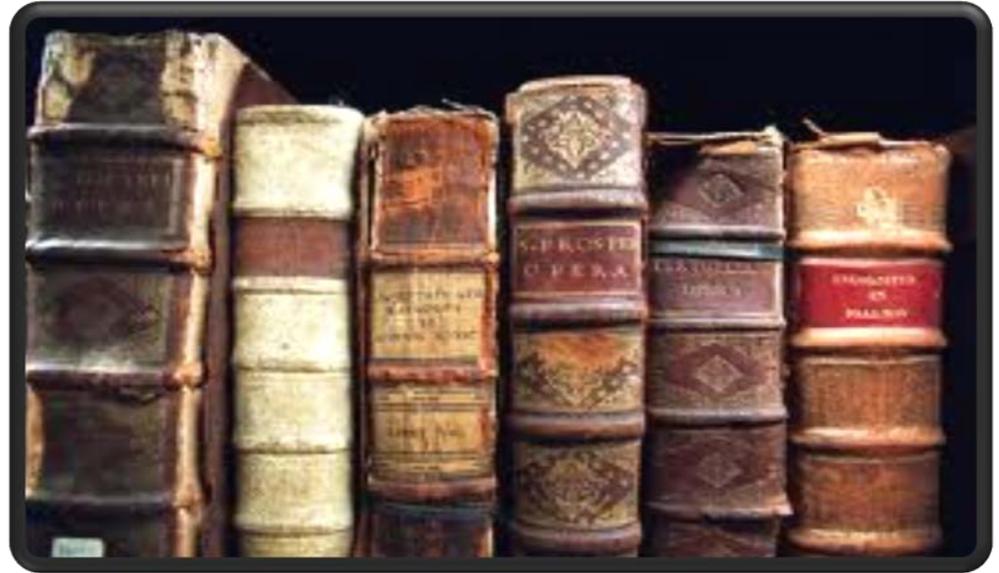


An Overview of the County Recorder



Terry Hansen
Yuba County Clerk/Recorder

In the Beginning

The act of recording dates back as far as 4000 B.C. In the beginning, records were transcribed on clay tablets. Eventually the cumbersome tablets were replaced with papyrus.

Due to the movement of Rome and its armies, the concept of record keeping marched across the entire Middle East, North Africa and Europe eventually making its way into the minds of the early American settlers.



A New World



“Property is surely a right of mankind as real as liberty.”

John Adams

“Among the natural rights of the colonists are these: First a right to life, secondly to liberty, and thirdly to property; together with the right to defend them in the best manner they can.”

Samuel Adams

The earliest non-native settlers, mostly of European origins, came to the Americas for a variety of reasons including to escape poverty and because of inheritance laws favoring first born children; which left non-first born siblings landless and without means of support.

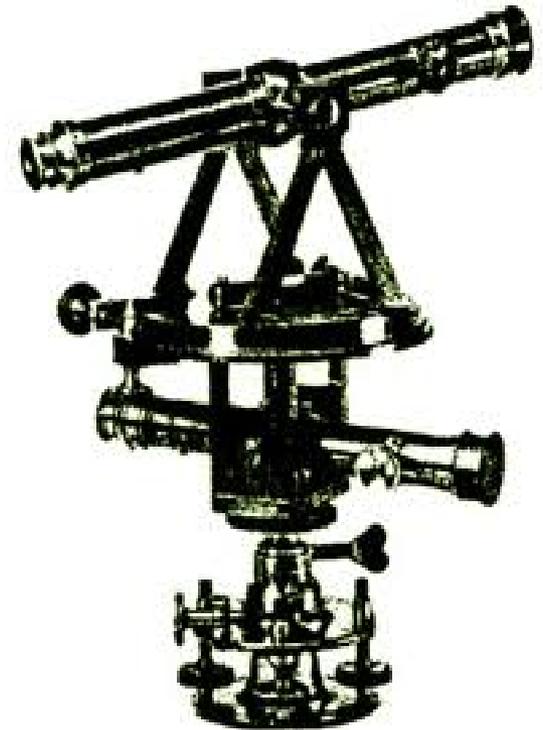
Recognizing the importance of accurate land ownership records for the citizens of the new colonies, the custody of land records was woven into the early fabric of our government with the appointment of one of the first public officials in the colony of Plymouth Massachusetts – the County Clerk/Recorder whose job it was to transcribe records of all important acts including land sales.

The Public Land System was the brain child of Thomas Jefferson thought it was several years before the full implementation and integration of the immaculate grid system which is the basis for property ownership today.

Land Records in the U.S.

Title was originally vested in several different sovereigns with different rules and inconsistent means of surveying the land. When the US Constitution was ratified, the laws of real property were among those not delegated to the Federal Government, but were reserved to the states. That remains generally true to this day and partly accounts for the state maintaining and regulating their own system of land records.

