

Data Index (REDI), and a variety of real estate books and periodicals. REDI, to be discussed in more detail later, is an index produced by a private company which lists tax numbers, addresses, names, and transactions. With REDI, the researcher can translate addresses into tax numbers, and then, as in the Treasurer's Office, use the Sidwell Maps to translate tax numbers into legal descriptions. The Library offers a quiet spot to do this preliminary work, and is especially good if you have many descriptions. A librarian familiar with the materials is on hand to help out. While there, take a look at the library's other real estate holdings.

Purchased Legal Description Sources - REDI, tax number printouts, Sidwell Maps, and accumulated research information offer shortcuts to the legal description process at City Hall. Organizations can purchase or share REDI books, request tax number printouts for their area from the Cook County Treasurer, obtain tax assessment listings for local properties published every four years by the Cook County Assessor's Office, or purchase Sidwell Maps. Tax printouts list tax numbers consecutively, with the address of the owner or agent - where the tax bill is sent. In many cases this is the building address. Since the address of the property is not given, inspired guessing is required to extrapolate addresses or parcels with absentee taxpayers.

Organizations serious about housing research should obtain the above materials for reference. The investment will be paid back in saved time and aggravation. Moreover, having the materials at hand encourages the use of property research by community residents and other organizers.

Chicago Title and Trust - Chicago Title and Trust; (CTTC) offers another method for title searches. CTTC can do title and tax searches going back as far as 20 years for a minimum fee of \$25. It has the only collection of tract books other than Cook County's. CTTC's are private and in addition to being more accurate than the County's, the CTTC records date back to 1847, whereas the County records were destroyed by the Chicago fire of 1871. Up until 1974, anyone was able to examine the CTTC tract books for free. This practice was stopped when the company found its competitors taking advantage of its system. The historical records are still open to the public. CTTC sells copies of historical subdivisions and plats.

CTTC is located at 111 W. Washington Street. For information on its records and title searches, contact the customer service department.

Be sure to have your legals. Other local title companies do title searches for fees, so strap around if you are going to pay for services.

1852 N. TALMAN

Legal Description

We can now identify our property by the exact street address, the legal description, and perhaps by the Permanent Index Number (PIN). We have used one of four methods to get the legal description.

- Bureau of Maps and Plats and the 80-acre maps
- The Treasurer's Office and Sidwell Maps
- The Public Library's various sources
- A purchased Legal Description

This legal description is key to the history and current ownership for our property.

1852 N. TALMAN

Initial Search and Analysis Finding the Correct Volume

With legal description in hand, it is time to go to the Cook County Recorder or Deeds. This office was formerly located in Room 120 of the Cook County building, but the County is presently renovating and expanding the Recorder's Office. The tract books, document microfilm, and Torrens vault are now located in the Lower Concourse South (the basement). Renovation has been planned for 15 years and is expected to be completed in 1984. Title searchers can use the elevators or the staircase in Room 120 to get to the Lower Concourse.

When entering the Deeds Office try to find the Tract Book Indexes - large, dirty-white, unwieldy books located randomly along the counters. There is a clerk present who can use the Index to identify the tract volumes for your property. You may need assistance the first few times, but then familiarize yourself with how to use the Index. The clerks will not look up more than three descriptions at a time. If you plan to do a number of searches in one community, make a permanent list of the subdivision and volume numbers. This is an obvious convenience that many researchers forget. At times all the indexes will be in use so you will have to wait.

Understanding the Tract Book indexes requires the concepts of the rectangular survey system.

There are 32 tabs which divide the Index. Each tab has two numbers - for example, "40-13," "40" referring to the township and "13" to the range. Match the township and range numbers in your title description with the appropriate tab, and then turn to that section. One confusing detail is that the township and range numbers follow the section number in legal descriptions: 36-40-13. The Index Books present these numbers in almost the reverse order, first 40-13 and then 36. Sometimes you can stare at the Index with incomprehension until recalling this simple fact. For 1852 N. Talman, the township is "40" and the range "13," so we will go to the tab marked "40-13."

