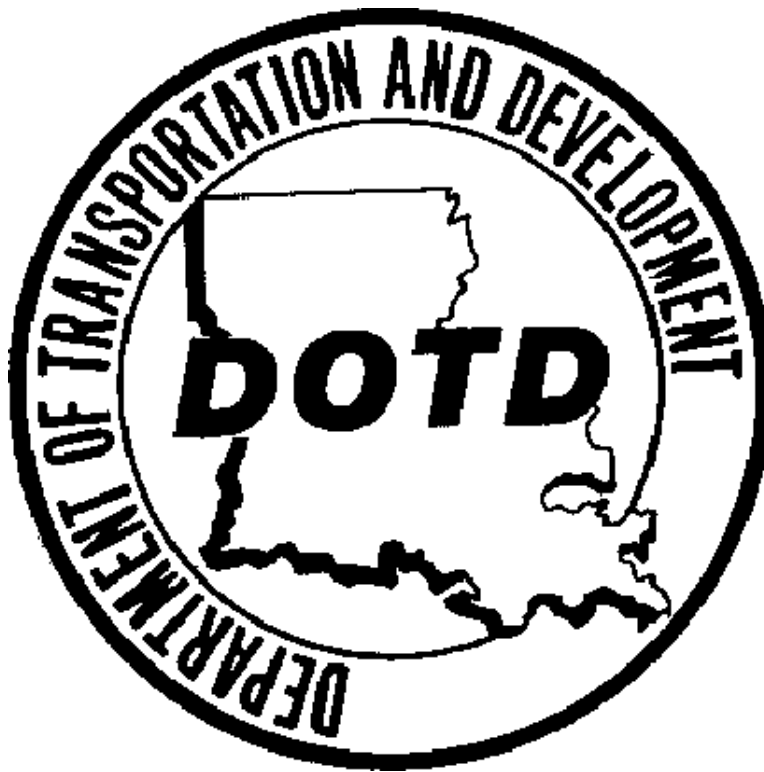


TITLE
RESEARCH
MANUAL



OFFICE OF RIGHT OF WAY
BATON ROUGE, LOUISIANA

REVISED: APRIL 15, 2009

TABLE OF CONTENTS

PREFACE	Page i
I. INTRODUCTION.....	Page 1
II. PRELIMINARY PROCEDURES	Page 3
III. RESEARCH PROCEDURES.....	Page 6
IV. PREPARATION OF THE TITLE RESEARCH REPORT.....	Page 21
V. EXHIBITS.....	Page 38

P R E F A C E

The purpose of the following guide to title work is threefold: (1) to introduce Right of Way Agents and Consultants who have never done title work for DOTD to the information which they must have in order to prepare correct and effective Title Research Reports; (2) to provide Right of Way Agents and Consultants who are familiar with title work with an updated refresher course in what is expected of them before they submit Title Research Reports to the Headquarters Acquisition Office; and (3) to provide the staff of the Acquisition Office with a guide by which they can interpret Title Research Reports and establish the acceptability thereof.

It is hoped that the following procedures will be helpful to all Right of Way personnel and that input will be provided by all concerned and interested parties to update and improve procedures as the need arises.

IT SHOULD BE UNDERSTOOD THAT TITLE RESEARCH REPORTS SUBMITTED TO THE OFFICE OF RIGHT OF WAY AND FOUND TO BE NOT IN ACCORDANCE WITH THE FOLLOWING PROCEDURES WILL BE RETURNED TO THE RESPECTIVE RIGHT OF WAY REGIONAL MANAGER OR CONSULTANT FOR IMMEDIATE REVISION.

I. INTRODUCTION

Title work deals with researching and reporting (abstracting) the proof (evidence) of ownership (title). Before DOTD can acquire the real properties needed for the construction of a project, someone must abstract the evidence of the title to determine who owns each specific piece of real property acquired. An important aspect of title that should be fully understood by anyone doing title work is the “Bundle of Rights Theory.” This theory holds that full ownership of a parcel of real estate embraces use and occupancy rights, mineral rights, air rights, disposition rights, etc., and that any one, or several, of the rights may be transferred or conveyed to another, with the owner retaining those rights not conveyed.

The end result of title work is the Title Research Report which is a report on the history of the various rights of a piece of property as reflected in the official Parish Records. This Title Research Report will be used by the Location and Survey Section and the Office of Right of Way as well as other Sections of DOTD in the performance of various activities involved in the acquisition process. The Report may even be examined and become an exhibit in a court of law in the event of expropriation of the required property.

Errors in title work jeopardize the entire purpose of the DOTD by causing the Department to have improper title to the land needed for its projects. Improper title can delay construction and unnecessarily cost the Department large sums of money. Even if the error is detected before an incorrect Act of Sale is recorded and payment of consideration is made to the wrong party, the error might cause time consuming and costly unnecessary work by the Right of Way Map Consultant, Location and Survey Section, the Appraisal Office, the Acquisition Office, and the Right of Way Agent. Aside from the unnecessary cost in man-hours the error might delay acquisition of the required right of way, thereby delaying the scheduled advertisement for bids on the construction of the project. In many instances, a delay in the scheduled advertisement for bids can result in the Federal money programmed for construction of the project being lost by the Department, which might necessitate dropping the entire project.

