

# Chapter 4: How To Do A Title Search

## Introduction

Title searching answers questions about property ownership, sale prices, mortgages, liens, and court cases. Although a "how to" narrative cannot replace the experience of title searching itself, we attempt to give a realistic overview of real estate conveyancing (transfer of ownership rights) and the search process. We discuss three general topics:

- \* property identification
- \* initial search
- \* second level search - indexes and documents

## Real Estate Conveyancing

Real estate conveyancing systems are methods developed by societies to enable the regulated exchange of real property. Although these systems are corrupted and sometimes inefficient and in need of change, they constitute the "rules of the game" for property ownership, without which we could not easily perform property research.

Real estate conveyancing concerns the definitions of deeds and mortgages, and the "keeping track" of property transactions over time. In simple terms, "title" means the "rights" of ownership to property, generally real estate, but personal property as well; cars, for example. Real property contains a bundle of rights which are not all transferred at one time. Ownership "rights" vary from "fee simple," which means complete ownership, to more restricted meanings such as easements which usually grant special use of the property and to mineral or air rights, in which only specific rights are transferred at one time. Mortgages and liens are restrictions on title as well, and if not complied with may result in title ownership transfer. Although possession of property has often constituted ownership, evidence and public recognition of title constitute the legal criteria for ownership.

Today most states have title laws which define how real estate transactions are to be conducted and recorded. Real estate conveyancing systems, whether Recording or Torrens/Registry, have accomplished three objectives:

- \* They establish priority of ownership and give absolute notice.
- \* Purchasers are protected from unknown (unrecorded) transactions or interests.
- \* Public information exists to verify ownership and title status.

## Recording Systems

Used in all Illinois counties, the Recording System of titles records evidence of title transactions. In this system, title does not exist in a physical form - as a document. Instead, an "abstract" of title, or summary of title transactions (e.g. deeds, mortgages, liens) can be established through a formal title search. Sometimes owners kept detailed abstracts which they regularly update; these can still be found in libraries and attics. The Recording System stipulates that valid title or interest in a property is not enforceable until such time as the particular transaction is recorded with the County containing the property parcel. If one party records title transactions before another, his or her "rights" predominate. It is also necessary that buyers qualify as "bona fide purchasers," that is, that they have not been given "notice" of transaction.

The Recording system typically contains two sets of records: a) the legal record in the Grantor-Grantee Index which consecutively lists transactions by property and names; and b) the Tract Indexes, used by the public for title searches, record transactions by parcel, block, township, and section. Although sometimes unwieldy, the Recording System requires no special title examiners, and is inexpensive for buyer and sellers.

## Registry or Torrens

Cook County uses the Torrens System, but only for a portion of its properties. Today, Torrens is used in eight states or counties. Torrens and Registry are synonymous terms, "Torrens" referring to Sir Robert Torrens of Australia, who first developed the system in the 19th century.

Torrens is based upon title origination by local

courts. After court action establishes title every subsequent transaction for a property is registered on a Torrens Certificate which the County retains. Torrens was adopted in situations where title origins were clouded, as was the case in Chicago's Loop after the Great Fire of 1871. Thus local governments guarantee title (by ordinance rather than insurance), record transactions, and serve public notice.

Cook County stopped adding properties to the Torrens system in January 1982 because of the high cost of initial litigation, somewhere between \$3,000 and \$4,000 per property. Cook County Torrens has also been accused of inefficiency; there are extremely long waits for copies of Torrens Certificates. Generally speaking, the Torrens System is an anachronism which lives on in a limited number of counties.



