

FAQ: People & Property

Teaching workshops about life's milestones, I answer a lot of questions for people. This is one of them.



Question: Must I file the Deed to my property in the county records?

Answer: Yes. The county records preserve the chain of title to your property.

The chain of title consists of a line of deeds, each one a link in the passage of your real property from one owner to the next. Keeping the chain of title up-to-date is an important guarantee of ownership rights. Maintaining the title documents for all real property in a county is a vital function of each county clerk in Texas.

In a deed, the person selling or giving the property is called the Grantor. The person buying or receiving the property is the Grantee. The grantor in one deed should always be the grantee in the previous deed in the chain.

When you buy a piece of real estate, you want to be sure that the grantor owns the property. You, or someone acting on your behalf, will look at the county records to find the deed that granted title to the property to your grantor. Examine the deed to your grantor to make sure he or she owns the property outright and can freely grant it to you.

It's often a good idea to follow the chain of title up through a few deeds. Did the previous grantor, who deeded the property to your grantor, have a deed naming him as grantee? If not, there is a break in the chain of title. That's a problem.

Obviously, only the owner of a piece of real estate can grant it to another. If a person can't prove ownership with a valid deed naming him as grantee (or sometimes a court order or an affidavit of heirship) then that person can't validly sign a deed.

Also obviously, a grantor can only sign a deed for a piece of real estate once. But if that deed is not recorded, the grantor could try to sell the property to a second buyer. The second buyer would have no way to know that the seller no longer owns the property.

In many ways, recording your deed protects your property rights.

Sources: Texas Property Code Chapters 12 & 13.