

30 Common Title Problems



There are many title issues that can arise to cause the loss of your home, business or mortgage investment.

Title issues not disclosed by the most careful search of the public records—called hidden hazards—are the most dangerous. Because of them, your abstract may be perfect, but your title worthless. Your attorney's examination may be the finest that skill, experience, and legal knowledge can produce, but your title may still be defective.

An owner's title policy protects you as well as your heirs from financial loss caused by title issues. And the title insurer, without expense to you, will defend you against a claim made against the title of your property. The one-time premium is small. The protection is great.

Before buying real estate, give one of our offices a call. Ask how simple it is to fully protect yourself against title loss.

Listed here are 30 title problems that can occur. You may not discover them when you buy real estate, but months or years later, they can result in the loss of your property or an expensive lawsuit.

This brochure is intended for information purposes only. Your title insurance policy contains terms and conditions that may limit or restrict coverage. Consult your attorney for specific advice regarding your legal rights.



30 Common Title Problems

- 1 False impersonation of the true owner of the land
- 2 Forged deeds, releases, etc.
- 3 Instruments executed under fabricated or expired power of attorney
- 4 Deeds delivered after death of grantor or grantee or without consent of grantor
- 5 Deeds to or from a defunct corporation
- 6 Undisclosed or missing heirs
- 7 Misinterpretation of wills
- 8 Deeds by persons of unsound mind
- 9 Deeds by minors
- 10 Deeds by aliens
- 11 Deeds by persons supposedly single but secretly married
- 12 Birth or adoption of children after date of a will
- 13 Surviving children omitted from a will
- 14 Mistakes in recording legal documents
- 15 Want of jurisdiction of persons in judicial proceedings
- 16 Discovery of will of apparent intestate
- 17 Falsification of records
- 18 Claims of creditors against property sold by heirs or devisees
- 19 Deeds in lieu of foreclosure given under duress
- 20 Easements by prescription not discovered by a survey
- 21 Deed of community property recited to be separate property
- 22 Errors in tax records, e.g., listing payment against wrong property
- 23 Deed from a bigamous couple
- 24 Defective acknowledgements
- 25 Federal condemnation without filing of notice
- 26 Corporation franchise taxes, a lien on all corporate assets
- 27 Erroneous reports furnished by tax officials
- 28 Administration of estates of persons absent but not deceased
- 29 Undisclosed divorce of spouse who conveys as consort's heir
- 30 Marital rights of spouse purportedly, but not legally, divorced

The LandAmerica family of title insurance underwriters includes:

- Commonwealth Land Title Insurance Company
- Lawyers Title Insurance Corporation
- Transnation Title Insurance Company

LandAmerica Financial Group, Inc. is a leading provider of real estate transaction services with over 1,000 offices and a network of more than 10,000 active agents. LandAmerica serves agent, residential, commercial, and lender customers throughout the United States, Mexico, Canada, the Caribbean, Latin America, Europe, and Asia. LandAmerica is recognized as number one in the mortgage services industry on *Fortune's* 2007 list of America's most admired companies.



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