



CHECKLIST *of* TITLE ISSUES

SUMMARY

The below are issues, questions, documents and the like that can help clear, resolve or better explain a “title issue” that can cause delays in selling a home. This list is not meant to be a complete list of all title “issues” but merely a “guide” to help the real estate professional identify and attempt to resolve some of the more prevalent “issues” that arise. Even without the Real Estate Professional acquiring these items, your Trinity Title of Texas Agent will be able close your listing with the upmost of professionalism.

PRIOR CLOSING DOCUMENTS

Does the seller have their Owner’s Policy?

If so, get a copy of it and attach it to your contract when you turn it in to your Trinity Title Agent. This Policy can help identify potential “issues” at the beginning of the process and could allow for an easier and quicker examination.

Does the seller have their Settlement Statement from when they purchased their home or for any other closings they have had since owning their home?

If so, get a copy and attach it to your contract when you turn it in to your Trinity Title Agent. The Settlement Statement will provide evidence of payments made at the closing which could be an issue in the current transaction, if the title company does not find proof in the examination of title.

Release of Liens

If the seller has release of liens, final payment letters or other proof that matters have been paid off, make sure they attach a copy and attach to the contract.

DEATH AND DIVORCE

Is the Seller divorced?

If the Seller divorced during their ownership of the property at issue, make sure a copy of the divorce decree is attached to the contract so your Trinity Title Agent can examine its contents and make sure there are no other requirements necessary.

Has there been a death?

If there has been a death or deaths of one or more of the owners of the property that is being sold, then the following things would be invaluable to acquire and attach to the contract:

1. Death Certificate of the deceased;
2. A will, if one exists, of the deceased even if it has not been probated;
3. All probate actions;

It may be necessary to obtain an affidavit of heirship for the deceased to determine the heirs who may or may not have an interest in the property.

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FINANCIAL TROUBLES

Bankruptcy

If your seller has filed for at any time or is “in the middle” of a bankruptcy now, getting the bankruptcy documents from your seller could save invaluable time and help the process of indentifying what requirements will need to be satisfied to sell the property.

Is your Seller behind on their mortgage loan payments?

If your seller tells you they are behind on their payments, it may be prudent to have them provide you all documents they have received from their lender to make sure there are no issues to consider before the closing takes place.

SURVEY ISSUES

Does the Seller have a survey?

Ask your seller if they have the survey from when they purchased their home. Existing surveys are allowed to be used for closing transactions, and many of them do. Be sure and attach the existing survey to the contract you turn in to your Trinity Title Agent. Along with the existing survey, the homeowner needs to fill out a T-47 affidavit to indicate if any improvements have been made on the property that could affect the survey. The T-47 is required to be notarized.

If your Seller does not have a survey, there is good chance a new one will have to be purchased before the closing takes place.

While the above items may not cover every possible issue that can arise at a closing, they will, if addressed at the beginning of the process, help you identify issues and be better able to represent your clients in the sale of their home.

Information provided courtesy of