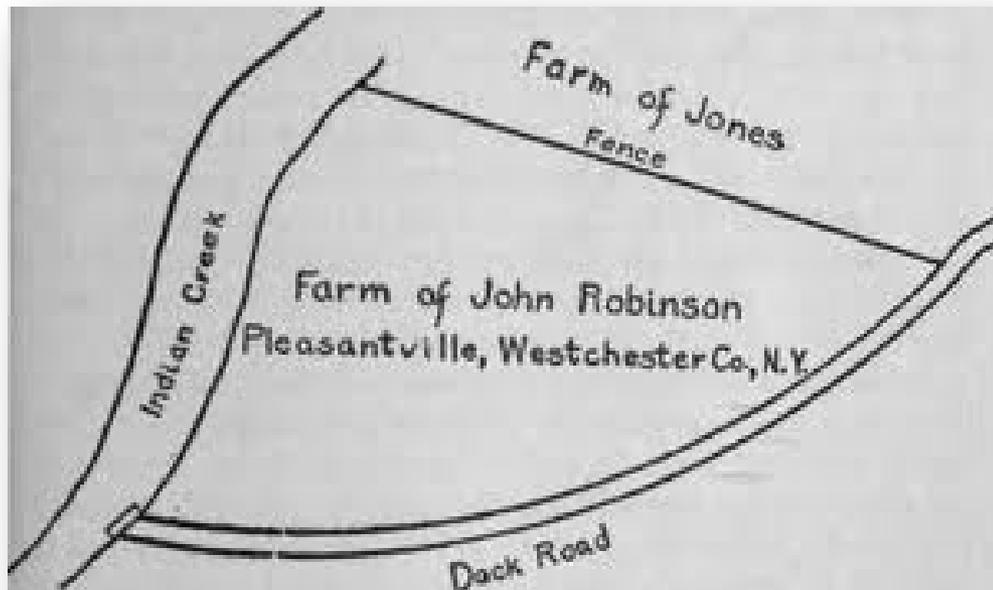
After the War of Independence with Great Britain, the United States was forced to adopt a standardized system of land measurement



Metes-and-Bounds

The metes-and-bounds system was the traditional English approach but there were some real difficulties with this system.

- Irregular shapes of properties made for much more complex descriptions
- Over time, the descriptions became problematic as trees died or streams moved due to erosion
- The system wasn't useful for the large, newly surveyed tracts of land being opened in the west which were being sold sight unseen to investors.



The Rectangular Land Survey

The desire to possess land fueled our republic, but it was the survey that made possession legal.

The importance of the Public Land Survey system of grids was greatly enhanced by the passage of the Land Ordinance of 1785 by the US Congress. This law provided that lands outside the then-existing states could not be sold, otherwise distributed, or opened for settlement prior to being surveyed.



Gunter's Chain

What made the survey itself possible, was the advent of Gunter's chain. It was designed and introduced in 1620 by English clergyman and mathematician Edmund Gunter long before the development of other more sophisticated equipment. However, this simple design enabled land to be accurately surveyed and plotted.

Gunter's chain reconciled two seemingly incompatible systems: the traditional English land measurements, based on the number 4, and a newly introduced system of decimals based on the number 10. The chain itself is divided into 100 links, marked off into groups of 10 by brass rings which simplify intermediate measurement. 10 links making slightly less than 6 feet 8 inches. The full length of the chain is 66 feet.

Since an acre measured 10 chains squared in Gunter's system, the entire process of land measurement could be computed in decimalized chains and links, and then converted to acres by dividing the results by 10.



Base Lines and Meridians

In order to begin the process of measurement, an initial starting point had to be established. From this point, several different sections of the country could be surveyed simultaneously.

The principal north-south meridian divides townships between east and west. For example, the Mountain Diablo Meridian, used for surveys in California and Nevada, runs north-south through the summit of Mount Diablo.

		T4N			
		T3N			
		T2N			
		T1N	LINE		
BASE		R1E	R2E	R3E	R4E
R2W	R1W	T1S			
		T2S			
		PRINCIPAL MERIDIAN			

A principal meridian is the principal north-south line used for survey control in a large region, and which divides townships between east and west.

The meridian meets its corresponding baseline at the point of origin, or initial point, for the land survey.

Townships, Section & Ranges

From the meridians, each piece of land is divided into townships, each six miles by six miles, and then divided into thirty-six sections, each one mile square. Within this area, one section was designated as school land. The sections are numbered beginning with the number 1 in the northeast corner and then continuously numbers in a **Boustrophedon** pattern that is, turning like an ox pulling a plough.

The curvature of the earth brings lines closer together as they run toward the poles. To help with this, the early surveyors proposed a “fresh start” every 6 miles.

The establishment of standard east-west and north-south lines ("township" and "range lines") meant that deeds could be written without regard to temporary terrain features such as trees, piles of rocks, fences, and the like, and could be sold site-unseen with a description like “ the northwest Quarter of the southwest Quarter, Township 4 North; Range 7 East; Section 10 MT. Diablo Base and Median.”

