

The Sykes Law Office

An informative brochure providing a number of unfortunate (but all-too-true) ways in which ownership in real estate can be compromised...



50 ways to lose your property

1. Forged deeds, mortgages, satisfaction or release of mortgages and other instruments.
2. False impersonation of the true owner of the land.
3. Instruments executed under fabricated or expired power of attorney (death or insanity of principal).
4. Deed apparently valid but actually delivered after death of grantor or grantee, or without consent of grantor.
5. Deeds by minors.
6. Deeds not properly delivered/recorded.
7. Deeds which appear to convey title but are really mortgages.
8. Outstanding prescriptive rights not of record and not disclosed by survey.
9. Descriptions written incorrectly and not actually adequate.
10. Duress in execution of instruments.
11. Defective acknowledgement due to lack of authority of notary. (Acknowledgment taken before commission or after expiration of commission.)
12. Deed of property recited to be separate property of grantor, which is in fact community, or joint property.
13. Deeds by persons apparently single but actually married.
14. Deed from bigamous couple-prior existing marriage in another jurisdiction.
15. Undisclosed divorce of spouse who conveys as sole heir of deceased.
16. Undisclosed heirs who may be eligible to claim an ownership interest.
17. Misinterpretation of wills, deeds and other instruments.
18. Birth or adoption of children after date of will.
19. Children living at date of will but not mentioned therein.
20. Discovery of will of apparent intestate.
21. Discovery of later will after probate of first will.
22. Administration of estates and probate of wills of persons absent but not deceased.
23. Conveyance by heir, devisee or survivor of a joint estate who murdered the decedent.
24. Deed from Trustees of purported business trust, which is in fact a partnership or joint stock association.
25. Deed of executor when order of appointment or license to sell has been fraudulently procured or entered.

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26. Deeds to or from corporations before incorporation or after surrender of forfeiture of charter.
27. Claims of creditors against property conveyed by heirs or devisees within prescribed period after owner's death. (one year in Massachusetts)
28. Mistakes in recording legal documents. (For example, incorrect indexing, errors and omissions in transcribing and failure to preserve original instruments.)
29. Recorded easement, but erroneous ancient location of pipe or sewer line, which does not follow route of granted easement.
30. Special assessments where they become lien upon passage of resolution and before recordation or commencement of improvements for which assessed.
31. Lack of jurisdiction of persons in judicial proceedings.
32. Failure to include necessary parties in judicial proceedings.
33. Federal tax liens.
34. Federal Estate and gift tax liens
35. Errors in tax records. (For example, listing payment against wrong property.)
36. Ineffective waiver of tax liens by taxing or other governing authorities.
37. Corporation franchise taxes as lien on all corporate assets, notice of which not recorded in the local recording office.
38. Erroneous reports furnished by tax officials but not binding on municipality.
39. Homestead exemptions set aside as fraudulently claimed.
40. Lack of capacity of foreign personal representative and trustees to act.
41. Deeds from nonexistent entities.
42. Interests arising by deeds to fictitious characters to conceal illegal activities on the premises.
43. Deeds in lieu of foreclosure set aside as being given under duress.
44. Deed given under falsified corporate resolution (outside the scope of corporate authority).
45. Conveyances and proceedings affecting right of servicemen protected by Soldiers and Sailors Relief Act.
46. Federal condemnation without filing of notice. (Federal law does not require filing of notice of taking in local recording office.)
47. Break in chain of title beyond period of examination of public records where running of adverse possession statute has been suspended.
48. Deed from record owner of land where he has conveyed property to another purchaser on unrecorded contract and the purchaser has taken possession of premises.
49. Void conveyances in violation of public policy (payment of gambling debt, payment for conspiring to commit crime or conveyance made in restriction of trade.
50. State inheritance and gift tax liens.

The Sykes Law Office is a real estate conveyancing firm with broad experience in all aspects of residential and commercial property closings. For many years, this office has represented both lenders and clients in buying and selling residential and commercial real estate. We understand the need for timely and satisfactory closings,

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and offer professional and efficient service from our knowledgeable and courteous staff.

We hope this information has been informative and helpful (or at least amusing), and that you will consider this firm for your real estate needs.

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