

Chapter 11

Quiet Title Actions in Appalachia: Burdens and Benefits

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§ 11.01. Introduction.

This chapter will focus on the basic mechanisms available to producers and practitioners tasked with clearing “clouds” to real estate title in Pennsylvania, Ohio and West Virginia. While this chapter is comprehensive it is not exhaustive, and it is not our intention to exclude other common corrective techniques.

§ 11.02. Background on Appalachian Title.

In the mining and oil and gas world, Appalachian title is somewhat unique from that found west of the Mississippi. This is due in part to the fact that these are very old states, in part to a relatively low economic value attributed to hilly or mountainous terrain prior to the development of minerals, and in part due to a very long history of mineral production.

Pennsylvania, and West Virginia, as a part of Virginia, were two of the thirteen colonies that later made up the original United States. Virginia was chartered in 1606 and first “settled”¹ permanently in 1607. What is now West Virginia is comprised of the western and northern most counties of the original Commonwealth of Virginia. These counties generally lay beyond the Eastern Continental Divide and were geographically isolated and culturally distinct from their “East” Virginia cousins. When the Civil War de-united the States, these counties met, beginning in 1861 and took steps towards seceding from Virginia and remaining in the Union. On April 20, 1863, Abraham Lincoln issued a proclamation admitting West Virginia

¹ The authors note that many native tribes inhabited Ohio, Pennsylvania and West Virginia prior to the arrival of Europeans, and that these tribes had myriad systems and customs of land ownership and usage.