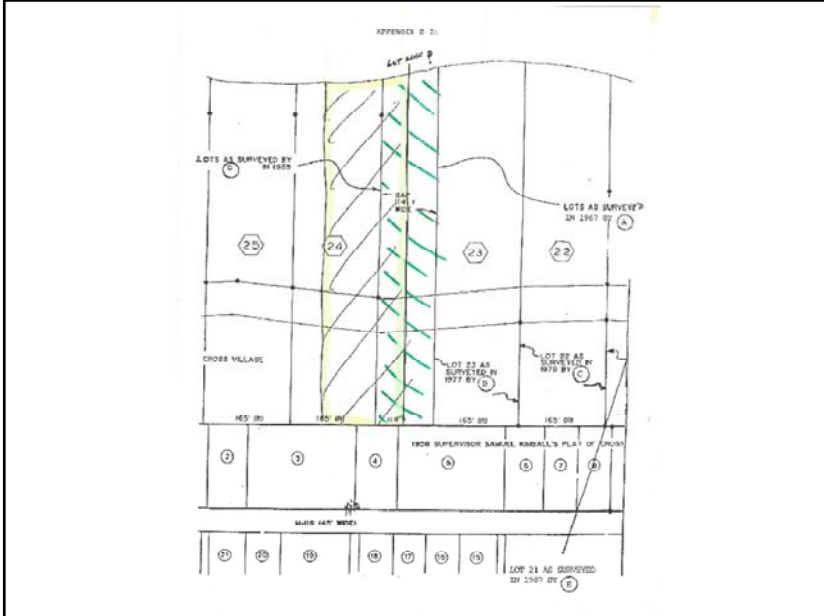


Let's Wrap It All Up



THE WRAP UP – Tying it all together (or at least trying).

- Now that you have been bombarded with Legal Description details, explanations and workshop exercises; and you have gotten some further insight as to things that can go wrong with bad Legal Descriptions, we should also make it clear that sometimes, despite our best efforts, claims or problems regarding faulty Legal Descriptions are almost impossible to prevent.
- One case in point involved some lake front property (the lake being Lake Michigan) in quaint Cross Village, north of harbor Springs, which was have pulled out of our strange story archives. And curiously, the issue involved whole subdivision lots, established decades ago, with no warring neighbors.
- But, the problem discovered was one of inaccurate surveying – not only at the time of the platting, but twice more by established surveyors in more recent years until a third survey disclosed a substantial gap of land and the discovery that several lot owners’ homes were not located on the lots they owned, a big mess and very confusing (but fortunately, fixable).

