**Chapter 31 Acquisition of Title to Real Property**

1. Title to real property may be acquired by original grant, deed, inheritance, sale on execution, mortgagee's foreclosure sale, tax title, adverse possession, and slow action of water.

2. Originally, land in America was owned by various foreign governments that had settled here, and individuals obtained title to the land by grants from the crowns of those countries.

3. After the American Revolution, any land that was not owned by individuals became the property of either the state or federal government which conveyed much of it out by public grant to homesteaders or settlers under laws enacted by Congress.

4. The most common method of acquiring title to real property is by the use of a deed signed by the grantor and delivered to the grantee.

5. When people die owning real property either separately or with others as tenants in common, title to the property vests in their heirs or devisees at the moment of death. Such vesting of title, however, is subject to becoming divested by the executor or administrator of the estate if it is unnecessary to obtain money from the sale of the property to pay estate taxes, administrative expenses, and other claims against the estate.

6. If a defendant loses a case and does not pay the amount of the judgment to the plaintiff, the sheriff may levy and sell on execution the real property that was attached. The sheriff's sale is done by public auction after a prescribed amount of time and notice is given to the property owner.

7. A mortgagee's foreclosure sale occurs when the holder of a mortgage on real property is not paid and decides to sell the property to obtain the amount owed by the homeowner.

8. A purchaser of real property at a tax sale takes the property subject to the former owner's right of redemption unless the right of redemption is foreclosed by the court.

9. Twenty years in many states.

10. Soil that is gradually added to land adjoining a stream caused by the action of water belongs to the owner of the soil to which it is added.

