The first column in the table below lists things to look for during the physical inspection of the property that are possible claims to title. The second column are possible issues that are related to each item.

|  |  |
| --- | --- |
| **Look For:** | **Possible Issues:** |
| **Occupied**  **improvements;**  **agriculture or grazing** | Does a building have tenants or subtenants? Is farming or grazing occurring? If so, what documents (perhaps unrecorded leases) establish the rights of the occupants and other users of the building or land? |
| **Roads or trails, bike or**  **equestrian paths** | Can they be matched to easements or other documents recorded in the public land records? If not, who are the users, for what purposes, and by what claims of right (unrecorded easements, prescriptive claims, etc.)? |
| **Utility lines** | Do they correspond to easements and rights-of-way recorded in the public land records? Utilities above and below public streets may be present by local government permission, requiring inquiry of governments and utility companies to confirm the nature and extent of use. |
| **Fences and other**  **potential**  **encroachments** | Do fences appear to follow known boundary lines? Are there other potential encroachments on boundaries, such as building corners, driveways, or utility lines? If so, do recorded or unrecorded easements, leases, or other documents govern the encroachments? |
| **Wells (water, gas, oil,**  **Environmental monitoring, etc.)** | Can each well be matched to a recorded document? Who is using the well? Under what claim of right? Are pipelines, utilities, or access roads appurtenant to the well? |
| **Personal property** | Do vehicles, construction materials, crops or livestock suggest active land use by someone other than the landowner? Under what claim of right? |
| **Cemeteries** | Descendants of the interred may have rights to visit and maintain cemeteries under state law. |
| **Ditches, dikes, and tile**  **lines** | Are there associated access rights and maintenance agreements? Does water flow out, through, or into the property? |
| **Evidence of minerals**  **exploration** | Are there proven minerals in the area or physical evidence of mining or drilling? If so, who is conducting the work and under what claim of right? |
| **Railroad rights-of-way** | Are the rail lines active, or formally or informally abandoned? What interest did the railroad acquire originally: fee simple or an easement? Do crossing rights exist? |