

GOOD TITLE IS IMPORTANT

Is One of First Considerations in Buying, Says F. J. Norton.

PURPOSE OF AN ABSTRACT

Instrument is a Condensed History of the Property's Ownership and Shows Up Defects at Almost a Glance.

BY FRANK J. NORTON.

Purchasers of real estate, as a rule, have a very limited knowledge of their rights, duties and privileges as such purchasers, and it is my intention to set forth in this article, in simple, non-technical language, some of these rights, duties and privileges, with the idea in view of helping you to protect yourself against unscrupulous persons selling real estate. No attempt is made, however, to treat the subject exhaustively, but my desire is merely to touch upon such matters as arise in the purchase and sale of that form of property which, by its character, enables it to escape many of the risks attending other forms of property, and by reason of its immobility and permanency makes it one of the choicest forms of investment.

If this form of investment has a risk or a weak point, it is in the title. When you buy real estate, the first thing you should interest yourself in is the title rather than in the land itself. The land only represents so much soil, which may be purchased at the nominal sum of 10 cents per acre, or less, but the title represents the right to occupy the same without molestation and the right to sell, transfer and devise it by will. In other words, the right to possess, enjoy, sell or give it away.

The statutes of the several states, with great formality, state how the transfer of your real estate shall be made. You should, therefore, hesitate before you take the responsibility of drawing your own conveyance or allowing an inexperienced person to draw them for you, notwithstanding the fact that he is a notary public, having a seal and clothed with the right and authority to take acknowledgments. Costly and irreparable errors in titles have been made by careless and incompetent conveyancers. With this fact in view, how much more necessary is it that you should examine minutely the transfers of the title made by prior owners of the property.

Should Demand Abstract.

You may say that you are not competent to make this examination; then it becomes your privilege to exercise the right to demand a complete abstract of title to the property which you intend to purchase, satisfy yourself that your abstract is made by a competent and experienced abstractor, whose responsibility is unquestioned; see that the abstract is complete from the government patent down to the time the transfer to you is made.

If the abstracts are printed forms or copies, see that they are properly signed by the abstractor, or by an officer of the abstract company making the certificate (with the corporate seal attached, if a corporation). Many a purchaser has found, after accepting what appeared to be an abstract, that he only had a showing of the title since the plat; possibly the abstract appeared to be complete, but was nothing more than a copy of the numerical index; neither of which forms of abstract are acceptable to prospective purchasers and necessitates the securing of complete abstracts, at your expense.

A proper abstract should, in the caption thereof, contain such a description of the property in question as might be embodied in the deed as a good and complete legal description of the premises intended to be conveyed, and should so note conveyances of record and court proceedings that the examiner of the title may have before him sufficient information to enable him to pass upon the legal effect of such instruments and proceedings intelligently.

The abstract should also contain so much of recorded plats as will definitely locate the premises in question with respect to the surrounding streets, roads, highways, drainage ditches, railroads, etc. Also with reference to section lines or to lines of minor governmental divisions of sections.

As to what are and what are not merchantable abstracts of title is largely a question of fact.

Takes Years of Work.

It takes years of careful, reliable and constant accurate work on the part of the abstractor before his abstracts pass as merchantable. Therefore, ability, reliability and responsibility are the three great factors which go to determine the value of an abstract.

After you have demanded and received your abstract, do not take it for granted because your request has been complied with that the title is good, for as I have stated before, the abstract is a short, concise showing of every link in the chain that makes up the title. It has been wisely said, and applies to titles as well, that "a chain is no stronger than its weakest link."

The office of the abstract is to disclose these weak and broken links, which together with the good ones make up the chain of title.

These defects can only be discovered by a careful examination of the abstract of title. Therefore it does not follow that because you have an abstract, your title is good, but it should follow that you must have your abstract of title examined by a competent attorney before accepting your deed.

Don't depend on a warranty deed to protect you against defects in your title for it is worthless if the party giving it is not financially responsible.

Observe Deed's Reading.