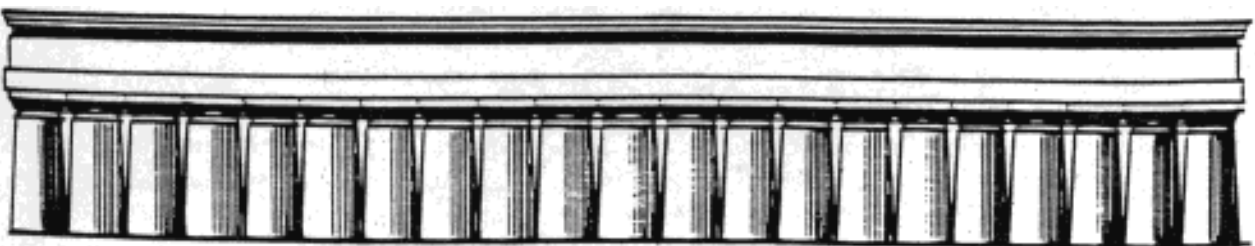
## Great Moments in Real Estate History

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In England until the Real Estate Use Act of 1845, "livery of seison" defined real property exchange. The transfer of property ownership had to be symbolized by the physical exchange between the parties, on the property itself, of a "corporeal" representation of the property, such as dirt, a branch, or a stone. From the 17th century, however, there occurred a gradual "alienation" or abstraction from the symbolic act of property transfer, and the introduction of written deeds. Interestingly, according to *Patton on Titles*, "We do not know the origin of the process of the transfer of title by written instrument." Today in most of England, except for London and London County, which use the Torrens System, buyers and sellers exchange original written titles. Public records are checked for liens and judgments, but do not alone provide sufficient evidence of title. The first American deed is said to have been

recorded in the Plymouth Colony of Massachusetts in 1627. In the ensuing decades, Records Acts of surprising similarity were adopted in most of the colonies, and generally stipulated the use of the Recording rather than Registry system of titles. The Recording System, partially derived from the Dutch, has been attributed the status of an American invention. After the American Revolution, with the acquisition of the Northwest Territories and the Louisiana Purchase, Recording Laws were among the first laws to be legislated, replacing the French or Spanish systems.

Until 1982 Cook County used both the Registry (or Torrens System) and the Recording System. The 1981 Annual Report for the Cook County Recorder of Deeds reports a total of real estate transfers of 45,261 parcels (7,336 in Torrens) and a total of 71,168 (10,775 in Torrens) mortgages or trust deeds.



## Title Searching

We are now ready to begin the title search. First, we discuss property identification and then the component parts of the title or legal description. Second, we outline how to find title information in both the Records and Torrens systems, what to write down, and how to interpret specific legal instruments (i.e. deeds, liens, etc.). Third, we suggest how to examine the original documents and how to use indexes and other information sources.

# 1852 N. TALMAN

## The Address

**A visit to N. Talman Street informs us that our property address is a number between 1842 and 1856 N. Talman. Between these two buildings there is a large vacant lot. After pacing out the vacant area (estimating 25 feet per lot), and carefully studying the broken foundations remaining above ground, we determine that the area is divided into four lots. As part of our job of identifying owners for NRC: we know that the lot we want is the northernmost one. But what is the address? At this point it can be 1850, 52, or 54. While we are at the site we note the number of buildings from our lot to the corner (2) and plan our trip downtown. See Figure 2**

# 1852 N. TALMAN

## Property Identification

### Survey and Plats

An aggravation in Cook County property research is the number of ways available to identify specific properties. There are legal descriptions, permanent index numbers, and addresses. For instance, we now know our example property's address may be 1850, 1852, or 1854 N. Talman. That identifier will not get us very far in doing a title search; we need a legal description. For a tax search, we will need a permanent index number. Combining these identifiers is not always easy, but it has been done.

A legal description of a land parcel identifies where it is located within the county. Legal descriptions are key to successful title searching; by knowing the basics, one understands the exceptions and mistakes which can occur in the tract books. Many times the right parcel or block is elusive. Generally, in the Midwest, legal descriptions are based upon the Rectangular Survey System inaugurated by Congress in 1785. Illinois was surveyed in the early 1800's. In many eastern states, the metes and bounds system is used to locate property.

## Obtaining the Legal Description

There are four methods of obtaining legal descriptions in Cook County:

- \* City or County bureaus or maps and plats
- \* County Treasurer's Office
- \* Chicago Public Library
- \* Purchased legal description materials

We shall discuss each of these approaches and then construct a legal description from start to finish. We do this with the Maps and Plats option because it is the most complex.