Each township range tab is divided according to section numbers, also in your legal description. Again, find the appropriate page. (The page for 1852 N. Talman is marked "36 40-13.") For each section, subdivision names are listed alphabetically and then broken down by blocks. A large subdivision, for example, may contain 20 blocks. The page which includes the subdivision for 1852 N. Talman reads:

Vol.	Subdivision
	Bordens Sub.
235	Block 1
235-A	Block 2 & 3
235-B	Block 4
235-C	Block 5
235-D	Block 6
235-E	Block 7 & 8

Examine the pages for your subdivision name and write down the appropriate volumes for the blocks. We will need Vol. 235B for our property.

Now take the volume number and find the correct tract book. Tract books are organized by number. When you find the correct volume pull it out and place it on the counter for inspection.. The Recorder's Office advised us that there are "bookpullers" to help locate and lift the tract books, which are awkward and heavy. (We have not been able to find anyone who has seen these "bookpullers"—pulling books or otherwise.) Sometimes the volume you want is missing. More than likely it is in use, so check along the counter. Otherwise, missing books are probably being reprinted or rebound. Check with a clerk to find out when the tract book is due back. Always put the books back in place when you finish. Also, there are times when clerks or other title searchers want to look at your volume: it is best to let them do so rather than having them anxiously hovering about. although at times they are nasty. At the same time, clerks can

often help you out, even if their handwriting isn't so good.

1852 N. TALMAN

Correct Tract Book Volume

The Tract Book Volume in front of us marks the successful completion of the initial phase of our title search. This is no small accomplishment.

For some properties finding the tract book will be no problem; at other times it will appear to be almost impossible. Sometimes the index lists the wrong volume number for the subdivision, sometimes you've copied one word wrong in the legal description; sometimes the subdivision you want is not listed in the index of what you are sure is the correct volume number. A second trip back to the maps is often required, especially for new researchers. As researchers focus on one neighborhood they get very familiar with several subdivisions and one or two Tract Book Volumes. This familiarity often unlocks mysteries: transactions listed on the wrong page; subdivisions not listed in the index; resubdivisions that are recorded but never indexed.

Now we can look at Volume 235B to begin the search for 1852 N. Talman.

1852 N. TALMAN

How to Read Tract Book

Inside the tract book is a table of subdivisions indicating the pages on which records or properties for the particular subdivisions appear. In the better books there are also maps. Generally, the first page or the subdivision contains the records or the subdivision process. The second or third page is headed by the subdivision name and "Block 1," and "lot 1," or "lots 1 & 2," and so forth. The pages progress with each lot or group of lots in sequence, through all lots on Block 1. Block 2 follows, and all other blocks in the Subdivision or the particular volume are similarly covered. For instance, after finding the section of Vol. 235B that includes W.W. Martins Sub. of Block 4 of Borden's Sub., we move through the pages until we find the page that includes lots 20 and 21.

On this page, labeled "Block 4, lots 20 & 21," all entries will be chronologically recorded by "date of filing," which is the date the legal document was filed

with Cook County Recorder of Deeds. The bottom of the page will often have a note which reads, "forward to page_____."

Figure 5 is a form which you may find useful in copying information from the tract books: it is derived from forms used by many Chicago organizations and is laid out in the same order as that of the tract books themselves. Always use pencil when working around these books. When using the form, start recording transactions and instruments from the past to present; this allows for easy updating of the forms. Write legibly and be sure to copy all remarks and numbers, particularly those associated with Releases (R), Trusts (TD), etc.

Seven pieces of information are recorded for each property transaction. These are the headings listed horizontally across Figure 5: Document No.; Grantor; Grantee; Instrument; Date of Instrument; Date filed; and Remarks. The first is the document number. It identifies the legal document to which the entry refers, and can be useful if more information on the given transaction is required. Seven digit numbers are for the Torrens System, eight digit for Recording System. Torrens numbers may also be in red ink.