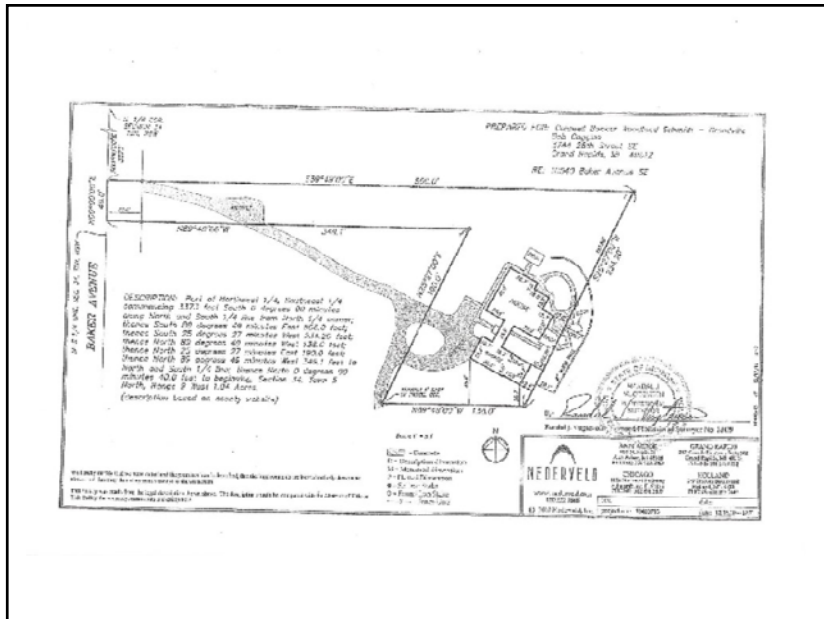


- As you hopefully can see on the drawing included, there appears to be a 114 foot gap between Lots 23 and 24 – the green hash marks. But the owner of Lot 24 has been occupying half of that gap, (along with a good portion of Lot 24, believing it all to be his Lot 24 (yellow outline). How did that come to be? (Good question)
- Fortunately, everyone had been peaceably occupying what they thought was their respective “Lot” for many years. So there was no simmering feuds or court cases. Only confusion – which ultimately could be resolved with a comprehensive new ACCURATE survey, which set the record straight and enabled the neighbors to cross deed portions of their title property in order to acquire their occupied property.
- This brings to mind the need to discuss Surveys, their uses, and their many types. Usually, we feel we can rely on a survey provided from a registered engineer or surveyor (unlike the previous work provided on this Cross Village scenario.
- We have discussed the importance of a proper Legal Description. But that Legal Description only describes the location and dimensions of the property lines, NOT what happens to be physically situated on that land. Typically the Land Records do not disclose that (changeable) information.



- Of course, for that reason, we take a “Standard Exception” in our owner’s policies, for anything that would be disclosed by an inspection of the property and an accurate survey of the land. Items disclosed by such a survey would include the most obvious – any improvements (buildings, fences, driveways) any visible easements, and anything extraordinary (like if it borders water, or if any of the improvements encroach beyond the property lines or into any easements).
- But, if we are provided with a satisfactory survey, so that we can inspect it for any of those items listed above, we may delete the standard exception from the policy and replace it with a specific exception for anything we might have identified in that inspection. In that way, we replace the unknown with the known.
- But, a survey is used for more than disclosing improvements and encroachments. It provides us with a verification and/or clarification of the Legal Description. And, depending on the type of survey requested it may provide other information.
- While there are more variations than 3, for our purposes, we’ll say that there are essentially 3 types of survey that we might encounter.

