



(Rev 1/2014)

# Department of Agriculture, Trade and Consumer Protection

## Permanent Agricultural Conservation Easements (PACE)

### Title Search Guidance

This handout provides information for cooperating entities regarding Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) expectations for a title search acceptable to the PACE program.

Refer to the PACE website at:

[http://datcp.wi.gov/Environment/Working\\_Lands\\_Initiative/PACE/index.aspx](http://datcp.wi.gov/Environment/Working_Lands_Initiative/PACE/index.aspx) for more information.

Contact the Wisconsin PACE program manager to discuss specific questions:

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Sec. 93.73, Wis. Stats., provides requirements for PACE program management, eligibility, approval and other requirements and may also be a useful reference for program participants.

Sec. 93.73, Wis. Stats., is not the complete or only description of DATCP PACE policies.

Chapter 93 of the Wisconsin Statutes can be found at:

<http://www.legis.state.wi.us/statutes/Stat0093.pdf>

#### **An acceptable title search may take the following forms:**

##### **1) A title opinion by an attorney on an updated abstract**

A cooperating entity may use a private attorney, licensed to practice law in Wisconsin, or in some cases, a county corporation counsel to provide a legal opinion when the county will be holding the easement.

##### **2) A full title search by a title company**

A full title search is one that is unrestricted as to the time covered by the search. This means a 60-year search of the title records is not sufficient. In many instances, the industry recognizes a full title search as a request for a "Minimum Title Insurance Commitment of \$15,000".

Sometimes the applicant will have to specifically request a title search back to the first entry.

This type of search is not a title insurance policy and does not create any obligation to purchase a title insurance policy. This type of search does provide a convenient statement of vital title search findings, such as who has title, and what "exceptions" limit clear title. Before an applicant orders a title search, the applicant should confirm that a full title search will be performed.

A full title search will determine the following information:

- A) Names of all present owners
- B) Tax statement of property from assessor's office
- C) Last deed of record including legal description and any exceptions
- D) All easements of record and other encumbrances such as utilities, secondary roads, etc.
- E) All unsatisfied land contracts
- F) Judgments, Liens, Mortgage information, delinquent real estate taxes, state and federal tax liens outstanding.
- G) CSMs and Subdivision Plats if applicable

**Note:** The title search report may necessitate that the DATCP obtain copy(s) of some of the above listed information to complete the analysis.

**Note:** A mortgage holder, land contract vendor, mineral rights holder and some easement holders will need to sign the PACE easement.

**Note:** The land contract purchaser and/or the mortgagee may need to record a "satisfaction" to prove that these interests have been fully satisfied. The appropriate parties associated with a mineral rights claim may need to record a document terminating the interest.

Payment of the title company invoice will be made by the cooperating entity and reimbursed by DATCP according to PACE Transaction Costs Policies.