

## Section 9 – Part 2

### SLIDE 1 – Notice to Legal Title

When you hear the phrase “legal title” you have to remember that ownership of a legal title is primarily a function of evidence. What notice can an owner provide that shows a preponderance of evidence that he is the legal title holder for the property in question.

The buyer has a duty and responsibility to ensure notice is considered with every aspect of that property including title, condition and value.

We’ll look at two types of title notice – Actual and constructive.

### SLIDE 2

#### **Actual notice**

Means gaining knowledge by seeing with your own eyes.

Knowledge is gained by the buyer’s direct experience – reviewing the deed, investigating the chain of title or a physical inspection of the property.

### SLIDE 3

#### **Constructive notice**

The foremost method of imparting constructive notice is by recordation of ownership documents in public records, specifically, title records.

The grantors signature should always be witnessed and **acknowledged** by notary public.

### SLIDE 4

#### **Constructive notice**

In the process of conducting a search on a property, one important aspect would be ***Lis Pendens*** - pending litigation.

Lis pendens is taken as constructive notice of the pending lawsuit and lets the buyer know there is a pending court action that could impact the title of the property.