This does not mean that the person conducting the title work should spend unnecessary time trying to avoid errors. However, the search of the records should be as complete as possible and the preparation of the Title Research Report should be

as clear, concise and correct as possible. The person doing the title work should take pride in the accuracy and completeness of this important phase of Right of Way activity. The abstractor should apply his/her efforts and abilities in the most efficient and conscientious manner, and strive to accomplish the quality of work commensurate with its importance.

II. PRELIMINARY PROCEDURES

Title work will generally be requested by the Location and Survey Section and is typically accomplished by Right of Way Map Consultant(s) or one of their sub-consultants as part of the contract to prepare right of way maps for the Department. There will also be instances where the Office of Right of Way has their own staff or a consultant prepare title research reports.

NOTE: Regardless of where the request originated, all title research and reports MUST be accomplished in accordance with the procedures outlined in this manual. Further, other than Office of Right of Way staff, only those people who are on the Office of Right of Way's Title Work Panel are authorized to perform title research for all state and federally funded projects.

After the title work is assigned, the title abstractor must determine which of two situations exists: (1) the project requires additional right of way for widening and/or improving an existing road, or (2) the project is along new alignment. If the project has existing right of way the title abstractor should check the DOTD microfilm records for as-built plans of previous projects on the subject route. These may give him/her information on previous (and perhaps present) owners of the required property, when the Department acquired the existing right of way, and how much right of way the Department presently owns. (This existing right of way will later become a part of the Title Research Report.)

The abstractor is then ready to go to the Courthouse for the Parish in which the project is located and begin his/her research. The mechanics of research are unique to each individual Parish Courthouse. Therefore, the first thing for an abstractor to do when the abstractor goes to a particular Parish for the first time is to orient and familiarize himself with the physical plant, location of the official records, and methods of recording and indexing documents in that particular Parish. The abstractor should also learn the location of other information which the abstractor will need that might not be

physically within the Courthouse building, such as tax records, assessment rolls, Police Jury records, Water Regional records, Civil Court records, etc.

The majority of the abstractor's work will be done in the Conveyance Records of the Parish. Some parishes also have Miscellaneous Records, Mortgage Records, Probate Records, Civil Suit Records, and Map Indexes, some of which the abstractor will utilize in his/her title work. In these various records can be found all the legal documents recorded in that Parish.

Whenever a document is recorded it is given a number, the original is duplicated and bound, and the document becomes a part of the official records of the Parish. The numbers are assigned consecutively beginning with the first act recorded in that Parish and moving upward to the present. The numbering systems are unique to each Parish, but generally each act is given a Book, Page, and/or Entry Number.

The names of all parties to these recorded acts for a given period of time are then alphabetized into indexes. Some parishes have separate indexes for conveyances, mortgages, miscellaneous acts, survey maps and plats, probate proceedings,

and/or civil suits. In most parishes the conveyance records are further indexed separately by vendor and vendee, and the mortgage records by mortgagor and mortgagee.

Within a particular index each name will be identified by the recording information (Book, Page, and/or Entry Number) where the act in which that person was involved can be found in the records, the date the act was recorded, the name of the other party to the act, and the type of act such as cash sale, lease, etc.

Once the abstractor is familiar with the particular Parish records where the necessary information can be found the abstractor is ready to begin searching those records for the information which will be compiled into Title Research Reports.

III. RESEARCH PROCEDURES

When the abstractor begins his/her research, the abstractor will at times have a good idea of who owns a piece of property required for the project from Tobin Maps, field rolls, preliminary construction plans, etc.

Once the abstractor has located the project area and has found the name or names of the designated owner, the abstractor

may find a quick check of the assessment records before proceeding to the conveyance records very useful. The assessment records contain valuable information and often make direct reference to the recording data of the owner's deed or year of acquisition. Some Assessor's have card files listing the progressive ownership and are usually helpful in allowing access to this information. Although checking the assessment records at this point in the research process is not mandatory and may seem to some unnecessary double work when the assessments cannot be located with only the initial names, it is obvious that verifying existing data is much faster than "cold" research and makes the effort worthwhile overall.

Now that the abstractor has all the preliminary information available, the abstractor is ready to research the clerk of court records. If the abstractor has secured any recordation data for reference ownerships in his/her/her preliminary investigation, the abstractor should first find these acts (either the originals or the duplicates), read and examine each act, then abstract (research and report) all information pertinent to the property required for the project. Information contained in these acts will be useful in helping identify adjoining properties.