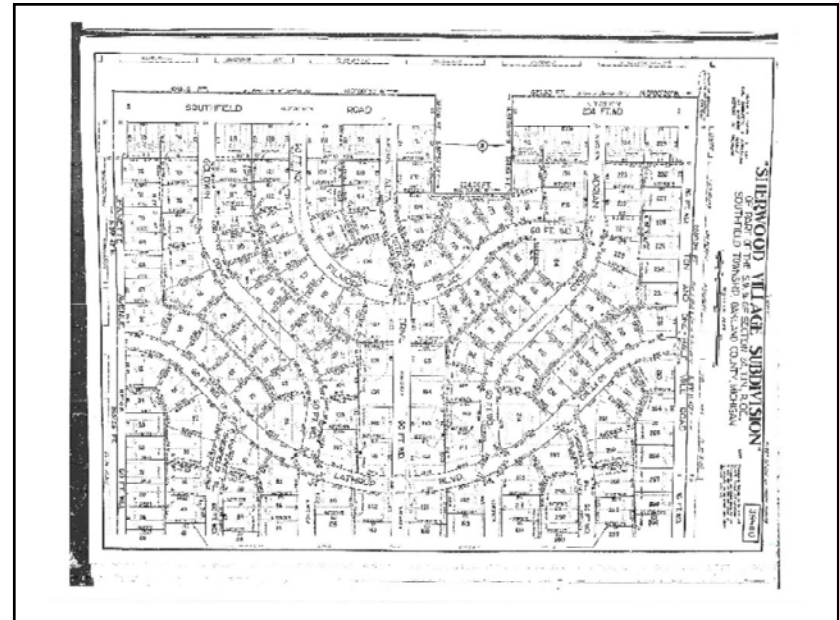


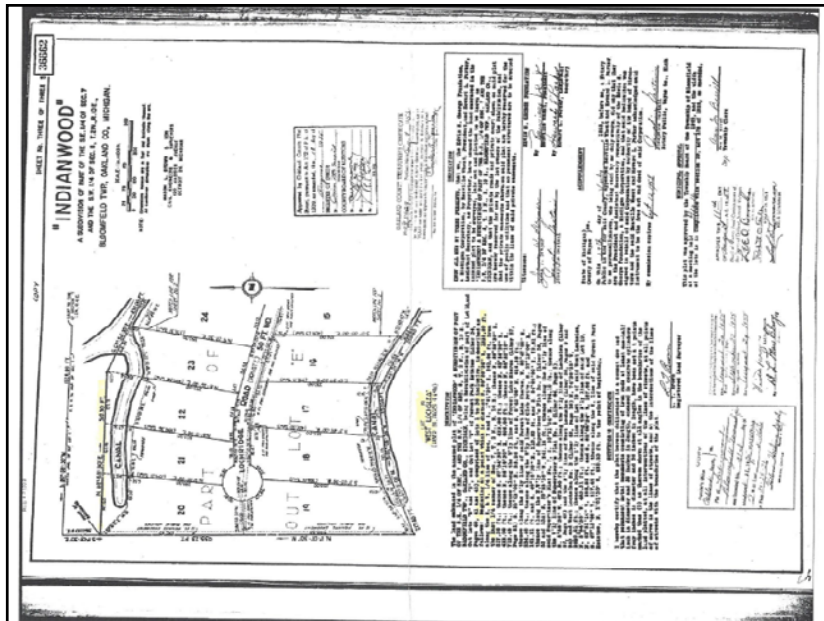


- Each type of survey has its use and its value, for us and for the customer. Briefly, the 3 survey types are: (1) a mortgage report or mortgage survey; (2) a PA 132 or “stake” survey, and (3) the top end survey, ALTA/ACSM survey, most commonly referred to as an ALTA Survey. The cost increase as you go up the ladder.
- Starting with the Mortgage Report, it most typically costs in the \$200-\$300 range, and is designed to locate the improvements (usually residential), so that the mortgage lender can see that the home is on the right property and is within the lot (property) lines. It lacks precision and is not certified to the title company, as a rule. But, it enables us to remove the standard exception from the loan policy.
- The PA 132 (stake) survey is so-called, because the standards for the level of precision for such a survey were established by Public Act 132 of 1970. It is used to “stake” the corners of an accurate description, or to set stakes/irons at the corners of newly established parcels and create descriptions in property splits. Depending on the size and nature of the land, it could cost in excess of \$1,000. It does not necessarily locate any improvements (although some do),

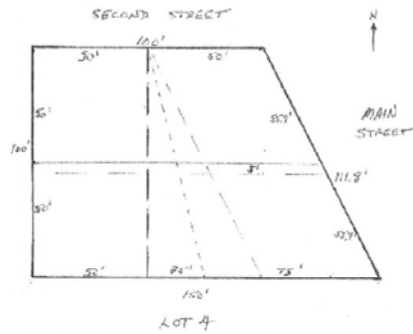


- The ALTA Survey provides a great deal of precise measurement and information, as well as comparing the description of the property with all the surrounding parcel descriptions to make sure there are no boundary issues. It certifies the description (to the title company and customer), locates the improvements with precision and the utility lines and easements. It will identify the source of access, provide zoning information and much more. It may cost several thousand dollars.
- So, what do we use surveys for? To establish or verify accurate Legal Descriptions, locate improvements and identify encroachments, and to facilitate property splits.
- Surveys are also required for the creation of subdivisions and condominium plans.
- They are usually quite reliable and accurate. If there is uncertainty, confusion or conflicts with a description, typically some form of survey is ordered. If you are going to split some property, a survey is ordered. If you are going to newly build a commercial structure, a survey is ordered (or should be). There are many title applications and are often used by underwriters to resolve claims and disputes.





- Notwithstanding the importance of surveys for certain circumstances, and their usual reputation, we saw an example, where the basically screwed up, multiple times in the same subdivision,. That was extraordinary (not in a good way). One of the sources of the conflict and disparity was using different starting point for the measurements and descriptions. This is not such an uncommon problem.
- We also mentioned earlier about confusing and conflicting descriptions and that such issues may arise from different interpretations. They may also arise from faulty assumptions, like assuming that a Section of land is a full square mile.
- The next 2 pages have examples of land descriptions that present opportunities for assumptions and different interpretations. Ultimately, such peculiarities can lead to misunderstandings or worse. We learn to choose our words carefully, if crafting a description, which is why we try to avoid taking that responsibility. Still we can readily see the value in clear and precise language in a description.
- So, 2 last exercises, as we hit the home stretch this afternoon

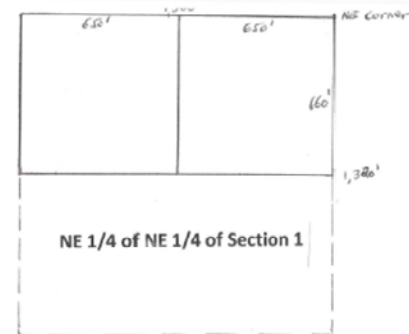


LOT 4

Exercise: Considering the configuration of Lot 4, above, identify and discuss the following portions of Lot 4 (maybe not so easy).

The West 1/2 of Lot 4 vs. The East 50 feet of Lot 4

The South 1/2 of Lot 4 vs. The North 1/2 of Lot 4, measuring 50 feet on the West line and 55.9 feet on the East.



Exercise: Considering the irregular measurement of the NE 1/4 of the NE 1/4 of Section 1, above, try to identify the following descriptions.