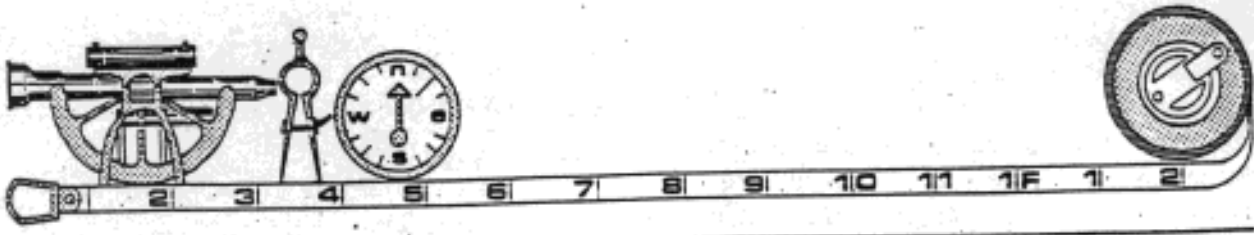
**Maps and Plats** - Legal descriptions of Chicago properties can be obtained on the 8th Floor of City Hall, Room 803 of the Building Department, Bureau of Maps and Plats (Room 437 in the County Buildings for Townships outside of Chicago). Room 803 contains a large table where black atlases, each bearing the name or number of a Chicago township, can be found. If you don't know which township includes a particular parcel, there is a large wall map which identifies township boundaries.

Beginning with our address, which is between 1600 and 2000 North and 2400 and 2800 West, we can find on the wall map that it is in Section 36. A large 5 is placed on the map indicating that Section 36 is located in the atlas marked "5."

On the first page of the atlas there is a township map, subdivided into half sections, which lists the page numbers for individual eighty-acre maps. Turn to the page that contains the map for your properties.

The eighty-acre maps contain all the information needed to obtain a legal description. Figure 2 is part of such a map. Copies of these maps, useful for large research projects, can be purchased for \$34.00 each; give the township name, township, range, section, and quarter section numbers to a clerk in Maps and Plats. Purchased maps provide all necessary information except addresses, which may be copied from the atlases. Unfortunately, these maps also do not have tax numbers written in. For \$51.00 you may also purchase a legal description from the Building Department. Clerks will often help for no charge, but don't push it.

At the top of the map in Figure 2 are series of letters and numbers which comprise the legal description of the half-quarter section which includes 1852 N. Talman.



## Rectangular Survey System

The Rectangular Survey System measures land. Its fundamental units of measurement are meridian and base lines, the former running north and south, the latter east and west. These lines have nothing to do with time meridians. Because they were drawn at different time and reflect political as well as topographic features, meridian and base lines are not always equidistant. Illinois property is measured from either of three meridians the 2nd, 3rd, or 4th. Chicago is measured from the 3rd meridian and base 38 which run through Centralia, Illinois.

Meridians and base lines provide agreed upon, fixed points to locate smaller units of measurement - ultimately property parcel lines. Townships and Sections are the second level of measurement within the Rectangular Survey System. Townships are 36 square miles (6 X 6) and sections are 1 mile square (1 X 1). Townships are identified by range lines which are the north and south township boundary lines running parallel to the meridians every 6 miles. Thus, beginning from the relevant meridian, range numbers start 1 east, 2 east, and 1 west, 2 west. Harlem Avenue in Chicago, for example, divides Ranges 12 and 13. East and west lines, town lines, also are 6 miles apart. Devon Avenue divides townships 40 and 41. Townships often have names to represent political jurisdictions, although the survey system assigns them numbers. Within each township there are 36 sections. Figure 1 shows Chicago townships and sections, and the spatial relationships among meridians, bases, townships, and sections.

The Rectangular Survey System does not specify

any smaller unit of measurement. Yet, as is obvious, most property parcels are less than the size of a section. Two steps are needed. First, sections are described by parts there are quarter sections of 160 acres each, and in turn, these are each divided into two 80 acre segments. Thus we can say the SE1/4 of Section 36, Township 40, Range 13, East of the 3rd Principal Meridian. And further, using the second division, the W1/2 of the SE1/4 and so on.

Second, block and lot parcel designations result from property subdivision, whereby developers submit subdivision plans, or "plats," for particular properties. Plats describe how the property will be divided into blocks, lots, and streets. Plats must conform to relevant subdivision requirements (for example, street sizes) and are recorded. In most case subdivisions are given the name of the developer or owner.