The second, third, and fourth pieces of information are, respectively, the "grantor," "grantee," and "instrument." The grantor is the party who gives a right to the property to the grantee by means of an instrument. For example, the seller (grantor) gives all his rights to the property to the buyer (grantee) by means of the warranty deed (the instrument). This can sometimes be confusing, as in the case or a mortgage, when the recipient of the loan is the grantor, and the lender is the grantee. This is because the mortgage is actually an instrument pledging the property as security for the payment of the debt. In other words, the loan recipient (grantor) has given the lender (grantee) some conditional rights to the property. Consequently, each transaction must be carefully examined. This is especially true in these days of creative financing. High interest rates force buyers and sellers to devise "affordability schemes." These types of financing are used in different situations. We shall present later a case study in which real estate brokers on Chicago's south side misused an affordability scheme (contract buying) to their benefit. In other cases, creative financing can be used for both the seller's and buyer's benefit. It is important to recognize these financing arrangements and to understand a little about their use. Appendix I offers a brief description of several

types. A list of abbreviations and definitions of instruments recorded in the tract books follows.

The fifth and sixth entries are the "date of instrument," and the "date of filing." The former is the date on which the transaction occurred; the latter is the date on which a copy of the document was filed with the Cook County Recorder of Deeds. The distinction is important because a document is sometimes filed several months after a transaction has taken place. Since the entries are recorded chronologically by date of filing, the transactions may not appear in the order in which they occurred.

The seventh piece of information is "description of property," generally in terms of the lot(s) or parts of lots. Examples include: "lots 3 & 4," "lot 7 and west $\frac{1}{2}$ of lot 8" and "lot 14 and E. 40' of lot 15."

Included in tract books are court actions which affect property rights. These include divorce, death, foreclosures, tax deeds, and demolition and recovery orders. In these cases, the document number is generally replaced by a docket number which can be used to find the court record. Sometimes, however, this number is recorded with the instrument.

While you are examining the transactions for a specific parcel, take the time to glance over the transactions for contiguous parcels. There may be a pattern. Or, familiar names may show up.

Posting Abbreviations and Definitions

Accp't Accept (As Trustee): Indicates action of trustee.

Aff'd Affidavit: indicates any statement of facts which the owner or others want to be recorded. (i.e. statement or ownership of property).

***Agmt** Agreement: Contract for deed or other purposes. Most often seen in contract to purchase. terms will be stated in contract.

Appt'mt Appointment (As Trustee): Indicates appointment of a new trustee.

***A of R or A/R** Assignment of rents: Pledge of rental income to satisfy indebtedness. Usually the agreement is filed at the time the mortgage is filed and the mortgage holder has the option to call it into effect; in case of non-payment.

***Assmt** Assignment (of mortgage): Indicates transfer of financial assets from one institution to another. The document number of the first mortgage will usually

* Commonly used definitions.

be listed under the instrument. Also, look for some big secondary mortgage institutions (Percy Wilson, FNMA, etc.) as grantee.

Assmt Assignment (of rents): See A of R.

Bill Same as Ch'cy. .

Cert Sale Certificate of Sale: Transfer of property—pending redemption - to holder of mortgage, trust deed, or tax sale certificate, by court order. (Sheriff is grantor.) C. or S. is more common current usage. Certificate or court case number may be listed under Instrument.

C of S Certificate of Sale: See Cert Sale.

***Ch'cy** Chancery: Suit filed in Circuit or Superior Court. Court Case number will be listed under instrument.

C.M. Chattel Mortgage: Indicates lien placed by finance company against possessions in house.

C of I Certificate of Incorporation: Indicates incorporation papers filed.

C of R Certificate of Redemption: Indicates redemption on tax sale. (Rarely recorded, except in Torrens.)

Consent Consent (as Trustee): Indicates action of Trustee.

Cont Continuance: Indicates new hearing in court case. (Used by Building Court.)

