**Title Search Process in Mississippi: A Comprehensive Explanation**

A **title search** in Mississippi is a detailed examination of public records to establish the history of ownership and identify encumbrances, liens, and other issues affecting a property’s title. The process is typically performed by a professional called an **Abstractor**, who meticulously traces the property’s chain of title and reviews associated records. Below is a step-by-step breakdown of the process:

**1. Initiation of the Search**

The Abstractor begins the search with specific information provided by the client, such as:

* **Owner's Name**: The name of the current or past owner(s) of the property.
* **Property Description**: A legal description of the property, often detailed in prior deeds.
* **Tax Parcel ID**: A unique identifier tied to the property in local tax records.
* **Combination of These**: Sometimes, a mix of identifiers is used to ensure accuracy.

**2. Index Searches**

The Abstractor consults the appropriate property records index to locate prior transactions:

* **Sectional Index**: Used for rural properties or those described using the Public Land Survey System (PLSS). Organized by township, range, and section.
* **Subdivision Index**: Used for properties within platted subdivisions. Organized by lot and block numbers.
* **Combination of Indexes**: For some properties, both indexes are relevant.

The objective is to **construct the chain of title**—a sequential history of ownership—tracing back to a **warranty deed** that is at least **32 years old** (or further, if necessary), to establish the **root of title**.

**3. Establishing the Chain of Title**

The Abstractor works **backward** from the current owner to the root of title:

* Identify the **current deed** conveying title to the present owner.
* Look up the **grantor** (seller/transferor) in the index to find who transferred title to the current owner.
* Repeat this process with each prior owner, tracing ownership back to a deed establishing a clear **root of title**.

Once the chain of title is established, the Abstractor works **forward** from the root to the current owner:

* For each owner in the chain, the Abstractor reviews their period of ownership to identify any encumbrances, such as:
  + **Deeds of trust or mortgages**.
  + **Liens** (e.g., tax liens, federal tax liens, construction liens).
  + **Easements** or **rights of way** granted.
  + **Releases** of encumbrances (often filed after the period of ownership).

The Abstractor may need to search beyond an owner’s period of ownership to locate **lien releases** or other critical filings.

**4. General Index Search**

To ensure completeness, the Abstractor searches the **general index**, also called the **direct and reverse index**, which lists filings organized by:

* **Grantor** (seller/transferor).
* **Grantee** (buyer/transferee).

For each owner in the chain, the Abstractor runs their name(s) in the general index to uncover additional filings, such as:

* **Unreleased deeds of trust**.
* **Undermined UCC filings**.
* **Federal tax liens**.
* **Lis pendens filings** (pending lawsuits affecting the property).
* **Unredeemed tax sales**.

**5. Reviewing Legal Descriptions**

The Abstractor examines the **legal description** in each deed or filing:

* Ensures consistency with prior descriptions.
* Notes any changes or discrepancies that could affect the property boundaries or rights.

**6. Searching Additional Records**

After completing the land records search, the Abstractor investigates separate record systems:

* **Chancery Docket**: For lawsuits, probate matters, or other legal actions affecting the property or its owners.
* **State Tax Lien Index**: For unpaid state taxes against the property or owners.
* **Judgment Roll**: For judgments entered against any grantor or grantee, which may create a lien on the property.

These records are separate from the land records and require additional searches.

**7. Identifying Common Title Issues**

During the search, the Abstractor carefully identifies common problems, including:

* **Name Variations or Changes**: Particularly for women who may have changed their names due to marriage or divorce.
* **Gaps in the Chain of Title**: Missing links in the ownership history.
* **Unreleased Liens or Deeds of Trust**: Encumbrances that remain of record but may have been satisfied.
* **Unredeemed Tax Sales**: Sales for delinquent taxes that could affect title.
* **Construction Liens**: Filed by contractors or suppliers for unpaid work or materials.
* **Lis Pendens**: Notices of pending litigation affecting the property.

**8. Reporting Findings**

The Abstractor compiles the findings into a comprehensive **title report**. This report includes:

* The **chain of title**.
* Any **liens**, **easements**, **rights of way**, or **other encumbrances** identified.
* Any **title defects** or issues that require resolution.

**Conclusion**

The title search process is meticulous and requires a combination of legal knowledge, attention to detail, and familiarity with public record systems. By systematically examining both the chain of title and all associated encumbrances, an Abstractor ensures that the title to a property is as clear as possible before it is conveyed or mortgaged. This comprehensive search is the foundation for issuing title insurance and resolving potential disputes.