After the attorney has approved the abstract and given you an opinion that the title is vested in fee simple in the person who is to execute the deed to you, have him examine the deed to see that it is properly drawn and executed. The laws with reference to execution of deeds differ in different states.

Take no chances, but be sure it is executed either according to the laws of Nebraska, or according to the laws of the state in which it is executed. Be sure the deed properly describes the land included in the caption in your abstract, as thousands of deeds are filed every year that are worthless, owing to the ridiculous descriptions contained therein, usually due to the ignorance of the conveyancer or person drawing or executing the conveyance.

If your attorney should fail to draw your attention to the rights of parties in possession of the land which you intend to purchase, you should satisfy yourself as to the rights of any and all persons in possession of the land, for it is possible to have the fee simple title and yet be put to annoyance and expense in obtaining possession of your property.

If there is apt to be a question with reference to the location of the land, have the same carefully surveyed and staked by a competent engineer.

When you have complied with all of the foregoing you can be at liberty to pay the consideration, accept your deed and immediately place it on record with the assurance that you can possess, enjoy or alienate your lands without let or hindrance.

TIMELY REAL ESTATE GOSSIP

Building Figures Show Up Remarkably Well This Year.

OMAHA, INDEED, BRIGHT SPOT

With Hotel Bank and Factory Going Up, Deals Are Still Being Closed that Will Mean Continued Activity.

Judged from the standpoint of actual dollars expended the first five months of this year show a building activity almost twice as large as that of last year. This of course takes into account the building permit for the erection of the Fontenelle hotel, which is a building to cost something over \$300,000.

Of course, as someone has said, "When things are not doing, we are not building million-dollar hotels either," so this big structure, even though the erection of such a building occurs here only occasionally, must nevertheless be figured into the building permits of the last five months.

Thus far this year, building permits have been issued for structures representing an aggregate of \$2,462,063. The record for the first five months of 1913 show \$1,705,573.

During the month of May 1914 building permits were issued, representing an expenditure of \$1,148,853. In May a year ago permits aggregating only \$477,000 were issued in Omaha.

Omaha Bright Spot.

"Omaha is the one bright spot on the map," the real estate men are still quoting Mr. Cobb, Wall street broker, who was here a few weeks ago and made that remark. This saying has found its way into the editorial columns of the newspapers, and is traveling over the United States. In the issue of June 1 of The Lumberman, published in St. Louis, this quotation from Mr. Cobb is again reviewed and commented upon. Omahans are very proud that their city has been able to excite such comment from a man like Cobb, especially since he had just concluded a trip of several weeks, during which he stopped in all the larger towns and cities between New York and Omaha.

Many Large Deals.

Recent activities in the larger real estate transactions have indeed put new life into the situation in Omaha. The vast showing made by the building permits, the activity that is laid out ahead for the next half-year or year in the way of building new and substantial buildings in the business section of the city, have lent a new aspect to affairs in Omaha. With the new Fontenelle hotel in process of construction and the steel beams already towering a half-dozen stories high and with the foundation rapidly going in for the new United States National bank building; with the excavation being made for the Skinner Macaroni factory at Fourteenth and Jackson, a half-dozen other big deals have been closed in the last two weeks that are to mean building activity. Amongst these are the changing of hands of the Boyd theater building, which means the tearing down of the old building and the erection of a huge building to take its place and become part of the Burgess-Nash stores; the purchase of a valuable site, upon which the Omaha Grain exchange is soon to begin work on a splendid permanent home; the securing of a ninety-nine-year lease on the Curtis property, which will mean the expenditure of \$60,000 to improve and modernize this; the letting of the contract for the erection of a new freight house for the Chicago & Northwestern, and many other large jobs of more or less importance, besides a great number of residences, ranging in cost from \$5,000 to \$35,000.

"Omaha is indeed a bright spot on the map," the business men are saying as they survey these activities.

