

## DEED RECORDS

A Deed is a legally executed, signed and acknowledged document in which the grantor(s), or sellers, referred to as party(ies) of the first part, sell to the grantee(s), or buyers, referred to as party(ies) of the second part lands, or interests in land, that are described in the document. There are different kinds of Deeds such as Full Covenant Deeds, Warranty Deeds, Quit-Claim Deeds, Executor's Deeds, Deeds in Foreclosure, etc. There are also different ways in which the land is held, called tenancies, such as Tenant by the Entirety, Joint Tenant, Tenant in Common, Life Tenant, etc. A serious title search requires a knowledge of these. Previous to 1930, when land was sold, except in the case of Tenancy by the Entirety, the wife of the grantor had a legal interest in that land called a dower interest. She had to join in signing the Deed (and it had to be determined by oath that she did so of her own free will) or if a life interest in the property was reserved in the Deed, that life interest could be ended by her execution of a separate Deed, or by her death. If the husband predeceased his wife, his estate had to honor her dower interest by setting aside a part of the property to her or maintaining her life interest in the entire property. The right of courtesy also existed for husbands for a shorter time.

It is necessary to remember that land, now included in Delaware County, was sold and leased, before its erection by Act of the New York State Legislature on March 10, 1797, in the county seat of the county of which it was a part at the time. (See diagram below.) Many Delaware County Deeds refer to these earlier recordings.

Albany Co. Albany 1683	Tryon Co. Johnstown 1772	Montgomery Co. Fonda 1784	Otsego Co. Cooperstown 1791	} Delaware Co. Delhi 1797
Ulster Co. Kingston 1683				

## ACCESS TO DEEDS

Deeds are recorded in the order in which they are brought to the County Clerk's Office. At one time, an unrecorded Deed had the same legal status as a recorded Deed, so many early Deeds were never recorded, or had a late recording. In the Clerk's Office, two indices are maintained; the Grantor Index, which lists the Grantor(s) (Seller(s)) and the Grantee Index, which lists the Grantee(s) (Buyer(s)). Each Index is separated into specific recording periods such as 1797-1861, 1862-1865, etc. In the Index, Deeds are assigned page numbers according to the first three letters of the last name of the grantor, or grantee, by a code printed inside each Index. Start with the first letter, go down the column to the second letter and then directly to third letter of the name. The number found at that position will be the page number where all Deeds for names with those first three letters will be listed in Chronological order. For example, all Deeds from and to Farmer will be on page 262, all Deeds from and to Finch will be on page 259, all Deeds from and to French will be on page 248, etc. On those pages, look down the left hand columns to find the first name of the person you are looking for.

When this listing is located, it will direct you to the liber (book) and page on which the document is recorded.

F	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
	243	245	246	245	245	250	250	250	251	253	253	253	257	258	260	261	261	262	268	271	274	274	275	275	276	277
	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
	"	"	"	246	"	"	"	"	"	"	"	"	259	"	"	"	"	"	264	"	269	272	"	"	"	"
	"	"	"	247	"	"	"	"	"	"	"	"	260	"	"	"	"	"	"	"	274	"	"	"	277	"
	"	"	"	"	"	"	"	"	"	"	"	255	"	261	"	"	266	271	"	"	"	"	"	276	"	"
	248	"	"	248	"	"	259	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
	246	"	"	"	250	"	"	"	"	"	"	257	"	"	"	"	268	"	"	"	"	"	"	"	"	"

### WHAT TO LOOK FOR IN A DEED

1. What is the liber (book) and page on which it's recorded?
2. Who sold the property? (Grantor(s) and their address.)
3. Who bought the property?(Grantee(s) and their address.)
4. What is the date of the Deed, when was it acknowledged and when was it recorded?
5. What is the location and acreage of the property - Patent, Great Lot number, Town, and any special landmark or reference? (To the east bank of the Delaware River or land owned by James Dean at the time of his death, etc.)
6. Kind of title. Is it for Love and Affection? Is it a Deed reserving Life Interest and use of the property? Is it a Quit-Claim Deed where grantors have inherited property but not through an actual Will? Does it give title to a specified tract of land (1/3) indicating there may be other heirs - possibly wife and brothers and sisters and their spouses.
7. References to Previous ownership of the land.