Land was surveyed in this way from East to West until it eventually made its way to California.

On July 17, 1851, US Deputy surveyor Leander Ransom said as he summited Mount Diablo and marked the initial meridian point “From the top of this mountain, a beautiful prospect is opened up before you.”

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Significant Dates in California

January 24, 1848

The California Gold Rush began when James W. Marshall found gold at Sutter's Mill. The discovery of gold prompted many to come settle this land before the rest of the Midwest had even been surveyed.

February 2, 1848

Less than two months later, the Treaty of Guadalupe Hidalgo was signed by the United States and Mexico whereby California became a territory of the US. By the terms of this treaty, the US became obligated to recognize and protect the existing property rights of the Mexican People within the newly acquired territory.

October 12, 1849 (Stats. 1849, p 40)

California adopted its first Constitution.

April 13, 1850

Common Law of England adopted by Provisional Legislature.

September 9, 1850

California was admitted to the Union.

March 3, 1851

Congress enacted "An Act to Ascertain and Settle the Private Land Claims of the State of California."

1897

The County Recorder became the official registrar of land titles when Congress passed the Torrens Land Registration Act of 1897.

The California Constitution

When the California Constitution was ratified, the importance of land ownership was embedded in the very first article and section.

Article 1 Section 1 of the California Constitution

“All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.”



The 21st Century County Recorder

The custodial duties of the modern day County Recorder have remained constant for the last 163 years.

Much of today's world has forgotten the importance of land records to the American free enterprise economy.



Real Estate Transaction

Consider the typical real estate transaction. It requires these components:

1. A motivated seller
2. A willing and able buyer
3. Confidence

Both parties must have confidence the seller in fact has clear title of the property. The official public record makes it possible for the buyer or lender to determine confidence in the seller's title to the property.



Without an Official Public Record

- Comparatively few real estate transactions would take place.
 - How would taxes be collected?
 - How would school bonds be collected?
- Citizens would be unable to use the equity in their home to fund business ventures, college, etc.
 - This is a large problem in third world countries who have trillions of dollars in equity but they cannot tap into the equity because they don't have a reliable and accessible land records system.
- Economic growth would falter.

With an Official Public Record

- Property title can be determined with confidence.
- Real estate transactions become commonplace.
- Property maintenance and enhancement occurs willingly.
- Property ownership can be leveraged into further needs.
- Economic growth results. Over and over again.

Fundamentals

The Recorder's Office is based on three very important fundamentals:

1. Integrity

- In the way business is conducted
- In customer service
- The accuracy of the information assembled into the official record

2. Accessibility

- Making it easy to record proper documents into the public record
- Making sure everyone has access to the public record so it effectively does its job – determining property title confidence.

3. Security

- Protecting the public record from peril and corruption.
- Protecting against misuse of the information contained within the public record documents.



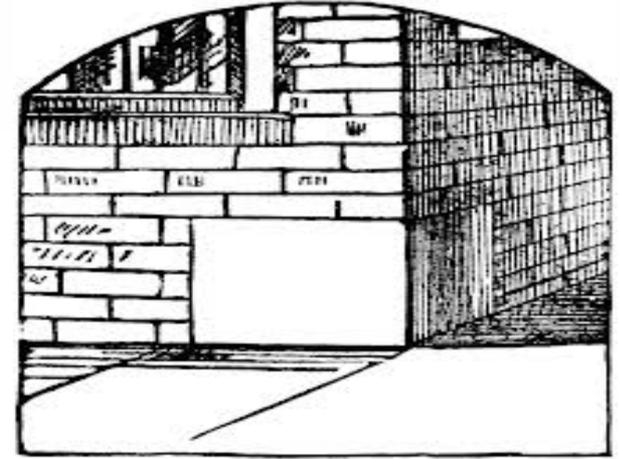
Finding a Balance

Failure to acknowledge the long history and importance of the official records and to implement balanced privacy and access legislation places public records, their custodians and citizens in peril

Open access to public records, protection of certain personally identifiable information and sharing resources is critical to a continuation of commerce, as well as ensuring trust of government.

The Recorder's Office ...

The Cornerstone



cor·ner·stone (kôrnr-stn) *n.*

1. A stone at the corner of a building uniting two intersecting walls; a quoin.
2. An indispensable and fundamental basis

No matter how we proceed as an association and as individual Recorders, we must always remember that the County Recorder's office exists to protect one of the cornerstones that our entire society is built upon - the ownership of real property. If the integrity of the cornerstone is eroded by misguided public policy decisions or if we become complacent in our mission the entire land records system could be at risk of unintended catastrophic consequences.

Finally, we must always be cognizant that these records are only in our momentary possession in our impermanent terms of office and our actions or inactions today will have lasting consequences for our successors and the future of our Republic.



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Recording Hours: 8:00 a.m. – 4:00 p.m.