Martin Leads All in Building Permits

Permits were issued Friday to Charles W. Martin for the erection of seventeen "modern dwellings to cost \$55,000, ranging in size from five-room bungalows to eight-room houses, to cost from \$2,500 to \$5,000 each. They are located in "Mill-Crest," "Hollywood," "Kountze Place," "Lamberton" and "Belle Isle" additions, the most of them being built for owners. This makes thirty-seven permits for this firm so far this year. Most of them were on the north side, where selling activity is greater than in any other part of the city. Mr. Martin observes a growing tendency among buyers to have their homes built by reliable and experienced builders, rather than to try to build themselves, as it is always cheaper in the long run.

MANY SALES REPORTED BY HASTINGS & HEYDEN

Hastings & Heyden report the following sales for last week: H. F. Baker purchased a tract in Benson Acres for \$600. Harry Christopherson purchased lots 7 and 8, block 1, Lincoln Heights, for \$300. Morris Christopherson purchased a lot in Kountze Place for \$250. Frank W. Miller purchased tracts 116, 117, 118 and 119, Benson Acres, for \$1,500. Richard Stanford purchased lot 8, block 2, Gendala, for \$200. Belle purchased a tract in Benson Acres for \$775. Jens Pederson purchased tract 14, Benson Acres for \$250. Peter C. Cruser purchased a lot in Collier Place for \$400. Amelia Ingalls purchased a tract in Benson Acres for \$200. Robert Steops purchased a lot in Vine-lund addition for \$300.

TWO NEBRASKA FARMS BOUGHT AS INVESTMENTS

John A. Olson, 219-222 City National Bank building, reports the following as two of his most important sales during the week: To J. L. Orkin, 120 acres improved Dixon county land. To A. S. Leavitt, 230 acres improved Bloux county land. Both purchases were made as investments.

REAL ESTATERS TO HAVE SPECIAL TRAIN TO MEETING

Early in July, the Omaha Real Estate exchange will have a special train over the Burlington from Omaha to Pittsburgh, Pa., for the national meeting of Real Estate exchanges.

MUTUAL HOME BUILDING

Annual Convention of State League of Local Associations.

CROSSROADS IN LEAGUE'S LIFE

Movement to Strike Word "Local" from Title and What It Means—Program for the Meeting.

Twenty-two years ago the coming September about a dozen men interested in co-operative self-help met in the senate chamber of the state capitol and organized the Nebraska State League of Local Loan and Building Associations.

The object of the little organization was to aid in the enforcement of the building association law of 1891, designed to safeguard a beneficial movement then in its infancy. The law had the punch in it, but the state house hesitated about putting the steam behind the punch.

Emphasis was laid on the word "local" in the title for the purpose of restricting membership to associations which limited their operations to their respective towns or cities, and for the further purpose of distinguishing it from national organizations doing an interstate business. The latter organizations, numerous in Missouri, Iowa, Illinois and Minnesota, for a time threatened to swamp local associations and a battle royal was fought between them from 1891 until the century closed. It was a ten-year war, resulting in defeat and disaster for the nationals and the loss of millions of dollars for their shareholders.

A Serious Handicap.

The disputes into which the national associations brought the building and loan movement proved a serious handicap to the locals in various states, particularly in the upper Mississippi valley, and the ill effects have not yet been wholly overcome in Iowa, Missouri and Minnesota. In Nebraska the energy of the State League of Local Associations put enough steam behind the punch of the law of 1891 to prevent the nationals securing a foothold in Nebraska, and the result of that timely action is now visible in the growth and prosperity of Nebraska associations.

This outline of the history of the state league is recalled because the organization is nearing the crossroads of its career. The twenty-third annual convention, which will be held at Columbus next Wednesday, will take action on an amendment to the constitution, presented a year ago, which proposes to strike the word "local" from the league's title and admit to membership any association authorized to do business in the state.

Extending Operations.

According to men familiar with Nebraska associations, there are only five or six associations that are not strictly local in their loaning operations. These make loans in counties adjacent to their headquarters, most of them do a statewide business in loans and one is said to have extended its operations to Wyoming, where interest rates are attractive.

Besides the question of revising the title of the state league, the convention will discuss reports of officers, hear a number of papers read and enjoy the hospitality of Columbus associations.