With the names of the present or former owners, the abstractor is ready to run the indexes. Running the indexes simply means finding the recording information of all acts in which a particular person was involved for the period of time the abstractor is concerned. After finding the recording information for all acts involving the person, the next step is finding each of these acts (either the originals or the duplicates), reading and examining each act, then abstracting (researching and reporting) all acts found to be pertinent to the property required for the project. **A COPY WILL BE REQUIRED OF THE CURRENT OWNER'S DEED OF ACQUISITION AND ANY PARTIAL SELL OFFS, SERVITUDES, LEASES OR ACTS AFFECTING THE CURRENT OWNERSHIP.**

A name of a present or former owner is the starting point. The abstractor will run that name in the vendee index from the present day back. The abstractor will list the recording information for all acts in which the person was involved until satisfied that the abstractor has obtained the act or acts of acquisition whereby that person acquired the subject property and/or any other property affecting the project. The abstractor should then locate all the acts obtained from the vendee index. Each act should be read, examined,

rejected as not pertinent to the subject property or abstracted as a link in the chain of title. By abstracting the act or acts of acquisition, the abstractor has determined the description of the property to assist him/her in distinguishing other pertinent acts as his/her research progresses.

The abstractor should then run the vendor index in that same name from the earliest acquisition date to the present, listing the recording information for all acts in which the person was involved. The abstractor then locates, reads, examines, and rejects or abstracts each of the acts obtained from the vendor index. This will determine if the person has conveyed all, part of, or any of the bundle or rights in and to the property since the time of acquisition. The abstractor will thereby establish if the name used as the starting point is the present owner, a former owner, or a part owner of the subject property.

The abstractor will continue his/her research until the abstractor has found and examined all acts involving the present owner and each predecessor in title (anyone who owned the property) during a period of time covering the lesser of three (3) valid transfers or thirty (30) years. But if three (3) transfers do not date

back eleven (11) years, the abstractor must abstract as many valid transfers as needed to accomplish at least an eleven (11) year title report. A valid transfer is any act conveying full ownership of the subject property, excluding transfers made strictly for financing purposes (such as transfers to and from a Savings & Loan Association on the same day).

In summary the procedure to be followed in researching the Conveyance Records is as follows:

1. Obtain any available ownership and recording data from Assessor (optional).
2. Run the vendee index back from the present (or date the person sold the property) to the date at which the abstractor is satisfied that the abstractor has found all acts of acquisition by the person affecting the project.
3. Locate, read, examine, and reject or abstract each act obtained from the vendee index.
4. Run the vendor index from the earliest date of acquisition to the present (or date the person sold the property).
5. Locate, read, examine, and reject or abstract each act obtained from the vendor index.
6. Obtain copies of the current owner's deed of acquisition and any partial sell offs, servitudes, leases, including oil, gas or mineral leases or deeds etc., affecting the current ownership.

In examining acts in the records the abstractor should pay particular attention to the marital status of the parties. This will assist him/her in identifying the parties and in determining if the property is community property or separate property. If the property is found to be community property, the abstractor must then consider the spouse as an owner of the subject property and continue the research procedure in that name also. The abstractor should also pay particular attention to the description of the property which will assist him/her in distinguishing the pertinent acts. However, the abstractor should keep in mind that the description of the same property in different acts may sometimes vary. If an act makes reference to a plat or map of survey, the abstractor must locate that plat or map in the records. If the plat or map affects the subject property or the area of the project, a copy of the entire plat or map including dedication routes, signatures and seals must be made. The abstractor must then write the recordation information of the plat or map on the copy, and attach a copy to the respective Title Research Report. PLEASE NOTE THAT A COPY OF THE PLAT OR MAP MUST BE ATTACHED TO ALL ADDITIONAL COPIES OF THE TITLE RESEARCH REPORT.

When abstracting a pertinent recorded act the abstractor must always remember that the Title Research Report which the abstractor will prepare from the abstracted information must read exactly like the records. Therefore, extreme care should be taken when copying the information to be incorporated into the Report. A COPY OF THE DEED OF ACQUISITION WHEREBY THE PRESENT OWNERS ACQUIRED THE PROPERTY SHOULD BE MADE AND ATTACHED TO THE RESPECTIVE TITLE RESEARCH REPORT. The Title Research Report is a synopsis of all the recorded acts affecting a certain piece of property. But it must use the same words, the same spelling, and the same punctuation that appears in the records. No changes, additions or revisions should ever be made in the wording, spelling, punctuation, etc. of the recorded act. Even if the Abstractor feels that a revision is needed to make the chain of title more clear and more realistic, the abstractor should never do so in the principal parts of the Report (to be discussed later). If an error is detected or suspected in a recorded (duplicate) act, the abstractor should consult the original act; and if the original act is correct, then abstract from the original. If the original act is suspected of being incorrect the Abstractor should

investigate his/her suspicions. The abstractor may even have to abstract adjacent properties not required for the project in order to explain the suspect error. The abstractor should then incorporate his/her explanation in an “Abstractor’s Note,” properly labeled as such and put in parentheses, immediately following the information in the Report concerning the act suspected of being in error. Any additional abstracts necessary or pertinent to his/her explanation should be referred to in, or attached to, the Report on the subject property.

