

FREQUENTLY ASKED QUESTIONS

GENERAL INFORMATION

Q: *Why record my deed?*

A: The primary purpose of recording a deed is to give the public notice in whom the title of the property resides. A secondary purpose is to provide authentic evidence of title in case the deed itself is lost or unavailable. The Grantee, as a result of the recording of the deed, is protected against claims of the grantor's subsequent purchasers, mortgagees and creditors.

A deed is binding even if not recorded, but because of numerous reasons it is in your best interests to record it. One good reason: the former owner can continue getting mortgages, judgments and suits on your property since records in the Recorder of Deeds office would show he or she still owns it.

Q: *Can I prepare my own deed?*

A: Yes, but you should consult with legal counsel or someone with expertise in this field such as an Attorney, Real Estate Agent or Title Company. Employees of the Recorder of Deeds office may not do this for you.

Q: *How far back do the records in this office go?*

A: 1878. Prior to this date Lackawanna County was part of Luzerne County.

Q: *How are documents stored in the Recorder of Deeds office?*

A: All recorded documents are available on optical image as well as microfilm from 1878 to the present. A duplicate copy of our microfilm is required to be stored off-site for security reasons and in the event of a disaster.

Q: *How long will it take to have my original recorded document returned to me?*

A: After your document is recorded it will be properly indexed. The indexing will be verified by our staff. We are no longer preparing bound books, but all official recorded records are scanned to optical image and then stored on microfilm. This process can at times take up to three weeks.

Q: *Can anyone look at my deed and mortgage?*

A: Yes, all records in the Recorder of Deeds office are available for public inspection.

Q: *How can I get a copy of my deed or mortgage?*

A: You can come into our office during regular business hours and make a copy of your documents or visit our website at www.lackawannacounty.org. Our copy fees are \$0.50 per page in our office. If you require a certified copy of your document there will be an additional fee of \$2.00 per document certification.

Q: *What information do I need to check a deed or mortgage?*

A: Our filing system is by book and page or by document number depending on the recording date. The Recorder of Deeds office indices are available both in hard copy books and electronically from 1878. You can obtain the book and page number or docket number in a variety of ways: by owner, address, or parcel number.

Q: *Who uses the Recorder of Deeds office?*

A: *Citizens* who require copies of documents. *County Elected Officials*, who must record their bonds and State Commissions before assuming the duties of their office. *Genealogists*, who search for their ancestral property roots. *Legal Community*, who record, research and obtain copies of legal and binding documents. *Notary Public*, who record bonds and notary commissions and are sworn in prior to assuming the duties of their office. *Title Searchers*, who research properties to assure clear title prior to buying a property or obtaining a mortgage. *Surveyors*, who are researching geographical references for surveying property boundaries. *Veterans*, whose office is the official location for recording Discharge Documents (DD214). *Financial Institutions*, who record mortgage and lending information.

Q: *Is information from the Recorder of Deeds office available over the phone?*

A: General recording requirements as well as recording fees can be obtained by calling 570-963-6775. The employees of the Recorder of Deeds office are not permitted to perform a search on a property. If you require information from previously recorded documents you must come to the Recorder of Deeds office yourself or hire an attorney or title searcher.

Q: *How many recording offices are there in the United States?*

A: There are 3,592 recording jurisdictions in the United States.

DEEDS

Q: *What should I do if I find a mistake on my deed?*

A: The correction can be made on the document and a new “deed of correction” would be filed. You should contact an attorney or Title Insurance Company.

Q: *How do I change, add or delete a name on a deed?*

A: This can only be done by recording a new deed showing the change. Many people think they can come into our office and change the deed. The new deed can be prepared by an attorney, title insurance company or real estate agent.

Q: *Is it necessary to delete a deceased spouse’s name from a recorded document?*

A: Generally, no, if the property was held jointly by husband and wife as tenants by entireties. If and when the survivor sells or mortgages the property, he or she simply explains in the new deed or mortgage that the other spouse is deceased. There could be a special instance when because of a particular situation, the name should be deleted. You should consult an attorney.

Q: *If a woman marries, must she change her name on her deed?*

A: It is not legally required, but again because of a particular situation it might be desirable. Consult an attorney.

Q: *If I build on my lot, do I get a new deed for the house?*

A: No. The original deed usually covers any building erected on the lot at a later date. You should check your deed for exceptions.