# Understanding Legal Concepts

1. T 6. T

2. T 7. F, auction

3. T 8. T

4. F, no deed 9. F, may be

5. F, is not necessary 10. F, gradual

# Checking Terminology

1. f, g 5. u 9. a, c 13. p 17. v

2. s 6. r 10. e 14. n 18. j

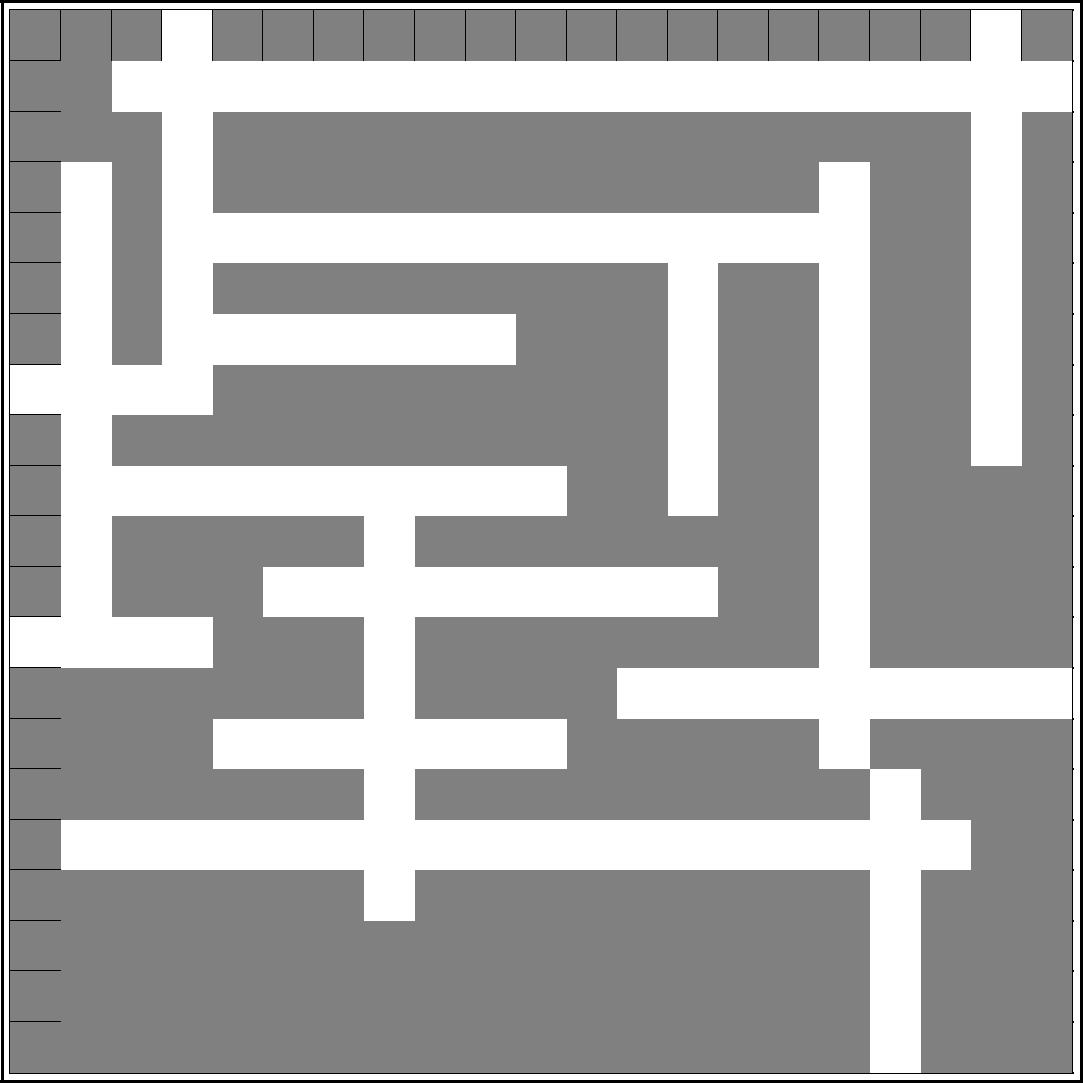
3. d 7. b 11. i 15. k 19. q

4. o 8. h 12. m 16. t 20. l

# Using Legal Language

Arlene inherited some real property that adjoined a river. Title to the property vested in Arlene at the moment of death of the decedent but was subject to being **divested** to pay claims against the estate. Arlene was the **record owner** because she was the person who appeared to be the owner according to the records at the Registry of Deeds. She received a notice in the mail from her bank saying that a(n) **mortgagee's foreclosure sale** was about to occur, because she was behind in her mortgage payments. She was the **mortgagor**; the bank was the **mortgagee**. Arlene took the money that she had saved to pay property taxes and other creditors and used it to pay the money owed on the mortgage. One of her creditors brought suit against her and placed a(n) **attachment** on her property which had the effect of bringing it under the jurisdiction of the court as security for the debt. To prevent a(n) **sheriff's sale**—that is, a sale on execution of the property, Arlene paid the amount that was owed to the creditor. She then had the property lines surveyed and discovered that the garage belonging to her next-door neighbor, Ben, extended four feet onto her land. Although Ben had owned the property for ten years, the garage had been placed there by Carl, the previous owner, twenty-two years earlier. Ben can add his ten years of ownership to that of Carl's under a method called **tacking**. Ben obtained title to the land under the garage by **adverse possession**, a method that developed at common law under the theory that two persons could not have **seisin** of the same land at the same time. If one person took possession of land under a claim of right, the real owner was said to be **disseised**—that is, dispossessed—of the property. Because Arlene had failed to pay the property tax, the local tax collector took the property and sold it at a public auction to Darlene. The **conveyance**—that is, the transfer to Darlene—was made by the use of a(n) **deed**, which is a formal written instrument used to transfer title from one person to another. The instrument was under **seal**, which is a mark or impression next to the party's signature. Darlene bought the property subject to Arlene's **right of redemption**—that is, the right to take the property back—unless Darlene is successful in petitioning the court to **foreclosure** (terminate) that right. By then, a considerable amount of land had been added to the property by **accretion**, which is also called **alluvion**, caused by the slow action of the adjoining river.

**Puzzling Over What You Learned**



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*Caveat:* Allow squares for spaces between words and punctuation (apostrophes, hyphens, etc.) whenfilling in crossword

**Across**

3. Right to take property back.

1. A sale of property at public auction conducted by a sheriff.
2. Gradual eating away of the soil by the operation of currents or tides.
3. A written instrument used to transfer title of real property.
4. Act of taking property and bringing it into the custody of the court.
5. One who borrows money and gives a mortgage to the lender as security.
6. A mark or impression.
7. Dispossessed.
8. Under the age of majority.
9. Title to real property obtained by taking actual possession of it.

**Down**

1. Taken away.
2. Terminate.
3. A written instrument used to transfer title of real property.
4. One who appears to be the owner of real property according to the records.

7. Possession of a freehold.

1. One who lends money and takes back a mortgage as security for a loan.

16. To transfer.