“Abstractor’s Notes” should be used whenever the Abstractor wants to qualify what actually appears in the records or to leave out something which does not affect the subject property. However, information such as present marital status and address of the owner, although not necessarily found in the recorded acts, does not need to be labeled as “Abstractor’s Notes.”

The abstractor is required to abstract all acts whereby rights in and to the subject property were conveyed to others (such as land leases, utility servitude agreements, right of way deeds, etc., more fully covered in Nos. 9 & 10 of Par IV of this Guide), the abstractor is also required to abstract oil, gas or mineral leases or deeds.

After completing his/her research of the Conveyance Records, the abstractor should research any miscellaneous records and/or indexes utilized in the particular Parish for acts conveying rights other than full ownership in and to property, such as Rights of Way, Leases, Servitudes, Donations, Powers of Attorney, Charters, etc. (This type of record and/or index may be called the Miscellaneous Index or in some parishes may be included in the Mortgage Records and Index.) Whatever the system of indexing, the Abstractor must run these special records in the names of all predecessors in title and the present owner for the period of time during which each owned the subject property. The abstractor should then list the recording information for any act found under the name being run. The acts must then be located, read, examined, and rejected or abstracted.

The abstractor is not required to run the Mortgage Index (unless the particular Parish includes other encumbrances such as leases and rights of way in the Mortgage Index), nor is the abstractor required to abstract mortgages, liens or judgments.

The abstractor should then run the name of the present owner in the Succession (Probate) Index to determine if the

Succession has been opened and not closed in that name. (If the Succession has been closed the Judgment of Possession will appear in the Conveyance Records.) If the abstractor finds a Succession in the name of the present owner the abstractor should locate the Probate Proceedings and obtain a machine copy of the Affidavit of Heirship or Will to assist in locating the heirs for negotiations.

Following are certain facts which the abstractor should keep in mind during his/her research in the Courthouse:

1. A property may be owned by any number of individuals or corporations or by a combination of these. All owners must be run in the indexes.
2. An owner may acquire a property by any number of acts and may divest himself of his/her rights, title and interest in and to a property by any number of acts.
3. An owner may convey one or more portions of his/her property and still retain a portion of it.
4. One or more persons may retain the usufruct of a property or portion thereof when conveying all other rights, title and interest in and to the property, or may acquire only the usufruct interest. All usufructs still in operation should be abstracted and included in the Title Research Report.
5. A married woman involved in a recorded act will normally be indexed under her maiden name. However, it is possible that her maiden name did not appear on the act, which would cause her married name to be indexed. Therefore, when

running the name of a married woman in the indexes, the abstractor must be sure to run the married and maiden name.

6. Act No. 679 of the 1976 regular session of the Louisiana Legislature defines separate and common (community) property as follows: "Separate property is that which either party brings into the marriage, or acquires during the marriage with separate funds, or by inheritance, or by donation made to him/her or her particularly...Common property is that which is acquired by the husband and wife during marriage, in any manner different from that above described."
7. Community property is owned by both spouses jointly. This fact should be reflected in the research by running both names, and in the Title Research Report by listing both names as owners, even if both were not parties to the act of acquisition.

After abstracting of the official Parish Records is completed, the abstractor should proceed to the Assessor's Office to obtain the assessment information. The Assessment Rolls are arranged alphabetically according to Ward or City. The abstractor can find out in which Ward or Wards the project is located by referring to the Ward Maps usually found in the Assessor's Office. The abstractor will then run the Assessment Rolls in the name of the present owner. If the acquisition by the present owner was recent it is possible that the assessment is still in the name of the previous owner. If the owner is a tax-exempt organization and the subject

property does not appear on the Assessment Rolls, the abstractor must locate and run the separate index found in some courthouses for tax-exempt properties.

When the subject property is located in the Assessment Rolls the abstractor will copy verbatim the following information which will be incorporated into the Title Research Report:

1. Name and address of the person to whom the subject property is assessed.
2. A description of the subject property as it appears in the Assessment rolls.
3. The amount of assessment for land and, if improved, the improvement assessment and total assessment
4. The amount of Homestead Exemption (if any).
5. The amount of taxes due.
6. The Ward No., Item No., and Page No. where the above information was found.

The last step in the abstractor's research is to run the Tax Rolls in the name of the person to whom the subject property is assessed to determine if the taxes on the property have been paid for the past three (3) years. The Tax Rolls will be found in the Sheriff's Office and are arranged alphabetically according to Ward or City similar to the Assessment Rolls.

If the taxes have been paid the abstractor will simply report this information in the proper blanks on the Title Research Report Form. However, If the taxes have not been paid, they should investigate the reason for nonpayment, double check for a recorded Sheriff's Sale, find out if the Sheriff plans to auction the property in the near future, and properly explain his/her findings in the "Abstractor's Note" in his/her Report.