Q: *If I sell a portion of my land, do I get a deed for the remainder of the property?*

A: No, records in the Recorder of Deeds office show your original deed and the deed(s) for portions sold. Anyone searching records simply deducts the land you sold from the original deed.

MORTGAGE INFORMATION

Q: *Who satisfies my mortgage?*

A: The mortgagee (lender), upon receiving all moneys due, issues a satisfaction piece. The mortgagee may send the satisfaction to the Recorder of Deeds office to be recorded or they may send it to the mortgagor (borrower). Whether or not the mortgagee sends the mortgagor the satisfaction piece to record depends on the agreement between the two parties during the execution of the original mortgage. For example, if the lender charged a satisfaction recording fee as part of the closing costs the lender is responsible for recording the document and paying the recording fee since the mortgagor as already paid the recording fee up front.

Q: *How is a mortgage satisfied?*

A: The satisfaction piece and recording fees along with a self-addressed stamped envelope should be mailed or taken to the Recorder of Deeds office. The original document will be returned in approximately three weeks.

Q: *What should I do if satisfaction papers are sent directly to me for recording?*

A: Bring or mail the Satisfaction Piece to our office with the proper recording fees.

Q: *Must a mortgage be satisfied?*

A: No, but it is to your benefit. It will establish clear title to your property.

PROPERTY INFORMATION

Q: *How do I check easements on my ground?*

A: By coming into the Recorder of Deeds office and checking our records.

Q: *How do I check deed restrictions on my ground?*

A: By coming into the Recorder of Deeds office. Deed restrictions do not have to be spelled out in each new deed. A restriction could be in a deed ten owners back and still be in effect. When a title company makes a search prior to granting title insurance, these restrictions are reported.

Q: *What is the elevation of my ground?*

A: This information is not included in a deed but can be found by referring to a United States Coast and Geodetic Survey Map of your area which should be available in the Planning Commission.

Q: *How can I determine the latitude and longitude of my ground?*

A: This can be checked on a United States Coast and Geodetic Survey Map of your area in the Planning Commission.

Q: *How can I determine my property lines?*

A: Your deed will give you the legal description but a surveyor is needed to use this information to actually locate your property lines, and place stakes or other markers.

Q: *Does the Recorder of Deeds record deeds for cemetery lots?*

A: No. A deed to a cemetery lot only gives you permission to use the ground. The cemetery still retains title to the ground. Such "deeds" or "titles" are maintained in the offices of the cemetery company.

Q: *How can I check for liens against my property?*

A: Except mortgages, most liens are filed in the Clerk of Judicial Records office, not in the Recorder of Deeds office. You can check that office for any liens filed against you.

Q: *How can I determine the location of old wells or water and sewer lines?*

A: This information is not recorded in our office. Records in the municipality in which your property is located may give you this information. If they do not have it, have a plumber trace your lines.

HISTORICAL INFORMATION

Q: *How can I determine the owner of a property?*

A: Our records are by names, not locations. Our records will list all the ground owned by an individual. If you want to know who owns a certain lot, we have access to the records from the Lackawanna County Assessor's office. This information will, in most cases, contain the book and page number of the document that contains information on the property you are interested in.

Q: *How can I trace the ownership of my property?*

A: The legal description in your deed is a section known as the “Recital” or a “Being Clause”. These clauses give the name of the persons who sold the property, the person they sold it to, as well as the deed book and page number where this transaction can be found. Once you have found your deed, find the same information of the preceding transaction involving your property. Follow this process repeatedly to the beginning of our records. However, be advised that not all deeds contain a recital.

Q: *How can I tell the age of my house?*

A: It is difficult to determine this by checking deeds since a deed is for the land and not the buildings. A deed may simply state “and the buildings thereon”. It does not even have to state this. It is possible that the municipality may have information on file, depending on the age of the house. You can also check with the Lackawanna County Historical Society, they may have information that may be useful in your search. In addition, the Lackawanna County Assessment Office may also be helpful.

Q: *How do I determine if relatives lived here years ago?*

A: By checking the index books to see if their name appears in either the deed or mortgage books in the past years.

Q: *Can I record my military discharge?*

A: Yes, it is a good idea to record it. You will need your discharge for various veteran benefits. In the event of loss we can provide you with a certified copy. Your Veteran Discharge DD214 document will be useful to you to verify military service for VA loans, VA hospital services, student loans, identification or burial benefits.

There is no charge for this since the fee is paid by the county. No one but the veteran, his family or a veteran organization official is permitted to look at these records.