



CHICAGO BULL

(11-7-2014, CHICAGO TITLE NC BLAWG)

Metes & Bounds; Links & Chains; Plat Book & Page: Legal Description Pitfalls and Drafting Techniques

Faulty legal descriptions continue to be the source of title problems and take time and effort to correct. Taking additional care at the outset of a transaction can help eliminate these problems and decrease time spent correcting mistakes.

Some common issues/errors are:

- Missing legal descriptions
- Incorrect Lot numbers and/or plat references
- Missed Calls in Metes and Bounds descriptions
- Metes and Bounds descriptions that do not close
- “Old” legal descriptions that reference markers no longer in existence

Many mistakes can be avoided by utilizing the following practices:

- Confirm that legal descriptions are attached to documents prior to recording
- Check Lot number and plat references in legal descriptions to confirm that they are correct
- Draft Metes and Bounds descriptions with a different call on each line so they can be easily checked for missing or incorrect calls
- Utilize deed plotting software to check Metes and Bounds Descriptions to ensure that the descriptions close, and cover the property being conveyed
- Update older legal descriptions whenever possible
- FINALLY, independently check legal descriptions. Don't assume that the prior drafter did it right

With a little care and diligence many of the common legal description mistakes can be avoided. Taking a few minutes to get things right BEFORE closing will save a lot of time fixing mistakes AFTER closing. Additional information on legal description problems and remedies can be found at “[The Drafting of Legal Descriptions](#)” 2011 CLE manuscript.

We invite you to view this and previous Chicago Bulls, Bulletins, Articles, Forms and News at

WWW.NORTHCAROLINA.CTT.COM

Share your comments and feedback with us by clicking “[Contact Us](#)”!