During his/her research the abstractor should have some kind of system whereby the abstractor keeps a status record of which pieces of property along the project the abstractor has abstracted. The status record might be a combination of his/her notes and a set of the plans on which the abstractor posts property lines, Highway Survey Station Numbers at the property lines, and the names of the owners, at the appropriate places on the plans. The status record is important to insure that all property along the assigned section of highway is covered by a Title Research Report.

If the abstractor is assigned the updating of the title work already prepared, the procedure to be followed in the Courthouse will vary slightly in that the abstractor only needs to run the present owner in the vendor index (and any other miscellaneous indexes in that

Parish) from the date of acquisition of the subject property as shown on the original Title Research Report to the present. The abstractor would not use the date of preparation of the original report as the starting date. The rest of the procedure should be followed as if preparing an original Report, including the assessment and tax information research. The existing right of way (if applicable) should appear on the original report and does not have to be researched again. But if the existing right of way was omitted from the original, it must be researched during updating.

After following the proper updating procedures, if the abstractor finds a minor change such as a change in the marital status or address of the owner, a letter to the Acquisition Office indicating the current information is sufficient. If the subject property has been sold to a new owner, a change has occurred in the assessment information or description of the subject property, or if an error in the original Report is detected, a new report in accordance with instructions contained in No. 1 of Part IV of this Guide is required. However, it is acceptable to attach a copy of the original Report, making reference in the Supplemental Report to the original Report under any part of the report which remains the same. If a sell-

off occurred, a new report must be prepared following the instructions contained in No. 1 of Part IV of this Guide.

Incorrect or incomplete updating can jeopardize the purpose of the DOTD in much the same manner as erroneous original title work. Links in the chain of acquisition of the subject property missed during updating might cause time consuming and costly unnecessary work by various Department personnel, as well as delay in the acquisition of the required right of way and the possibility of a resultant loss of Federal money.

It should be stressed that the preceding courthouse research procedures are intended merely as a guide. Individual circumstances will at times require deviation in the order and/or methods of conducting the research. However, the abstractor must remember to always run the indexes for the entire period of ownership of the present owner as well as the predecessors in title for the required period of time in order to insure that the abstractor is aware of all pertinent recorded acts. The abstractor should remember that researching the recorded existing right of way may necessitate running the Vendor indexes in the name(s) of the predecessor(s) in title for a longer period of time than actually

required for the Title Research Report. The abstractor must then exercise care during his/her examination of the acts so as not to reject pertinent information. The abstractor must also be sure to abstract verbatim all acts found to be pertinent to the property required by the Department.

IV. PREPARATION OF THE TITLE RESEARCH REPORT

Now the abstractor has all the pertinent information abstracted verbatim from the records and is ready to begin the preparation of the Title Research Report. The standard Title Research Report Form, which can be found on the DOTD Office of Right of Way website under forms, is used for this purpose. The Report will be prepared in original and three (3) copies and submitted to the requestor.

Following is a discussion of what format is required for the Report and what information is demanded as dictated by usage by the various interested parties. Each blank on the example Title Research Report Form is numbered to correspond to the numbers used in the following discussion. Any space on the Form not large enough to accommodate the necessary information should read "See

Attached.” The information should then be typed on a plain piece of legal size paper with a heading of what information is included (such as “Description of Property”), and made a part of the Title Research Report. Any blank such as that under “Conveyances” or “Existing Right of Way” that has no information should not simply be left blank but should read “None found by this Abstractor.”

1. PARCEL NO.

This blank on the Title Research Report Form should be filled in only if a Parcel No. is known. In most instances, a Parcel No. will be known only if the abstractor is preparing a supplemental or updated report, in which case the word “Supplemental” should appear on the top of the Report. If the supplemental report reflects a sell-off of the entire original parcel or is done to correct some of the information such as the description, then the Parcel No. of the original Report should appear on this first line. However, if the abstractor discovers a sell-off of only a portion or portions of the original parcel, the Supplemental Title Research Report in the name of the original owner reflecting what is left of the original parcel should be designated with the Parcel No. of the original parcel, followed by the letter “a”, such as 9-9-A. The Supplemental Title Research Report or

Reports covering the piece or pieces of the original parcel which have been sold should be designated with the Parcel No. of the original parcel followed by the letter "B", "C", etc., such as 9-9-B, 9-9-C, etc. A supplemental report covering what is left of the original parcel in the name of the original owner should not be overlooked, because the description of the property should now include a "Less and Except", and a new entry is needed under the heading "Conveyance of Full Ownership."

2. STATE PROJECT NO.

This blank should be filled in with the most recent Project Number assigned to the project. It may be a preliminary engineering number (800 control series), a construction number, or a right of way number. The important thing for an Abstractor to remember is to not submit reports using a preliminary engineering number if a construction number has been assigned to the project, and not submit reports using a construction number if a right of way number has been assigned to the project. The two lines directly under the project number should contain the highway name, the route no., and the Parish in which the project is located.

