

Tips for Determining a Property's Legal Status

I get a lot of requests for assistance in determining the legal status of a property. In most cases, it's because an agent has a client who thinks a certain property of interest may be in foreclosure or pre-foreclosure and they want to determine if there is an opportunity to negotiate a great deal or buy it at the foreclosure sale. Here is how to determine if the property has liens on it and if a foreclosure action is pending.

To begin your search you will need either the address of the property or the owner's name. Start at the Property Appraiser's web site. For Palm Beach County the web site is found at www.pbcgov.com/PAPA/index.htm. If you are looking outside Palm Beach County, Google "Property Appraiser + Name of County" and that search should quickly identify the right internet site. For Palm Beach follow these steps after arriving at the Property Appraiser's home page:

Step 1: Click "Record Search" in the top left hand column.

Step 2: Click the empty circle next to "Address."

Step 3: Type the street address in the search fields. You may have to play around either using or omitting the "Pre Direction" and "Suffix" fields. Click "Search."

Step 4: The search result will either take you directly to the property you are looking for or to a list of properties address, but are located in different municipalities. For example there may be a 230 Mangrove Drive in Boca Raton and one in West Palm Beach.

Step 5: On the Property Information page you will find the owner's name. You should click the button for "All Owners" located next to the owner's name just to make sure you get all the owners names as there may be more than one. This is important because the mortgage may be recorded under one owner's name, but not the other. Also note if the name includes a middle initial as this will facilitate the search in the Public Records which is search you will need to do.

Step 6: Important: Take note of the legal description and the date the owner purchased the property as this will save you a lot of time in identifying the correct public records in the search that follows.

With the owners name, the date of purchase and the legal description you are well equipped to do the next search in the County Public Records. The public records will tell you if the owner has a mortgage on the property and if a Lis Pendens has been filed against the property. A Lis Pendens is the lien that is recorded in conjunction with the foreclosure action. For Palm Beach County a free public records search can be done at www.mypalmbeachclerk.com/officialrecords.aspx.

Step 1: Under the heading "Official Records Search" click on "Search Now."

Step 2: On the following page you will have to accept the disclaimer by clicking on the "Accept" button in order to proceed with the search.

Step 3: Type the owner's name in the box under "Enter Party's Name" using both the last name and the first name, in that order.

Step 4: The search results may consist of a single page or multiple pages. The first thing to determine is that you have the correct owner. The best clue is the middle initial, if one is used under the property owner's name you obtained from the Property Appraiser search (see above). But even better than that is the cross reference to the legal description on the far right side of the search results. To quickly filter many search results, click on the word "Legal" in the blue heading bar which separates the search results according to different fields. Using the legal description you captured from the Property Appraiser records, you should be able to quickly match the owner's name with the correct legal description.

Step 5. Now that you have the right owner and the right legal description you will want to determine if there is a mortgage on the property. Under the field called "Type" you will see letter initials like MTG, D, AFF, POA which designate the type of public record listed. (There is a "Document Type" index you can reference on the Search under Document Type page.) You are looking for MTG and LP records. MTG means Mortgage and LP means Lis Pendens. Look for a mortgage with a date that is exactly or one or two days apart from the date of purchase you noted from the search on the Property Appraiser site. This will likely be the mortgage the owner put in place when s/he bought the property. Take note of the lender's name which will be indicated under the "Cross Name" field.

Step 6. Now match the Lender's name with an LP record under the "Type" field and you will very likely have identified the Lis Pendens that the existing lender has filed against the property as part of a foreclosure. Click on "View" in the far left hand side of that search results line. Then on the following page, click on the blue button called "Get Record." This will bring up the actual Notice of Lis Pendens filed by the lender to start the foreclosure action.

The next step would be to determine what stage of the foreclosure the property is in which can be done by looking at the online court records at www.mypalmbeachclerk.com/courtrecords.aspx. But this requires some knowledge of court docket filings and it's best to ask an attorney to help . . .