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BOOK REVIEWS

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Real Estate Titles and Conveyancing. Revised Edition. By Nelson L. North and DeWitt Van Buren. New York: Prentice-Hall, Inc. 1940. Pp. xiv, 719. \$4.50.

This is a revised edition of a work of the same title first published by the authors in 1927.¹ It was published to fill, as the authors state, "a long felt need of a book which, with as little technical legal phraseology as possible, would simply and clearly discuss and clarify the origins and fundamentals of land titles, the searching and abstracting of titles, and the forms and procedure in real estate transactions." An examination of the book will reveal that the authors have succeeded admirably in attaining their objective.

The acquisition of title to real property and the transfer thereof are obviously matters of fundamental importance in the economic scheme of things; they embrace a body of law which is technical and complex—law which must be administered with skill and accuracy if land titles are to have stability. Individuals and corporations that invest considerable sums of money in the purchase of real estate are vitally interested in knowing that their investments are secure in the sense that the title to the property purchased is unclouded by outstanding liens, mortgages, conveyances, and other adverse claims. The only way in which purchasers can be reasonably sure of the status of the title acquired is for them to have that title searched, examined, and abstracted, and an opinion thereon rendered by careful and competently trained experts in the field of real estate law. Unfortunately, all titles are not examined by experts. The young lawyer, just out of law school—despite all the theoretical training he may have had in estates in land, conveyancing, and future interests—knows very little about the practical techniques involved in the examination of a title and the actual procedures employed in the clearance of a title and the closing of a real estate transaction. He has to learn by trial and error and by the asking of many questions. The book under review should prove invaluable not only to the novice title examiner but also to the older lawyer who has gained his knowledge of title examination by the somewhat painful process of experience. The real estate dealer who has had no formal legal training will also find it extremely useful.

¹ This revision was made for the purpose of bringing up to date the first edition especially with reference to the changes in the laws governing real estate wrought by legislative enactments during the ten years or more since the book was first published. The illustrations of title examinations are also modernized by more recent datings. In other respects the form of the book and its subject matter have remained practically unchanged.

Let us now have a look at the contents of the book. In the first chapter the authors discuss briefly the development of real property ownership from the days of feudal land tenures to the present system of land holding in the United States. Of especial interest are those sections which indicate the English, Spanish, and French sources of title in the various states. In the next two chapters the authors discuss in general but reasonably accurate terms the law as applied to the ownership of land and its constituents (including the law governing fixtures); also the law of estates and rights in land (including easements, support, party walls, light and air, franchises, etc.). These chapters are too general to be of much help to the student still in law school, but should prove helpful by way of refreshing the memory of practicing lawyers and of informing the real estate dealer technically unlearned in the law.

Following the general introductory chapters described above, the conveyancer is given detailed information relating to the methods of transferring title, the various types of descriptions used in deeds, and the importance of land surveys to determine the physical aspects of the land to be conveyed. The chapters on descriptions and surveys are implemented by illustrative plates and maps.

The heart of the book consists of those chapters which deal with the examination and abstracting of titles. The recording acts and their purposes from the standpoint of notice are explained. The authors take the title examiner into the recording offices and point out to him the various records that must be examined in connection with a title search; and the methods of indexing, illustrated by forms, are explained. This is followed by a chapter which explains in detail the various steps to be taken in the establishment of the chain of title and in the examination and abstracting of the title. Forms are used to show how instruments affecting the title should be abstracted; also information is given regarding the abstracting of the various proceedings that might concern the validity of the title. Based upon a given statement of facts a complete illustration of the examination of a title follows. This illustration covers some forty-two pages and its length may tend to defeat its purpose for all save the most eager and persevering student. After guiding the reader through the business of examining the title, the authors discuss the report of the title and the preparation and closing thereof, as well as the function of title insurance.

The title lawyer must not only know how to examine and abstract a title and report defects therein; he must also be prepared to bring suits to enforce contracts of sale, to remove clouds on title, to recover land, and other actions in which the title to land is involved. Two chapters

of the book are devoted to the task of informing title lawyers with respect to these matters.

Of considerable value to the conveyancer is the list of forms of instruments to be found in the appendices of the book. This list comprises nearly all the instruments used in real estate transactions. The use of each type of form as it is employed in several states is illustrated.

While this book as a technical law book is of little value because of the general nature of its textual material and its lack of documentation by way of citations, it is a valuable compendium of information as to the practical aspects of real estate titles and conveyancing.

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