3. STATION NOS.

This blank should be filled in with the Highway Survey Station Numbers which bound the property covered by the report, as well as the side of the project centerline (right or left) on which the property is located. This information may not be known at the time of preparation of the Title Research Report, but if known and entered on the report will assist the abstractor and the Office of Right of Way in making sure that all property along a project has been abstracted. It will also assist the Office of Right of Way and the Location and Survey Section in easily identifying the property covered by the Report on the right of way plans.

4. OWNER

In this blank the abstractor should include the name(s) and the most current address(es) of the present owner(s) of the property. The most current address should be ascertained in whatever manner the abstractor considers most expedient, and not necessarily as it appears in the records. The abstractor should include both the husband and wife as owners if the subject property is community property, even though both spouses were not parties to the act or acts of acquisition. If the property is separate property, the

abstractor should include the person's present marital status; and if there is more than one owner, the abstractor should include the interest (such as $\frac{1}{2}$, $\frac{1}{4}$, etc.) owned by each party, and specify if it is separate or community property.

It may seem to be a contradiction to stress the importance of having a Title Research Report read exactly like the records and then instruct the abstractor to include both husband and wife on the Report as owners even though they did not both join in the act of acquisition. The reason for this is Act No. 627 of the 1978 regular session of the Louisiana Legislature which provides that any alienation, encumbrance, or lease of immovable community property requires the concurrence of both spouses. As a result, all instruments and proceedings pertaining to community property must join both the husband and wife.

Under the list of owners the abstractor should enter the name, present marital status, and current address of any other party or parties having other rights in and to the subject property requiring ratification of the Act of Sale as an Intervener. The abstractor should then indicate what kind of right that person owns, such as Lessee, Usufructuary, Agent and Attorney-in-Fact, etc.

If the owner or one of the owners is a corporation, the abstractor should show the full legal name of the corporation, the State in which the corporation is chartered, its domicile, and its address. Any special instructions concerning the preparation of the Act of Sale should also be given, such as whether the person representing the corporation will sign in the presence of a DOTD Agent within the State of Louisiana, in the presence of a Notary within the State of Louisiana, or out of State.

The information just discussed, which will appear under the heading "OWNER" on the Report, is the only information not requiring an "Abstractor's Note" even though not necessarily abstracted word for word from the records. However, the information is of utmost importance. It will be used by Location and Survey to determine the name which appears on the right of way map. The Appraisal Office will use the information to notify the property owner of his/her right to accompany the appraiser on his/her inspection of the property. The Acquisition Office will use the information to prepare the Act of Sale, etc. for execution and recordation. In the event that amicable negotiations fail, the department's Attorney will

use the information to determine the name in which the expropriation suit will be filed.

5. ASSESSMENT AND TAX INFORMATION

Here the abstractor enters, in the proper blanks provided on the Form, the information abstracted from the Assessment and Tax Rolls. The description of the property and the name and address of the person to whom the property is assessed is important because of the legal requirement that, in the event a property owner refuses to allow a survey party to enter his/her property, a letter be sent to the name and address which appears in the Assessment Rolls incorporating the description of the property from said assessment. Following receipt of the letter by the property owner, the survey party can legally enter the person's property to conduct the survey.

The statement concerning payment of taxes is important because of the legal requirement that all taxes be paid before the execution of conveyances of real property, except those for the year in which the conveyance takes place. If the owner is tax-exempt or if the taxes have not been paid, an "Abstractor's Note" should be included in this part of the report explaining the situation.

6. ACQUISITION

Here the abstractor presents his/her evidence (proof) of title (ownership) by the person or persons listed under "OWNER" of the property described under "DESCRIPTION OF PROPERTY." This part of the Report presents the chain of title, the word chain being the key word. Each act of acquisition is a link in a chain which connects the present owner with the beginning of recorded acquisition of land. The person reading the Report should be able to follow the chain from the present back to some given point in time. For purposes of the Department, the chain of title must cover three valid transfers (covering at least eleven years) or thirty years. (See Case 10 in Examples)

For each one of the acts of acquisition making up the links in the chain of title, pertinent information is given, exactly as it appears in the records (verbatim), listing all parties to each act (use et al only as described below), using the following format:

Vendee	COB, page, entry no., etc.
	Date of Recordation
From	Date of Act
	Kind of Act
Vendor	Consideration
	Notary Public

Since exact and complete listing of all parties is needed for the purpose of ordering the mortgage certificate, the abstractor may furnish a copy of the vendor/vendee data portion (usually the first page) of any act when there are numerous parties involved. When this is necessary, the abstractor will enter the name of the first party (vendor and vendee) et al in the format entry followed by "See partial document attached."

If the Description of any of these acts of acquisition is not the same as that which appears on page 2 of the Report under "Description of the Property" (it may cover more or less than the subject), or if the degree of ownership is less than full, then an "Abstractor's Note" or a verbatim description must appear directly under the above formatted information. If the abstractor does not explain exactly what was acquired by each act of acquisition, the Report is not a true reflection of what appears in the records.

It is essential to those who must use the report that it reflects the records in every detail. There are instances where an explanation following an act of acquisition would synopsise or state verbatim part of the description as it appears in the records, and then

be followed by the words “and other property not affecting the subject” or “and other tracts not pertinent to this Report.”

