

What Are the Risks?

There are many title defects that can arise to cause the loss of your property or your mortgage investment. Title defects not disclosed by a most careful search of the public records called hidden risks are the most dangerous. Because of them, your title may be worthless. Your title agent and/or attorney's examination may be the finest that skill, experience and legal knowledge can produce, but your title may be fatally defective. Here are some title defects that frequently occur. You may not discover title defects when you buy real estate. But months or years later, they can result in the loss of your property or an expensive lawsuit.

- Forged deeds, releases, etc.
- Deed from a bigamous couple.
- Deeds by persons of unsound mind.
- Deeds by minors
- Ultra vires deed given under false corporate resolution
- Deeds in lieu of foreclosure given under duress
- Instruments under fabricated or expired power of attorney
- Discovery or will of apparent intestate
- Surviving children omitted from will
- Birth or adoption of children after date of will
- Marital rights of spouse purportedly, but not legally divorced
- Mistakes in recording legal documents
- False personating of the true owner of land
- Deeds by persons supposedly single, but married
- Deed of community property recited to be separate property
- Deeds delivered after death of grantor/grantee
- Deeds by aliens
- Deeds to or from defunct corporations
- Defective acknowledgments
- Duress in execution of instruments
- Undisclosed divorce or spouse who conveys as consort's heir
- Misrepresentation of wills
- Undisclosed or missing heirs
- Claims of creditors against property sold by heirs or devisees
- Administration of estate of persons absent but not deceased