***D** Deed: Indicates Quitclaim Deed, Trustee's Deed, or Warranty Deed. Conveys title.

Dec'd Deceased: Indicates case in probate court. Case number will be listed in document column. (Rarely used today, most people have wills.) See also Invty.

Decl'n Declaration:: Document written and signed by condominium developer which must be recorded and which contains information on ownership rights and responsibilities.

***Demol Recov** Demolition and Recovery: Court order to repair property on threat of condemnation and demolition. Case number will be listed under instrument. (May be also listed as Demo.)

***D in T** Deed in Trust: Transfer of property from an individual into a trust, usually a bank is acting as trustee. A trust number will be listed with the grantee Conveys title. Beneficiaries of the trust may be kept secret or not.

Div Divorce Proceedings: Indicates divorce proceedings that may affect ownership or property Case number is usually listed in document column or under instrument.

D of T See T.D. (Rarely used form of abbreviation)

Exec. Deed Executor's Deed: Transfer or property by an appointed executor or an estate. (Rarely used, see also Dec'd. and Invtyg.)

Extn Extension of Mortgage: Extension or the time allotted for repayment of loan. (Not usually recorded.)

Fin Statement or F. S Financing Statement Arrangement for collateral for a loan, usually for new construction. Recorded in Uniform Commercial Code Index in Room 230.

Grant Grant: Transfer of property from U.S. Government. (Not in current use.)

Invty Inventory: Transfer of property as part of an estate. (Not used very often, see also Dec'd and Exec. Deed.)

Judgm Judgment: Indicates court order against property to satisfy lien.

Lease Lease: Grants the use of property for specified period of time, and rent. (Tenant leases for residential properties are rarely recorded.)

Lien Lien: Placed on property used as security or collateral for a debt giving the person owed the money the right to take the property, or deduct the amount owed from the proceeds of the sale of the property, if the debt is not paid. Examples include mechanic's lien, for work done on the property; and demolition liens placed by the city in the amount of demolition costs

***Lis Pens or Pendens** Litigation Pending: Indicates court action against the property in progress, usually a demolition court case. Warns potential buyer.

L.R. Land Registration: Indicates initial registration of property in Torrens. Cook County stopped adding properties to Torrens in 1982.

M.D. or Mast. D. Master's Deed: Transfer of property by special agents (Masters) of court. This system has been abolished

***Mtg** Mortgage: A type of lien which a property owner gives a lender formally promising that if the loan is not repaid the lender can take the property and sell it to recover the money.

Pet'n or Pet'n for Tax Deed Petition for Tax Deed: Court action by the County Clerk, Treasurer or individual holding certificate of sale seeking title to tax delinquent property. Pet'n is sometimes used to indicate a declaration of bankruptcy.

***Q.C.** Quitclaim Deed: A type of deed in which the seller conveys all his or her present interest, if any, in the property. If the seller holds complete ownership at the time of the deed, the deed conveys ownership: however the deed carries no guarantee as to the state of ownership. If no interest is held, none is conveyed. Also may be indicated by "D".

***R or Rel** Release Deed: Indicates satisfaction of indebtedness, mortgage, trust deed, lien, etc. The document number of the instrument establishing indebtedness will be listed under the instrument.

Resgn Resignation (As Trustee, -Receiver, etc.): Action of trustee or other agent.

Satis Satisfaction of Lien or Judgment: Not in current use - same as Release Deed. (See R or Rel.)

Schedule Schedule: An instrument in Bankruptcy. (Rarely recorded.)

S.D. Sheriff's Deed: Transfer of property by court order to holder of certificate of sale, or mortgage - no redemption possible. Sheriff listed as grantor. Conveys Title.

S.W.D. Special Warranty Deed: Deed in which grantor guarantees (covenants) against claims arising through an act of the grantor. Conveys title.

