

Texas Title Examination Standards: Introduction and Practical Exercises

**The University of Texas School of
Law**

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Ernest E. Smith

Oil, Gas and Mineral Law Institute

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**Fundamentals of Oil, Gas and
Mineral Law**

MAR 2019

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□ Why, What Who & Where Title Standards?

- Why: To alleviate disagreements among title examiners by setting forth standards on which title examiners can generally agree to promote uniformity.
- What: Statements that declare an answer to a question or a solution to a problem commonly encountered in title examination.

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☐ **Why, What Who & Where Title Standards?**

- What: Comments following standards discuss relevant case law and cautions.
- Who: Joint Editorial Board appointed by Real Estate, Probate and Trust Law and Oil, Gas and Energy Resources Law Sections.
- Where: Pocket part of Volume 1 of Property Code.

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☐ **TTS No. 1.10: WHY TITLE EXAMINATION?**

- Advise client of status of title.
- Comments and/or objections - identify irregularities, defects & encumbrances
 - ☐ may reasonably be expected to materially affect value or use
 - ☐ may expose owner to litigation or adverse claims – even if successful defense likely
- Requirements what must be done to secure “marketable title.”

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□ **TTS No. 1.20:** REVIEW WHAT?

- Entire chain of title from sovereign to present date
- Based on county records and/or prior title opinions
- Unrecorded documents furnished by client
- If scope is limited carefully set forth limited scope [and perhaps associated risks]
- Under "Materials Examined" describe in detail records and unrecorded documents reviewed

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□ **TTS No. 1.20:** REVIEW WHAT?

Materials Examined

1. Digital Abstract on CD titled "Runsheets, for Company, covering 640 acres described in State of Texas Lease No. 00, Webb Cty, Tx from sovereignty to 1/29/2011 at 5:00 pm, consisting of 100 pages, with scanned images of documents.
2. Limited Leasehold Title Opinion dated 12/25/1966 by Allen Cummings for Texas Oil & Gas Corp. covering the same lands as State of Texas Lse No. from sovereignty as to depths from the surface to 4,000 feet subsurface from sovereignty to December 1, 1966 at 8:00 a.m.

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Title search: Texas Title Examination Standards: Introduction and Practical Exercises

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