



## Chapter 13

### Horrors of the Record Room

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**§ 13.01. Introduction.**

Many complex and strange issues may arise during a title examination: from indexing issues and reliability of computerized records, to title issues specific to a given time period; from wandering eyes peering across the work table in the record room, to interest owners vanishing into thin air. These materials set forth the most often encountered “horrors of the record room”—a “greatest hits” collection as compiled by an unscientific survey of mineral lawyers and paralegals.

**§ 13.02. General Record Room Issues.**

The issuer of a title opinion limits his/her liability for many, if not all, of the issues described in this section when the report contains the following language:

Subject to the correctness of the proper indicies of record in said Clerk’s office, to the genuineness and accuracy of the records in said Clerk’s office, to the defects, exceptions and irregularities set forth hereinbelow, . . . and to anything which might be disclosed by an accurate survey and inspection of the premises, we hereby certify that, in our opinion, the hereinafter named individuals, each, as applicable, and in the interest shown opposite their names, have good and marketable record title in and to the oil and gas in place within and underlying the subject tract or parcel, situate in \_\_\_\_\_ District, \_\_\_\_\_ County, West Virginia, subject only to the exceptions, defects and irregularities listed hereinafter.

Notwithstanding such a qualification, during every title examination, abstractors should remain vigilant regarding the following issues.

**[1] — Correct Labeling of Indicies and Records.***Issue*

During a brief tour of a county clerk’s office (see below), I asked a deputy clerk to show me the location of the *lis pendens* records. She stated that all the *lis pendens* could be found in the book labeled “Articles of Incorporation 3.”