***T.D.** Trust Deed: Instrument of indebtedness. Also referred to as secondary mortgage.

***TRD** Trustees Deed: Transfer of property from a trust to an individual. Conveys title. Also may be indicated by "D."

TxD Tax Deed: Transfer of property from a trust to an individual. Conveys title. May also be indicated by S.D.

Tx Sale Tax Sale: Indicates property was available for bidding at a tax sale. (Not usually recorded.)

***W.D.** Warranty Deed: A type of deed in which the seller says that there are no encumbrances on the property, that is, that all mortgages and liens that have ever been on the property have been paid off. Conveys title.

Instruments That Convey Title

D Deed: May be one of several types of Deeds.

Din T Deed in Trust: Transfer from an individual to a trust.

Exec. D. Executor's Deed: Transfer from an estate. Rare.

Invty Inventory: Transfer as part of estate. Rare.

Q.C. Quitclaim Deed: Transfer with no guarantees of "goodness of title."

S.D. Sheriff's Deed: Transfer as result of court action. **S.W.D.** Special Warranty Deed: Transfer with some guarantees of "goodness of title."

TRD Trustee's Deed Transfer from a trust to an individual.

TxD Tax Deed: Transfer as a result of delinquent taxes

and subsequent court action. **W.D.** Warranty Deed: Transfer with full guarantee of "goodness-of title."

Finding the Chain

The next step depends upon the type of information sought. If the only information needed is current ownership, then the most recent (last) entries would be of interest. In contrast, if a complete title history is required, all entries should be copied. Always stop at a clear transfer deed or warranty deed

A chain of ownership is the path of title transfers for a specific parcel over a period of time. For example, Owner A transfers the property to B, who transfers it to C, who transfers it to D. This chain is unbroken and unambiguous. The records, however, may show Owner A to B, and Owner C to D. This chain is broken and further study is required to determine how the property went from Owner B to Owner C. Ownership in secret land trusts and in trust accounts at banks and savings and loans can make this determination difficult. Often trust numbers are not recorded.

Below we determine the chain of title for 1852 N. Talman. We list all transactions since 1948 as copied from the tract book and the Title Insurance Policy and show that an unbroken chain of title for this property can be constructed from 1948 to the present. All transactions are between individuals, and all title instruments are warranty deeds - a type of deed that warranties against a variety of potential title claims. We briefly describe each transaction to give a flavor of the search process.

A. Stipeka deeds property to Neumann.

B. Neumann deeds property to Bodaski. These transactions took place within a day of each other. Why?? Was Neumann just a "straw," a go-between?

C. Bodaski obtains a mortgage from Northwestern S & L. Notice that the owner is the grantor - the grants a mortgage to the savings and loan in exchange for a specified amount of funds.

D. Bodaski assigns the rents of the building to the savings and loan. This instrument stipulates that the mortgagee (the S & L) can step in and collect rents and apply them to

the balance if necessary.

- E. Helbrecht obtains a mortgage from Northwestern S & L. This seems confusing, but look down a few transactions and notice that Bodaski sells the property to Helbrecht. The order of recording instruments does not always reflect the logic one expects. This occurs at times because the lender requires the mortgage to be recorded first for protection.
- F. Helbrecht assigns rents to Northwestern S & L.
- G. Bodaski deeds property to Helbrecht.
- H. Northwestern S & L releases Bodaski from mortgage. In other words, the sale of the house provides funds to close out Bodaski's mortgage. A release records the completion of obligations. Check the number written after the instrument to make sure it matches a mortgage in the prior years.
- I. Casile obtains mortgage from Supreme S & L. Again, mortgage before deed.
- J. Helbrecht deeds property to Casile.
- K. Casile grants a Trust Deed to the Chicago Title and Trust Company. A Trust Deed is a loan with a private party - usually not a bank or conventional source. As a mortgage, the grantor pledges the property for this other loan; however, with trust deeds there are three rather than two parties. A neutral party, in this case Chicago Title and Trust, is an intermediary to whom the property is pledged. If default on the loan occurs, the trustee can sell the property and pay off the loan.
- L. Northwestern S & L releases Helbrecht from mortgage.
- M. Casile grants another Trust Deed to the Chicago Title and Trust Company within two months of the previous one. This occurrence should perk your interest. Was he just short on cash? You may want to keep these transactions in mind for when you look at the

original documents.

- N. Chicago Title and Trust Releases Casile from first TO.
- O. Chicago Title and Trust Releases Casile from second TD.
- P. Casile grants Bill Hannson a Trust Deed. Another loan.
- Q. Casile assigns rents to Mercantile "all in one." There seems to be some confusion here. Why the name? Then there is an institution. You might guess that Hannson is the trustee and Mercantile the beneficiary. Maybe Mercantile is some kind of construction outfit that finances its work. Again, you may want to check the documents on this.
- R.
- R. Casile grants a mortgage to Melrose Finance. Notice that Casile has a number of other loans outstanding.
- S. The City of Chicago files a Chancery Court Case against Casile for building code violations. Given the type of court action, the building is probably in Demolition and Recovery Court. The court case number is listed in the documents column.
- T. Lis Pendens is a public notification to all parties that may have interests in the property that it is in litigation.
- U. Melrose Park Finance releases Casile.
- V. Supreme S & L releases Casile. These releases occurred rather quickly after the Lis Pendens action.
- W. Mercantile Loan releases Casile.
- X. Hannson releases Casile.
- Y. Casile deeds the property to Medina

NOTE: The tract book information ended at this point. We also had a title insurance policy on this property which included more information, primarily tax liens.

This is obviously important information, especially if someone is buying the property. The researcher could have also picked up such information by searching the indexes listed at the end of the present chapter. This is a good illustration of the weakness of the tract book and why it is important to continue the search in other sources. We now continue the chain of transactions.

AA. Notice of lien by State of Illinois

BB. Lien by State of Illinois under Retailers Occupational Tax Act.. Medina must have had a business concern for which his personal property was liable.

CC. Lien by the State of Illinois

DD. Lien by the State of Illinois

EE. Lien by the United States Government. This is a Revenue lien that also relates to taxes.

Below is a list of the "key" transactions (transfers or ownership rights) for 1852 N. Talman that shows that an unbroken chain exists.

Transactions	Chain of Title Parties	Instrument
A (1948)	Stipeka Neumann	WD
B	Neumann Bodaski	WD
C	Bodaski Hilbrecht	WD
D	Hilbrecht Casile	WD
E (1972)	Casile Medina	WD

Remarks

Identifying the correct legal description. tract book, and real estate parcel constitutes the important foundation work for a title search. Writing the entries in a systematic and legible form is the next step.

Where to begin and where to end are questions of experience, experimentation and curiosity. Before working the pencil, the searcher, no matter what his or her specific interest, should review the entries to see if there is an unbroken chain of title, to look for court cases, foreclosures, tax sale deeds, or anything else that looks suspicious or interesting. A twenty-year period normally suffices. This is also one way to spot recording ambiguities. Try to do all the title searching for one property at the same time to keep a train of thought going. The second stage of title searching, discussed below, focuses on examining and analyzing the transaction documents and other useful indexes in order to obtain a clear picture of what is going on with the property.

1852 N. TALMAN

Name of Owner

We have now identified the name of the last recorded owner. We must continue our search, however, because NRC wants to buy the lot, and will need to know more about the property. For instance: What are all those liens listed on the title insurance policy? Where can NRC contact Medina? Is there a demolition lien on the property? Are the taxes paid up? The answers to several of these questions can be found in what we call the second level title search, in which we look at copies of actual documents.

1852 N. TALMAN

Second Level Title Search

Introduction

The search has so far provided an outline or information which now has to be filled out. The title searcher should have a set of specific questions to be answered:

Why did the building get in court?

Why were there so many loans?

Who were the beneficiaries on the trust deeds?

Who put up the money?

What are all those tax liens about?