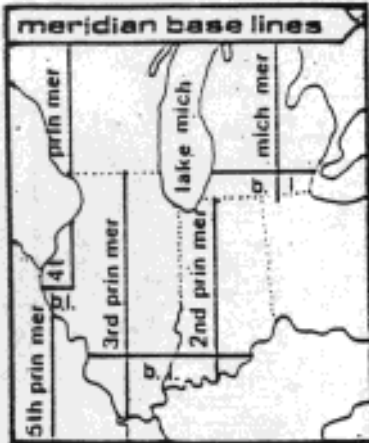
Sometimes there are multiple subdivisions which affect the same property, or perhaps an owner sold off property a "fraction" at a time; thus there are fractions of sections rather than blocks and plats. Legal descriptions tend to get confusing at this point.

In general, a complete legal description, including survey and plat divisions, will read like this:

Lot 21 of W.W. Martin's Sub of Lots 6, 7, 9, 10 of Block four of Borden's Sub of the W1/2 of the S.E.1/4 of Sec. 36, Township 40, Range 13, East of the 3rd Principal Meridian in Cook County, Ill.

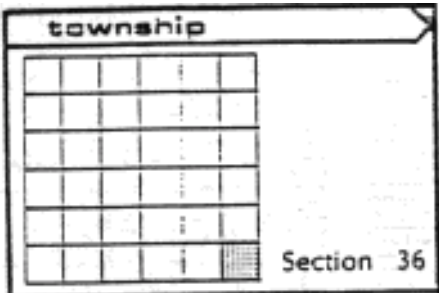
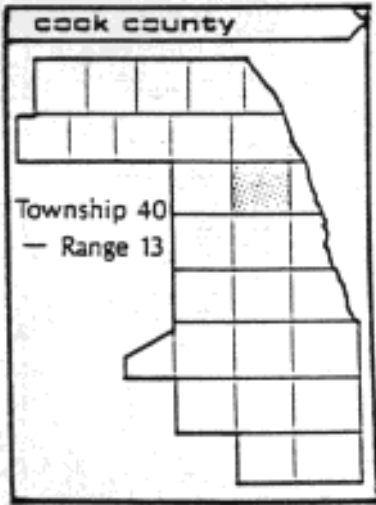
Figure 1 demonstrates plat, block and parcel numbering.





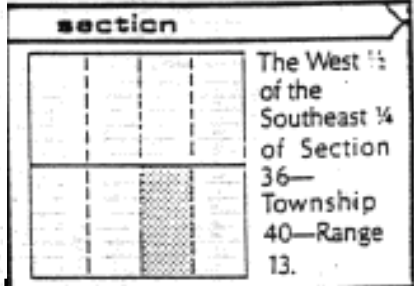
**notes**

All legal descriptions in Chicago are based on the third principal meridian and base 38 of the United States rectangular survey. There are 102 counties in Illinois, which are further subdivided into townships and sections.



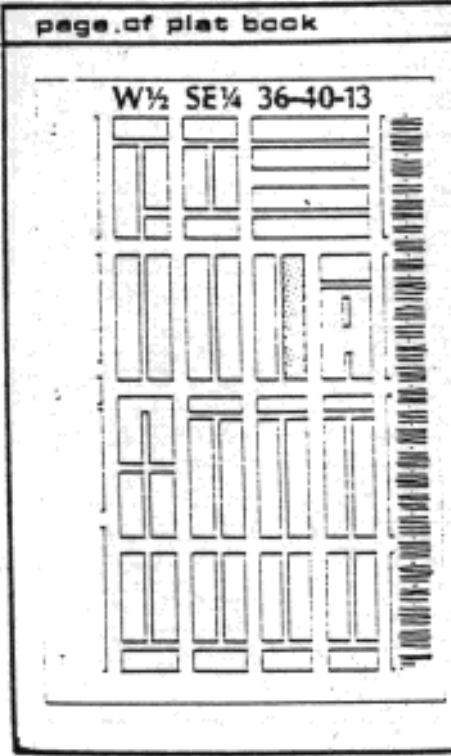
**note**

Counties are divided into townships and townships are divided into 36 sections.