MCCORD BUYS GROUND FOR NEW HOME IN FAIRACRES

An unobtruded view for twenty-five miles north, west and south, is obtained from the fine six-acre tract in Fairacres, just purchased by W. H. McCord from George & Co., through Hargy A. Tukey. Mr. McCord will commence beautifying the grounds at once, and plans to build a home there in the near future.

The site of the new Brownell Hall is just across the road north from the McCord tract. The latter lies south of Underwood avenue, east of Fairacres road, north of California street and west of Prospect avenue. With the commanding view, equaled by few sites in the city, the location is considered one of the best. The price paid was \$17,300. The present McCord home, on the southwest corner of Twenty-second and Cass streets, is for sale in the hands of the Tukey company.

DR. GIFFORD BUYS ANOTHER LOT ON SIXTEENTH STREET

Dr. Harold Gifford has bought of the Commonwealth Real Estate company for \$25,000 a lot on South Sixteenth street, adjoining the 100 feet on which he is about to erect a fire-proof hotel. The sale was made through J. H. Dumont & Co. The lot purchased has fifty feet frontage on Sixteenth, near Jones street, and extends through to Seventeenth street. It is understood that the hotel will cover both lots to a depth of ninety feet.

FOUNDATION READY FOR NEW TELEPHONE EXCHANGE

The foundation for the new Walnut telephone exchange building at Forty-sixth and Iard streets has been driven to carry three stories, although the present plans call for but two. Metal and concrete piles have been put in, as the structure is located where a brook bed once lay. The new exchange will serve the territory adjacent to its location and the village of Dundee.

Kiplinger's Band to Play at Kountze Park

The following program will be given this afternoon at 2:30 o'clock at Kountze park by Kiplinger's Fourth Regiment band: March—The Squealer..... Huff Selection from "The Prince of Denmark"..... Ladies Overture—Light Cavalry..... Suppe Popular Hits—(a) It Takes a Little Rain with the Sunshine..... (b) Shapito, Bernstein & Co. Intermission. (b) Buenos Ayres Tango..... Remick & Co. Intermission. (b) Valse Lento—Amoreuse..... Chappell Sextet from Lucia (by special request)..... (b) Wagner Overture—Zampa..... Herold Popular Hits—(a) The Maurice Walk (slow tempo)..... Will Rossiter (b) The Twentieth Century Rag..... (b) Intermission..... Maurice Abrahams Selection from "Woodland"..... Luders "Evening Star" from Tannhauser..... Wagner "Polonaise Militaire"..... Chopin Popular Hits—(a) "This is Life"..... (b) "Watermelon"..... Benoit & Sawyer Co. (b) "Some Smoke"..... Joseph W. Sterns & Co. Intermission.

Minister Frates This Laxative. Rev. H. Stubenvoll, Allison, Ia., Preiser Dr. King's New Life Pills for constipation—best for liver and bowels. 25c. All drug-gists.—Advertisement.

To the wife of the man who does not own his home

To you, a house and lot means far more than a real estate investment. It means a home—a place where you must spend the greater part of your life—an influence which shapes the lives of your children and lends to your own comfort and happiness.

How much more pride you would take in caring for a house that was your very own! The furnishings, decorations, etc., would be of your own choosing. The little improvements that you could make from year to year to suit your own comfort and taste would add interest and zest to life,

And then, the inevitable visit of the landlord around the first of the month, the steady drain on the family resources with nothing to show but a bundle of rent receipts, would be things of the past.

Perhaps you don't know that you can actually buy a home by paying just about the same amount monthly that you would pay for rent. You have got to pay out this money anyway and what a satisfaction it would be after a few years to possess the title to the place you live in rather than—nothing.

By this plan you would not only have a real home in every sense of the word, but the yearly increase in value of the property. Omaha real estate is a splendid investment and those people with foresight are taking advantage of the great opportunities now.

Talk this over with your husband today. Open the paper to the real estate advertisements in the classified section and place them before him. Suggest to him that he owes it to you and to his children, if you have any, to take this step. No doubt he has already given the matter a great deal of thought, but make your interest a little plainer to him.

THE OMAHA BEE

Everybody Reads Bee Want Ads