



KOTNER TITLE

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Title Tidbits Newsletter

Understanding the Title Search Process

by Gloria Tison, General Counsel - Kotner Title

One of the most misunderstood aspects of title insurance is the title search. This process involves an in-depth examination of a property's ownership history, known as the chain of title. The chain of title is a historical record of ownership transfers for a specific property. The extent of the search depends on whether an owner's policy has been issued and the nature of the property in question. Typically, a search spans thirty to sixty years and must go back to a warranty deed where a monetary exchange occurred.

Key Steps in the Title Search Process

1. Conveyance Search

- The examiner must review records that match the legal description in the vesting deed.
- If the property was subdivided from a larger parcel during the search period, the examiner must search the larger parcel as well.
- If an easement exists, the examiner must investigate the legal description of both the easement and the affected property.
- If a deceased individual held title, the search must include the decedent's name, heirs, and legatees. This includes those inheriting via intestate succession

and those receiving property through a will.

2. Ownership Name Searches

- The examiner must search each owner's name through relevant indices, including those for mortgages, liens, judgments, and judicial proceedings.
- Special circumstances may require additional searches in:
 - o Guardianships
 - o Estate administrations
 - o Probate records
 - o Divorce actions
 - o Marriage records
 - o Name change proceedings
 - o Sheriff's sales and other court actions

- Name variations must be thoroughly considered, including alternative spellings, nicknames, and initials. For instance, a search for J. Harris might include variations such as James T. Harris, Jim Harris, J.T. Harris, Jimmy Harris, J. Thaddeus Harris or James Thaddeus Harris.

- Nicknames and common substitutions must also be accounted for, such as Bill for William or Bob for Robert.

3. Encumbrance Examination

The examiner must identify and review all instruments that impact

property rights, including:

- Civil actions
- Judgments and liens
- Lis pendens (pending lawsuits)
- UCC filings
- Tax searches (real estate, state, and federal)

4. Examination of Rights and Restrictions

- Some property rights do not automatically transfer to the new owner. These may include:
 - o Easements and rights-of-way
 - o Mineral reservations
 - o Water rights
 - o Restrictive covenants
 - o Life estates
 - o Rights of lien holders

- Any removal of rights must be examined, as this can limit the grantee's use and enjoyment of the property.

5. Mapping and Property Description Review

- Each description in the chain of title must be mapped to ensure its validity.
- The examiner must review the property for accessibility and encroachments.



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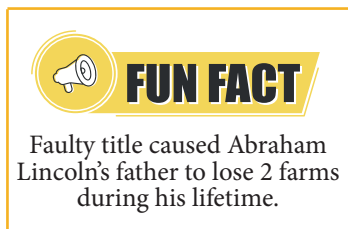


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6. Verification of Business Status

- If a business entity is involved in the transaction, its status must be verified.
- The examiner must obtain proof of:
 - o Entity formation
 - o Good standing certificates
 - o Certified articles of incorporation or organization
 - o Shareholder/member consents

**Conclusion**

A thorough title search is crucial for ensuring clear and marketable property ownership. The process involves examining historical ownership records, verifying legal descriptions, investigating encumbrances, and ensuring compliance with applicable laws. By meticulously following these steps, title examiners help protect property buyers from potential legal issues and financial liabilities.



A prior title policy will help speed the title search. If a property has been mortgaged, title insurance will have been issued on the property. If the policy is lost, the owner of the property can ask the title company for a copy of the policy.



Consumers are targeted by fraudsters at every stage of a real estate transaction, from before the contract is signed to the final closing. First-time homebuyers are three times more likely to fall victim to wire fraud than experienced buyers.

At Kotner Title, we believe education is key. We guide our customers through each step of the transaction, explaining the role of every party involved and setting clear expectations. To protect against wire fraud, we use CertifID to verify identities and bank details, providing up to \$1 million in insurance coverage for every verified transfer.

Buying or selling a home is one of the most significant and emotional transactions in a person's life. Our goal is to make the process as smooth, secure, and stress-free as possible.

Convenience is Key

REMOTE CLOSINGS

<input checked="" type="checkbox"/> Your Home	<input checked="" type="checkbox"/> Kotner Title Office
<input checked="" type="checkbox"/> Your Office	<input checked="" type="checkbox"/> Legence - IL Branches
<input checked="" type="checkbox"/> Your Local Bank	<input checked="" type="checkbox"/> Choose CONVENIENCE

TRUST US, It's a BIG DEAL!

**BUYERS**

Buying a home? You need to be certain that the seller is the true owner of the property and that no outstanding issues damaging title carry over to you. Why? Because if there are problems with the title it can restrict the use of the property and ultimately result in financial loss. That's where Kotner Title can help you.

**SELLERS**

Selling your house? Kotner Title will work with you to coordinate any satisfactions of liens and prepare all the necessary closing documentation to make the experience for you and the buyer as smooth as possible. We promise competitive rates, great communication and amazing service.

**REALTORS**

You need a trustworthy partner who understands your needs.

Realtor's Benefits with Kotner Title:

- Full service on every transaction
- Timely and accurate title commitments
- Superior communication
- Knowledgeable and professional staff
- Contract upload capability or drop off

**LENDERS**

Kotner Title is proud to say that we have the necessary experience to meet or exceed the compliance guidelines that are required of lenders. We are fully TRID compliant and protect a lender's interest against any title defects by carefully reviewing your instructions and ensuring that all documents are executed in a timely fashion.