There will even be rare instances where the abstractor will have to obtain a Xerox copy of a certain act to be attached to the Title Research Report other than the deed of acquisition by the present owner. In such instances the abstractor should explain in an “Abstractor’s Note” the reason for the attachment. **IF THE ATTACHED ACT WAS CONVEYING SEVERAL TRACTS OF LAND, THE ABSTRACTOR MUST CLEARLY MARK WHICH TRACT AFFECTS THE SUBJECT PROPERTY AND THE PROJECT.** The abstractor should keep in mind that those using the Report do not have access to the various Ward Maps, Tobin Maps, Parish Maps, etc. with which the abstractor has become so familiar during his/her research.

7. DESCRIPTION OF THE PROPERTY

In this space on the second page of the Report, the abstractor enters “SEE ATTACHED DOCUMENT.” By this reference, the abstractor infers that the Description of the property covered by this Title Research Report is the same as that contained in the present owner’s act of acquisition represented herein as the last

instrument in the chain of title. A COPY OF THIS ACT MUST BE ATTACHED TO THE TITLE RESEARCH REPORT. If the present owner has sold off a portion of the subject property since the time of acquisition, the abstractor should enter the words “Less and Except – Refer Conveyance of Full Ownership” immediately below “SEE ATTACHED DOCUMENT.” In some instances the property covered by the Report will be two or more separate tracts of land acquired by different acts. In these cases each tract should be identified for easy reference, such as “Tract 1,” “Tract 2,” etc.

If a better description of the property covered by the Report is found in a recent oil lease, mineral deed, etc., the abstractor should include an “Abstractor’s Note” for explanation and furnish a copy of said document.

It should be remembered by the abstractor that the information in this part of the Report will be used by Location and Survey in plotting the property lines on the right of way map, by the Appraisal Office in the comparable work and in the preparation of the Appraisal Reports, and by the Acquisition Office when ordering a Mortgage Certificate, when required, from the respective Clerk of

Court preliminary to payment for the property or property rights acquired by the Department.

8. CONVEYANCES OF FULL OWNERSHIP

In this space the abstractor should enter pertinent information concerning any acts whereby the present owner conveyed full ownership of a portion of the subject property since the time of acquisition. Even if the portion conveyed is located beyond the limits of the project, but is contiguous to the subject property, the act should be included in this section of the Report. The reason for including acts affecting the subject property but not the project is to provide for an accurate determination of the present owner's remainder property. This information is computed by the Right of Way map consultant from the information provided in the Title Research Report, and then indicated on the right of way map. It is then used by the Appraiser in determining possible damages to remainder property. Failure to accurately and fully report all acts conveying full ownership to a portion of the subject property will result in an incomplete reflection of the records. The information concerning these acts should be given exactly as it appears in the records, using the same format as the chain of title. A COPY OF ALL

DEEDS CORRESPONDING TO THESE ENTRIES SHOULD BE ATTACHED. When a large tract of land has been subdivided into lots and a plat can be attached, the abstract data noting the lots sold off will suffice. This information will fully describe the “Less and Except” entry made under the description of the subject.

9. CONVEYANCES OF OTHER RIGHTS

On the third page of the Title Research Report the abstractor enters the pertinent information, exactly as it appears in the records, for all acts by which third parties acquired rights other than full ownership in and to the subject property or a portion of the subject property, and which rights are still in force and effect. These acts would include oil, gas or mineral leases, surface leases, timber sales, farming agreements, reservations of usufruct, Powers of Attorney or Acts of Procuracy (but only where the acts gives the party the right to sell the subject property), transmission line and utility servitude agreements, etc. These acts should be reported using the same format as the chain of title changing “vendee-vendor” to “grantee-grantor,” etc. depending upon the type of act. The abstractor should then indicate any special considerations (such as the terms of a lease) that might appear in the act, as well as a

description of the property involved if different from the subject. In the case of utility servitude agreements, the abstractor must then enter a description of the use for which the servitude is being granted, such as service line, transmission line, etc.

In some instances, the abstractor will need to obtain copies of certain servitude agreements, plats and sketches to provide Location and Survey with the information for exact plotting.

If the abstractor suspects or has knowledge of a verbal or unrecorded lease or agreement affecting the subject property, the abstractor should include an "Abstractor's Note" in this part of the Report summarizing that information.

Failure to properly report all acts in this section of the Report may result in an improper appraisal of the property due to the Appraiser not being made aware of a servitude encumbering the property which would affect the value of the property. Information in this section of the Report is also needed by the Legal Section in the event of expropriation, and by the Utilities Section if problems arise in the Department's negotiations with utility companies regarding utility adjustments.

In addition, the Acquisition Office requires information in this section of the Report in preparing the Act of Sale. Failure to include the conveyance of a right necessitating the joining of an Intervener will result in the Act of Sale having to be revised to include the Intervener at the time of negotiations; or, if the owner fails during negotiations to make known that another person owns certain rights to the property, the Department will not have acquired all rights in and to the required right of way.