The NW 1/4 of the NE 1/4 of the NE 1/4 of Section 1 (a/k/a The West 1/2 of the North 1/2 of the NE 1/4 of the NE 1/4 of Section 1)

The West 10 Acres of the N 1/2 of the NE 1/4 of the NE 1/4 of Section 1

The N 1/2 of the NE 1/4 of the NE 1/4 of Section 1, except the East 660 ft.

The East 660 ft. of the N 1/2 of the NE 1/4 of the NE 1/4 of Section 1



- We mentioned earlier that whether you are in title or escrow, Legal Descriptions affect us all, and we all have some potential need to be able to read, understand and scrutinize a Legal Description. But, let's look at that, starting with "title".
- If you are a searcher or a title examiner, how do you know you have a bad Legal Description? Maybe the better question (for now) is: How do you know you have a good Legal Description? What do you look for, or where do you get your warm fuzzy? Most times, perhaps, that answer is pretty easy.
- If the title order is for Lot 20, and the vesting deed to your seller states Lot 20, and so does the assessed legal, no reason to doubt it, we're good. The same thing would apply with a metes and bounds description, where the deed and tax rolls match and so do the previous deeds. No change, no discrepancy, no problem. (By the way, that's no guarantee, but the odds are stacked in your favor.) Essentially, a consistently used description, with no one making any noise, is innocent until even suggested to be guilty or faulty. Of course, if it is a metes and bounds description, I still draw a quick sketch, to make sure it appears to close, and in case something arises and I need to look back at it later.



- It's when there are INconsistencies that we need to dig deeper and determine what those inconsistencies are, why they might be such, and which description is the best one to use going forward. Sometimes it is just a slightly different way of stating the description. Other times, it is pretty clear that someone ordered a survey, because the metes and bounds description has changed ever-so-slightly.
- Still other times it may seem pretty clear that there was a typo, which you may be able to overlook after thorough scrutiny and a comfort that you know what the description should be (so long as you didn't just invent it).
- What about numerical differences and discrepancies. Which are small enough to ignore? Unfortunately, that's hard to generalize in a setting like this. The difference between North 89 degrees West and North 88 degrees West is quite minimal, unless you take that over a full mile (and even then ...) And the difference between 432 feet and 432.2 feet is about 2 ½ inches. Often the best thing to do is bounce your own inclination off your supervisor, underwriter or experienced cohort enough to develop your own line of comfort, as to what is considered minimal and what merits further attention.



- What about when the deed legal and the assessed description disagree – which one should you go with? Years ago, when we were much more disdainful of the Treasurer's or Assessor's accuracy or attention to detail, I would have boldly said the deed. After all, that is the official ownership record, which we are insuring. But, these days, to dismiss the assessed legal is a big mistake.
- First of all we have the questions of tax coverage and vulnerability. But, also, we know that FNMA and FHLMC require that the taxes and title match. So, we can't very well put our head under the covers, we need to get them to marry up (easier said than done). Besides, if it is a newer description or a split, assessors require a survey to make such a description change. No such requirement for anyone preparing a deed, and we have certainly seen some abominations there.
- Mostly we need to determine why the descriptions do not agree, and which one should be changed to match the other. Usually one of them is the old description that just hasn't caught up, or they used an old deed for reference.



- Admittedly, the escrow folks don't have quite so much responsibility in this realm, until someone raises a question at the closing table, or brings in an unexpected document, and you need to figure out how this comes into play and if it applies. So, if someone brings a deed to the closing table, not only do you need to verify the right parties, you need to be able to determine that it covers the right property (comparing the legal on the deed to your own title commitment legal).
- The same thing applies to other documents: discharges, certificates of trust, any kind of release – do they apply to this property, this transaction? (Elementary?)
- Then there is the simple task of attaching the legal description to documents executed at closing: mortgages, deeds, releases. It sounds basic, I know. But, there are so many examples of a wrong legal being attached.
- But, the other reason this instruction is important for escrow people is the occasion where a document or question is submitted to an escrow processor or to a closer. What do you do? Who do you refer it to? Recognition helps to keep you in control and enables you to make strong decisions (or at least fake it).



- **Miscellaneous Tips, Comments and Reminders**

- With section land (aliquot) descriptions, start at the end and work backwards to determine the location of your parcel description.
- Be wary of descriptions based on acreage, as opposed to metes and bounds.
- Be untrusting of new Legal Descriptions without corroboration and documentation.
- Don't assume, read descriptions thoroughly (lots of errors out there).
- Do trust your suspicious instincts, get a second opinion (if needed).
- When in doubt, draw it out (it doesn't have to be pretty).
- Don't assume a tax split is automatic, get proof of the assessors approval.

- Time for Q & A



Questions?