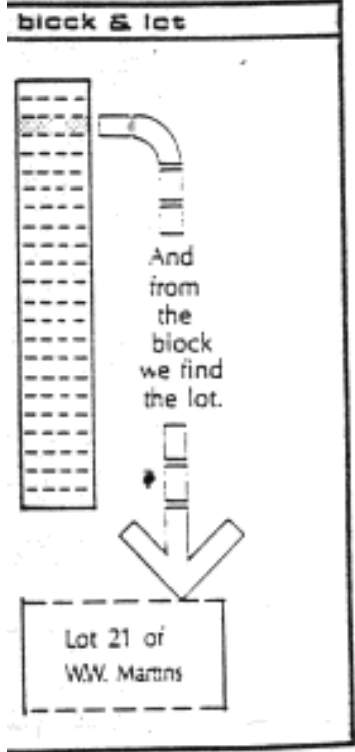
**note**

Each section is divided into quarters and each page of Plat Book covers one half or a quarter section.



**note**

The Plat Book illustration shows what a page of the Plat Book looks like. A more detailed description of the Plat Book will follow on page 19. Pinpoint on this map the block that your building is on.



W 1/2, SE 1/4, SEC 36. 40. 13.

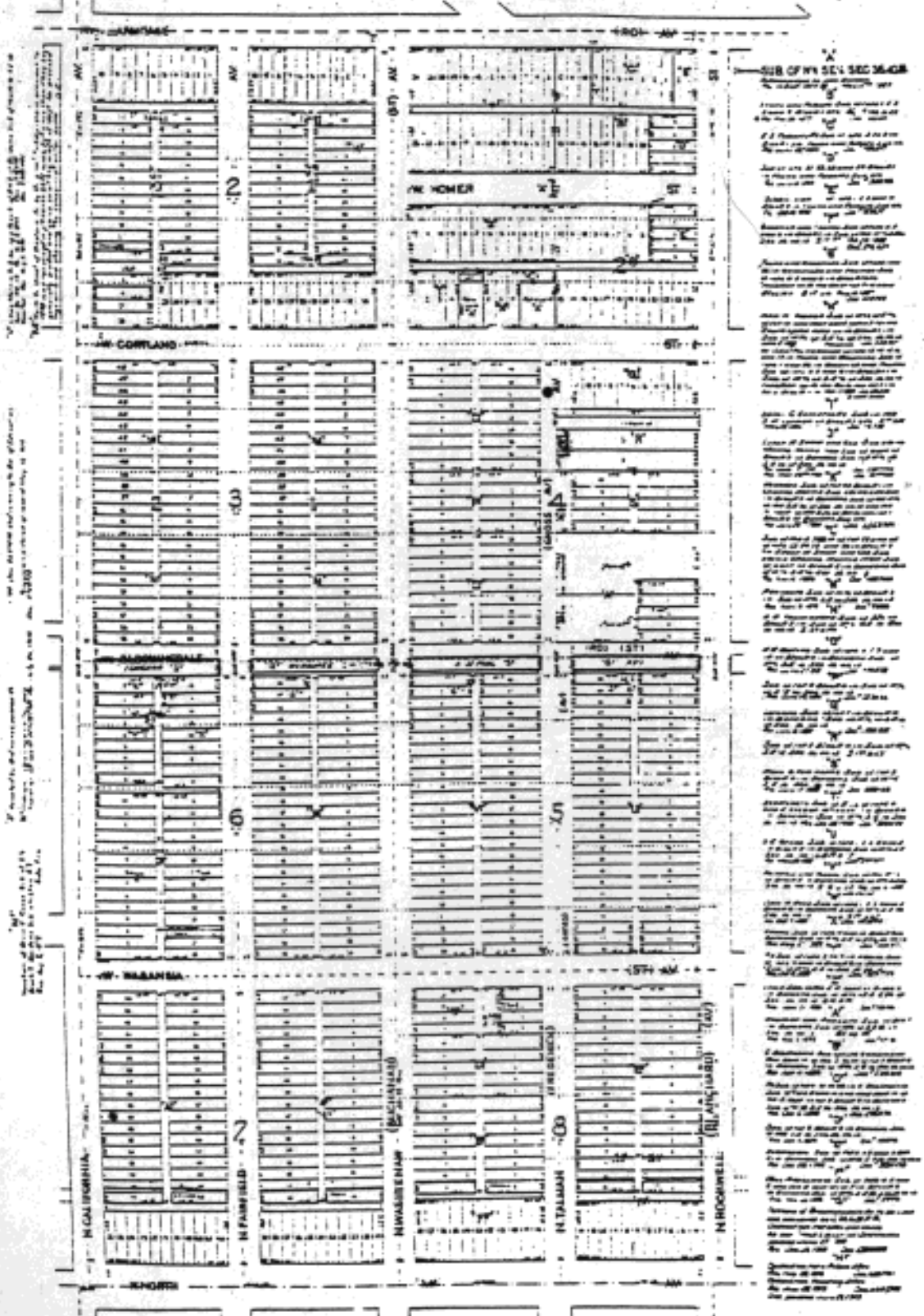


Figure 2

Looking at these letters and numbers, one finds that the rightmost number "13" is the range, and immediately adjacent to it the number "40" applies to the township. Together "40-13" defines West Township.

All townships, as noted above, are divided into sections. In our example, the section is identified by the number "36" to the left of the township number. Moving left, the "SE1/4" identifies the southeast quarter of section 36, and the "W1/2" identifies the west half of the quarter section. Thus we have identified a specific eighty-acre map.

The next step is to find the block on which the property in question is located, the block bounded by Talman (Gross), Cortland, Washtenaw and Bloomingdale, for example. On this block, Block 4, you see large letters enclosed by quotes: "O," "P," "O." These letters may refer to many blocks or a portion of a block; a solid line indicates the area or coverage. You must have a good idea of the location of the parcel in question in order to locate it on the map. The best way to do this is to bring a map of the area downtown with you. In the case of 1852 N. Talman this was fairly simple. All the lots on the block were 25' lots and we just had to count three lots from the corner. In some cases it may not be so easy. For instance, when there are several vacant lots in a row it may be difficult to tell if there are three or four. Corner buildings also may create confusion once you get downtown.

Using this method, counting three lots down from the corner of; Talman and Cortland, we find that 1852 N. Talman is lot 21, located in the area designated by "O." Referring to the subdivision described under "O" on the right side of the example map, we find "W.W. Martins Sub." All other subdivisions referenced under this letter must be included in the final legal description. For example, the full legal for this part of the block is "W.W. Martins Sub. of lots 6, 7, 9, and 10 of Block 4 of Bordens Sub. of the W<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub> 36, 40, 13."

The large numerals on the blocks are the block numbers. Thus, our example property is on Block 4 of Bordens Subdivision. Blocks are divided into sequentially numbered lots. Some subdivisions, however, do not have legal block designations and instead are divided by lots. Also the entire area designated as W.W. Martins Subdivision which now is divided into about 36 lots was originally divided as four lots in Bordens Subdivision.

To identify the lots or portions of a lot which

comprise a property, the property address and a structural base map (Figure 3) are needed. Structural base maps can be obtained from the Department of Planning in Room 1003 in City Hall. They are available in a couple of different sizes for about \$3.00. Even if you have a base map of the area, it is still a good idea to do your own survey and plot the properties out on the map or on a second sheet of paper. A structural base map, of the same scale as the survey maps, can be overlaid on the eighty-acre maps to identify the correct lots. The problem is that owners may have acquired additional lots or parts of lots. Only a map with building sizes will define the address. In our example, 1852 N. Talman, the address is clear and it also checks with the fact that we know the parcel should be three lots from the corner. Mentally transferring the structural base map (Figure 3) to the eighty-acre map (Figure 2) we see that 1852 N. Talman corresponds to Lot 21 in the section designated by "O" (W.W. Martins Sub.). We were lucky that our sample property was an easy one to locate. All properties won't be this easy and it is important to verify location through a personal survey and the structural base map. The legal description is now complete:

Lot 21 of W.W. Martins Sub. of Lots 6, 7, 9,  
and 10 of Block 4 of Bordens Sub. of W<sup>1</sup>/<sub>2</sub>  
SE<sup>1</sup>/<sub>4</sub> Sec. 36, 40, 13.

## 1852 N. TALMAN

### Address & Legal Description

**We have used a combination of our site visit map, the eighty-acre map, and the structural base map to identify the exact address for our property and obtain the all-important legal description.**

## 1852 N. TALMAN

**County Treasurer's Office** - Located in Room 112 on the first floor of the County Building, the Treasurer's Office offers an easy method of obtaining legal descriptions. The other methods are more appropriate, however, when more than three of our descriptions are needed. Obtaining a legal description from the Treasurer's Office requires that you have the address or the tax number of the property. Tax or permanent index numbers are described in Chapter 5 - How To Do A Tax Search.

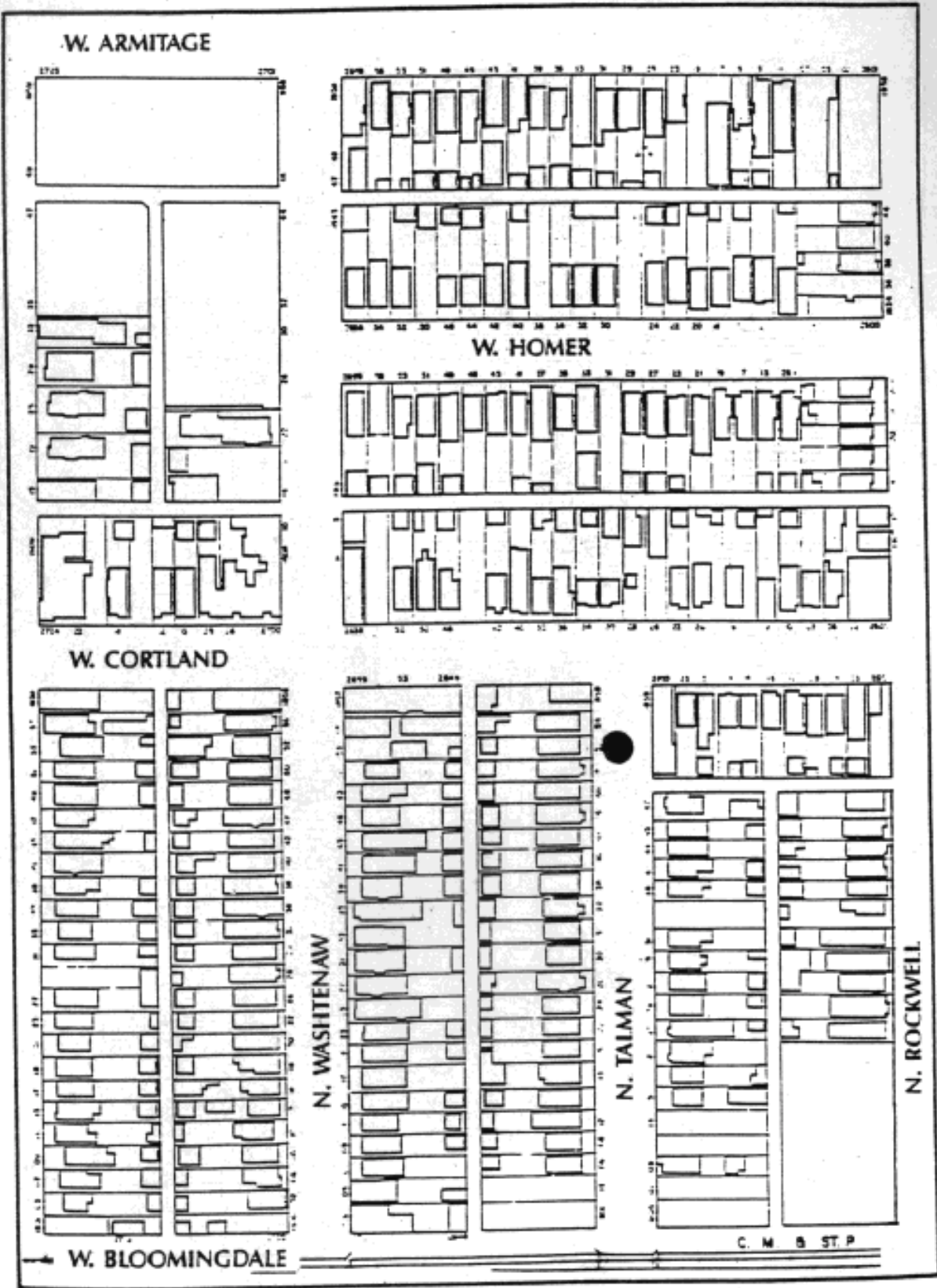


Figure 3

from A-H, indicates which section the map illustrates. The bottom number indicates the taxing area and the sub-area (the first two parts of the PIN) in which this area is

on the 11th Floor, the Business, Science & Technology Division is the place to go.

The Library has Sidwell Maps, the Real Estate

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