10. EXISTING RIGHT OF WAY

Here the abstractor enters (using the same format as the chain of title) any acts whereby the present owner or his/her predecessors conveyed full ownership to, or a right of way over and across, the existing road to the DOTD, Louisiana Department of Highways, the Louisiana Highway Commission, the State of Louisiana, the Police Jury of the Parish in which the highway is located, or to any municipality or other governmental body.

Records other than the official Parish records may have to be researched (such as Police Jury Records) to ascertain this information. The abstractor may also find it necessary to run the names of predecessors in title in the vendor indexes prior to the date

sufficient to cover the time period required for the Title Research Report. However, the abstractor need not abstract earlier acts found in the indexes other than those conveying existing right of way.

A full description of the property conveyed by the act is required; therefore a copy of the right of way deed should be furnished. Immediately following the pertinent information concerning these acts, the abstractor must show the Project No., Parcel No. (if given), width of the right of way conveyed (if given), and any other information needed to identify the property conveyed or to find the description on microfilm.

This information is essential to the Department in proving ownership (sometimes in a court of law) of the area claimed as existing right of way. At times this information may even be used in plotting the existing right of way lines on the plans for the project.

11. THUS DONE AND SIGNED AT

This final part of the Title Research Report Form is by no means a minor part. On the first two lines the abstractor enters the place and date of completion of the Courthouse research on the subject property (not the date the Report is actually being prepared, but the date the records are completely indexed through).

And finally the abstractor signs the Report. When putting his/her signature on the Report the abstractor is attesting to it being a reflection of the official records of the respective Parish. The abstractor should feel confident that the Title Research Report is clear, concise, complete, and correct to the best of his/her knowledge and ability.

EXHIBIT 1

(Title Research Report Form Page 1)
(Legal Paper)

PARCEL NO. _____(1)_____

ORIGINAL TITLE RESEARCH REPORT

STATION NOS. _____(3)_____

STATE PROJECT NO. _____(2)_____

OWNER

(4)

(5)

ASSESSMENT AND TAX INFORMATION

WARD NO. _____
NO. _____

ITEM NO. _____

PAGE

NAME:
ADDRESS:
DESCRIPTION:

ASSESSMENT – TOTAL \$ _____ HOMESTEAD EXEMPTION
\$ _____

LAND \$ _____
IMPROVEMENTS \$ _____ TAXES \$ _____

State and Parish Taxes for the years 19_____, 19_____, and
19_____ paid.

ACQUISITION

(6)

(Title Research Report Form Page 2)
DESCRIPTION OF THE PROPERTY

(7)

CONVEYANCES OF FULL OWNERSHIP

(8)

CONVEYANCES OF OTHER RIGHTS

(9)

EXISTING RIGHT OF WAY

(10)

Thus done and signed at _____(11)_____, on
this _____ day of _____,
A.D. 20_____.

RIGHT OF WAY AGENT
LOUISIANA DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT

EXHIBIT 2

**STATE PROJECT NO.
F.A.P. NO.
OWNER:
PARCEL:
DATE DELIVERED:**

TITLE WORK CHECKLIST

- 1. OWNERSHIP LISTED YES _____ NO _____
- 2. OWNER ADDRESSES YES _____ NO _____
- 3. % OF OWNERSHIP YES _____ NO _____
- 4. MARITAL STATUSES YES _____ NO _____
- 5. ASSESSMENT & TAXES YES _____ NO _____
- 6. CHAIN (30 YRS. OR 3 TRANSACTIONS (11 YRS) YES _____ NO _____
- 7. EXISTING R/W YES _____ NO _____
- 8. CONVEYANCES OF OTHER RIGHTS YES _____ NO _____
- 9. SIGNED & DATED YES _____ NO _____
- 10. COMPLETE REPORT ON TIME (PER CONTRACT) YES _____ NO _____

COMMENTS:

CHECKED BY: _____

DATE CHECKED: _____

PARCEL NO. _____

ORIGINAL TITLE RESEARCH REPORT

STATION NOS.

STATE PROJECT NO. _____

OWNER

ASSESSMENT AND TAX INFORMATION

WARD NO. _____

ITEM NO. _____

PAGE NO.

NAME:

ADDRESS:

DESCRIPTION:

ASSESSMENT - TOTAL \$_____ HOMESTEAD EXEMPTION

\$_____

LAND \$_____

IMPROVEMENTS \$_____ TAXES \$_____

State and Parish Taxes for the years 20__, 20__, and 20__ paid.

ACQUISITION

DESCRIPTION OF THE PROPERTY

CONVEYANCES OF FULL OWNERSHIP

CONVEYANCES OF OTHER RIGHTS

EXISTING RIGHT OF WAY

Thus done and signed at _____, Louisiana, on this ____ day of
_____ 20__.

**RIGHT OF WAY SPECIALIST
LOUISIANA DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT**