

Glossary for New Recordors

A recorder's job is to record documents, authorized by law, in the public, searchable records of a jurisdiction. Recordors have typically listed the parties to the document, the date/time recorded, and the type of document in an index – in order to make searching for specific documents manageable.

Commonly Used Terms¹

A

Acknowledgment: A formal declaration by a person that s/he/they, in fact, did sign the document. Often signed in the presence of a notary.

Acre: A unit of land measurement that contains 43,560 square feet.

Adjustable Rate Mortgage (ARM): A mortgage loan on which the interest rate rises and falls with changes in prevailing rates.

Affidavit: A written statement confirmed by oath or affirmation, for use as evidence.

Agreement: A negotiated and typically legally binding arrangement between parties as to a course of action.

Amendment: A formal or official change made to a law, contract, constitution, or other legal document.

Annual Percentage Rate (APR): A uniform measure of the cost of credit that includes interest, discount points and loan fees.

Appraisal: An estimate of value.

Appreciation: An increase in value.

“As Is”: Property offered for sale in its present condition with no guarantee or warranty of quality provided by the seller.

Assessed Value: A value placed on a property for the purpose of taxation.

Assessment Appeal Board: Local governmental body which hears and rules on property owner complaints about assessment.

Assessor's Map: One that shows Assessor/Appraiser parcel numbers for all land parcels in a taxing district.

Assign: To transfer to another one's rights under a contract or other agreement.

Assignee: One to whom a right, title or interest is assigned.

Assignment: The transfer of one's rights under a contract to another.

Assignor: One who assigns a right, title or interest to another.

Attorney-in-Fact: One who is authorized by another to act in his/her place.

B

Balloon Loan: A loan in which the final payment is larger than the preceding payments.

Bargain and Sale Deed: A deed that contains no covenants, but does imply that the grantor owns the property being conveyed.

Basis: The price paid for property; used in calculating transfer taxes.

Beneficiary: One for whose benefit a trust is created.

Bill of Sale: A document that shows the transfer of personal property.

Blanket Mortgage: A mortgage that is secured by more than one real property.

Board of Equalization: A governmental body that reviews property tax assessment procedures.

Bond: A fixed income instrument that represents a loan made by an investor to a borrower (typically corporate or governmental).

Breach of Contract: Failure without legal excuse to perform as required by a contract.

Buffer Zone: A strip of land that separates one land use from another.

Building Codes: Local and State laws that set minimum construction standards.

Buy-down: A cash payment to lender so as to reduce the amount of money to be borrowed.

C

Carryback Financing: A note accepted by a seller instead of, or in addition to, cash.

Certificate of Occupancy: A government-issued document that states a structure meets local zoning and building code requirements and is ready to use.

Chain: A surveyor's measurement that is 66 feet long.

Chain of Title: The linkage of property ownership that connects the present owner to the prior owners and becomes the original source of title.

Chattel: An article of personal property.

Chattel Mortgage: A pledge of personal property to secure a note.

Closing: The act of finalizing a property transaction.

Cloud on the Title: Any claim, lien or encumbrance that impairs title to property.

Common Elements: Those parts of a condominium, which are owned by all the unit owners.

Condominium: Individual ownership of a piece of real property (known as a "unit") plus an undivided ownership of the common elements.

Consideration: An act or promise given in exchange for something.

Construction Lien: A loan where money is advanced as construction takes place.

Contract: A legally enforceable agreement to do, or not to do, a particular thing.

Contract for Deed: A method of selling and financing property where the buyer obtains possession but the seller retains the title. When the buyer completes the payments, the seller is supposed to transfer the title to the buyer.

Contractor's Lien (aka Mechanic's Lien): A claim placed against property by unpaid workmen or material suppliers.

Conveyance Tax (aka Documentary Tax): A fee or tax on deeds and other documents that indicate a transfer of real property interest, payable at the time of recordation.

Correction Deed: A document used to correct an error in a previously recorded deed.

Covenant: A written agreement or promise - commonly found in condominiums and other forms of co-ownership, such as co-operatives and subdivisions (see CC&Rs, below).

Covenants, Conditions and Restrictions (CC&Rs): Privately imposed deed and lease restrictions to which a property owner agrees to abide.

D

DD-214: A military discharge document.

Dedication: The voluntary conveyance of private land to public.

Deed: A written document that conveys title to real property.

Deed as Security (a/k/a Security Deed): A deed given to secure a loan.

Deed of Trust: A document that conveys legal title to a neutral third party (Trustee) as security for a debt.

Deed Restrictions: Provisions placed in deed to control how future landowners may or may not use the property.

Delinquent Loan: A loan for which the borrower is behind in payments.

Depreciation: Loss in value due to deterioration and obsolescence.

Devise: A transfer of real property by a will.

Devisee: One who receives real property under a will.

Discount Points: Charges made by lenders to adjust the effective rate of interest on a loan.

Documentary Tax (aka conveyance tax): A fee or tax on deeds and other documents payable at the time of recordation.

E

Easement: The right or privilege one party has to use land belonging to another for a special purpose.

Eminent Domain: The right of government to take privately held land for public use, provided fair compensation is paid.

Encroachment: The unauthorized intrusion of a building or other improvement onto another person's land.

Encumbrance: Any impediment to a clear title, such as a lien, lease or easement.

Escheat: The reversion of property to the state, or (in feudal law) to a lord, on the owner's dying without legal heirs.

Estate: The extent of one's legal interest or interest or right in land.

Execute: To formally sign a document.

Executor's Deed (or Personal Representative's Deed): A deed used to convey the real property of a deceased person.

Estoppel Certificate: A document in which a borrower or lender verifies the amount still owed and the interest rate of a debt.

F

Financing Statement: A recorded document designed to protect the rights of a chattel lienholder.

Foreclosure: The procedure by which a person's property can be taken and sold to satisfy an unpaid debt.

G

Grantee: The person named in a deed who acquires ownership.

Grantor: The person named in a deed who conveys ownership.

J

Judgment Lien: A claim against property in favor of the holder of a court-ordered judgment.

Jurisdiction: The legally defined area for which a recorder is responsible.

L

Lease: An agreement that conveys the right to use and possess property for a period of time.

Lessee: The tenant.

Lessor: The landlord.

Lien: A hold or claim which one person has on the property of another to secure payment of a debt or other obligation.

Lienee: The person who has granted a lien on his/her property to the lienor.

Lienor (a/k/a Lien Holder): The person who has the benefit of the lien.

Lis Pendens: A formal notice that litigation is pending.

M

Mechanic's Lien (aka Contractor's Lien): A claim placed against property by unpaid workmen or material suppliers.

Modification: A change made to the terms of an existing loan by a lender. It may involve a reduction in the interest rate, an extension of the length of time for repayment, a different type of loan, or any combination of the three.

Monument: An iron pipe, stone, tree, or other fixed point used in making a survey.

Mortgage: A document, which describes the property acting as the security for repayment of a debt.

N

Notary: An individual, usually authorized by a Secretary of State's Office, to witness the signing of a document, as an independent third party.

Note: A written promise to repay a debt. The note is not typically recorded.

Notice: A notification or warning of something, especially to allow preparations to be made. Often used as a "default" document type when purpose of document is unclear.

Notice of Commencement/Project Commencement: A document that formally designates the beginning of a construction project.

P

Parcel Identification Number (PIN): A system for assigning numbers to all land parcels in a taxing district.

Partial Release: A release of a portion of a property from a mortgage.

Planned Unit Development: Individually owned lots and houses with community ownership of common areas.

Plat: A map that shows the location and boundaries of individual properties.

Power of Attorney: A written authorization for another to act on one's behalf.

Power of Sale: Allows a lienor to conduct a foreclosure sale without first going to court.

Promissory Note: A signed document containing a written promise to pay a stated sum to a specified person or the bearer at a specified date or on demand.

Public Trustee: A publicly appointed official who acts as a trustee in some states.

Q

Quitclaim Deed: A legal instrument used to convey whatever title the grantor has.

R

Range: One of the north-south rows of townships in a U.S. public-land survey that are numbered east and west from the principal meridian of the survey.

Recorder's Office: A government operated facility where documents are entered into the public records.

Release Deed: A document used to re-convey title from the Trustee back to the property owner once the debt has been paid.

Release of Deed of Trust: A document from the lender when the loan is paid in full and then submitted to the Public Trustee of the county where the property is located.

Release of Mortgage: A document from the lender stating its interest in the property is over, which may or may not release the obligation to pay the borrowed amount.

Restrictive Covenants: Clauses placed in deeds and leases to control how future owners and lessees may or may not use the property.

Reverse Mortgage: A financial agreement in which a homeowner relinquishes equity in their home in exchange for regular payments, typically to supplement retirement income.

Revocation: The official cancellation of a decree, decision, or promise.

S

Satisfaction of Mortgage: A document from the lender stating that the loan has been paid in full and it no longer has an interest in the property.

Seal: A hot wax, paper or embossed designed stamp, or the word "SEAL" or "L.S." placed on a document. A seal is often applied to a document by a notary or by the recorder.

Section: A unit of land in the rectangular survey system that is one mile long on each of its four sides and contains 640 acres.

Security Deed (aka Deed of Security): A deed given to secure a loan.

Seisen (or Seizen): The possession of land by freehold.

Sheriff's Deed: A deed issued as a result of a court-ordered foreclosure sale.

Sovereign Citizen: A member of a political movement of people who oppose taxation, question the legitimacy of government, and believe that they are not subject to the law.

Special Warranty Deed: A deed in which grantor warrants title only against defects occurring during the grantor's ownership.

Statement of Authority: A declaration of the authority of owners, or others responsible for a business.

Subordination: The act of placing in a lower rank or position, making dependent, secondary, or subservient.

Survey: Creating maps and determining plot boundaries by using the science, art, and profession of determining the positions of points on the surface of the earth and measuring the distances, directions, angles, and elevations between them.

T

Tax Deed: A document giving a government agency the authority to sell property to collect the delinquent taxes. Once sold, the property is then transferred to the purchaser.

Tax Lien: A charge or hold by the government against property to insure the payment of taxes.

Timesharing: The exclusive use of a property for a specified number of days each year.

Township: Six by six mile squares of land designated by the intersection of range lines and township lines in a rectangular survey system.

Termination: The action of bringing something or coming to an end.

V

Valuable Consideration: Money, property, services, forbearance or anything worth money.

Variance: Allows an individual landowner to vary from zoning requirements.

W

Warranty Deed: A deed which usually contains the covenants of seisen, quiet enjoyment, encumbrances, further assurance and warranty forever.

Water Rights: The right to use water on or below or bordering a parcel of land.

Z

Zoning: Public regulations that control the specific use of land.