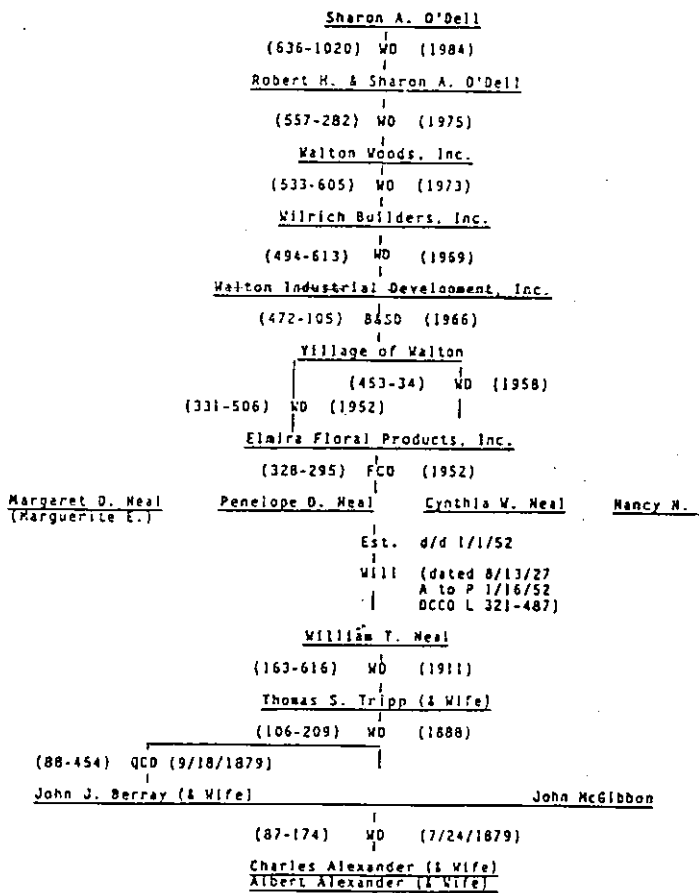
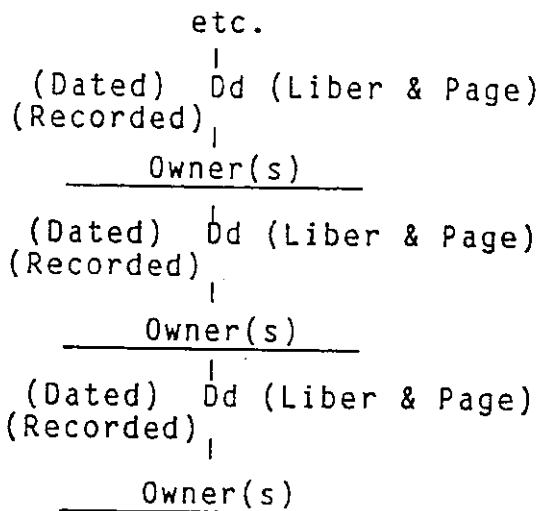
### USING THE DEED RECORD TO TRACE OWNERSHIP OF LAND

The ownership of land can be traced from the present to the past, or from the past to the present. The procedure for doing the search is the same, and when completed, results in an Abstract of Title which shows who owned the property for what periods of time. To start from the present, grantee the current owner to get the liber and page of his Deed. Write down the information given in the Deed. If this includes references to previous owner, go to the liber and page of his Deed. Write down the information given in the Deed. If this includes references to previous owner, go to the liber and page indicated and repeat this process as many times as possible. If more than one parcel of land is conveyed in a Deed, when these parcels are no longer conveyed together, it will be necessary to determine which parcel is the source of the premises under search. Thereafter, only the one parcel should be searched for ownership. When there is no reference to a previous Deed, the search becomes more difficult. If the name of the previous owner(s) is known, he can be granted and each Deed examined to determine if they are, or contain in a larger parcel, the premises under search. If the

name of the previous owner(s) is unknown, various techniques may prove helpful. These include examining Deeds in the Chain of Title of adjoining owners for references, (if so, grantee that person), investigating census records to determine if the last known owner was a member of another household (if so, grantor that person), check the Beers Atlas of Delaware County of 1869 and/or the Jay Gould Map of 1856 for the name of the person shown where the property under search is located if either time period is appropriate, (grantor that person) or try to locate the premises under search on the tax records in the County Treasurer's Office which go back to about 1855 (if found, grantor that person). An unrecorded Deed, a mortgage foreclosure or an estate could also be involved. Wh ever said this would be easy?

### CHAIN OF TITLE

A diagram of the Deed record is called a Chain of Title. See the basic sample below.



Note: The Census records can add information about the families that lived on the premises, the value and material of which the house was built and if the premises under search was a farm, the products raised there are listed.

## USING THE DEED RECORD TO LOCATE AND TRACE PEOPLE

If the only thing known about a person is that he lived in Delaware County, and if he owned land, checking the Grantee Index of Deeds should make finding him in the Census records easier. Get the libers and pages of Deeds into the person under search and refer to them. The Deed will give his address at the time and the Town in which the land he is purchasing is located. (They may be the same or different.) Then go to the Census record of the same era and search the listings in the Town referred to in the Deed. (Keep in mind the evolution of Townships in Delaware County.)

Until the person under search sells the land, or dies, or the land becomes included in a different Town, he should appear in the same Town on successive Census records.

If the complete name is not found in the Grantee Index, it may be worthwhile to check for Deeds into other persons with the same family name on the chance that the person under search may also be living in the same Town.

The sale of land may indicate a move to another Town, County or State or the transfer of ownership to relatives by Deed, or death. Check the Grantor Index for these Deeds. Until 1930, if the person under search is alive and married at the time of the sale, his wife must also sign the Deed to release her interest (fee, or dower). This signature, or lack of it, may give an indication of the time of marriage, or death of a wife and a subsequent remarriage. If the person under search dies before selling his land, title to his property passes to his heirs. If he dies testate (with a valid Last Will and Testament) the disposition of his real property is included in the Will. The estate proceedings are a part of the Surrogate Court records and they can be the source of valuable information. Some Wills are also of record in the County Clerk's Office and there are some court proceedings filed in that office and/or recorded in the Court Minute Books. Some of the Court Minute Books are indexed and some are not. If the property under search is directly devised (willed), that person, or persons, will be able to sell it and Deeds will be executed by them, or a Deed can be executed by the executor of the estate. In the event that the owner dies intestate (without a Will), all his heirs must execute Deeds to convey their interest in the property, or the administrator can issue a Deed. These Deeds can reveal the married names and addresses of daughters (and names of their husbands, if any) and the names and addresses of sons and their wives, if any.

Other sources of personal information in the County Clerk's Office include Census records, Vital Statistics, School Records, Military and School records.