

ALACHUA COUNTY CLERK OF THE COURT

OFFICIAL RECORDS

CITIZEN'S GUIDE TO OFFICIAL RECORDS DOCUMENTS

1928 to PRESENT

STATUTORY REQUIREMENTS:

28.222 Clerk to be county recorder

- (1) The clerk of the circuit court shall be the recorder of all instruments that he or she may be required or authorized by law to record in the county where he or she is clerk.
- (2) The clerk of the circuit court shall record all instruments in one general series called "Official Records." He or she shall keep a register in which he or she shall enter at the time of filing the filing number of each instrument filed for record, the date and hour of filing, the kind of instrument, and the names of the parties to the instrument. The clerk shall maintain a general alphabetical index, direct and inverse, of all instruments filed for record. The register of Official Records must be available at each office where official records may be filed.

GENERAL INFORMATION:

Prior to 1958, public records were recorded in many different books depending on the type of document, i.e. mortgages, deeds, assignments, etc. After 1958, public records were and are currently recorded in one series of books called "Official Records" and are recorded by type of document, i.e. mortgages, deeds, judgments, etc.

HISTORY:

The "Official Records Book" in Alachua County was started January 1, 1958. As of January 1, 1958 all recorded documents types were placed in this one book except for plat related documents. Prior to this date there was a book for each document type. There are approximately **thirteen** different books in official records for the time period "Beginning of County to 1958".

The indexes to Official Records and Recorded documents are arranged as follows:

- Individual indexes by specific years and book type
- Individual indexes by specific years and book type in each book
- Beginning of the County to 1928,
- 1928 – 1964, Index for each book/document type

1964 –1971, Direct and Indirect index to OR by individuals and corporations.
1971 – Current, Online index to OR Book

In 1958 when the first OR Book series was started the index was not combined. Prior to the inception of the OR Book each book type had its own index. The separate indexes by document types were maintained until 1964. In 1964, the indexes were combined into one OR Book index broken down between individuals and corporations. The Official Records manual index was maintained until August 21, 1971. When the system was automated in 1971, the index started with OR Book 732. The manual indexes do not include the instrument number or the number of pages in the document, only the book and first page number.

The index is available on line from August 21, 1971 to present, except for marriage licenses that are available on line from January 1973 to present. Images of documents recorded from 1990 to present are available online and through our website with the following exception:

The images of certain document types recorded after October 1, 2002 are not available through the Internet website if that image or copy is of a:

Military discharge

Death Certificate

Court file, record, or paper relating to matters or cases governed by the Florida Rules of Family Law, the Florida Rules of Juvenile Procedure, or the Florida Probate Rules.

Florida law requires that images and copies of the above listed documents remain on file and available to the public in the Office of the Clerk/ County Recorder.

Searches can be done on line from August 1971 to present. Searches are done by name, instrument number, book and page number, legal description, and subdivision or condominium. However, searching by name is the most common search method. Searches prior to August 1971 are done by name. These indexes were manually indexed as they came into the office and were indexed alphabetically under the A's, B's, C's, etc.; therefore, the names are not in alphabetical order. Therefore, it's important to search further than just alphabetical. The more common names, i.e. Jones, Smith, appear in the back pages of each index. Also, a last name listed and several entries of "DO" after that name stands for "ditto" and means the last name prior to "ditto" is repeated.

THE FOLLOWING PUBLIC RECORDS ARE AVAILABLE ON FILM AND IN BOOK FORM:

REVISED INDEX TO NO. 1 & 2 INDEX TO DEEDS GRANTORS – 1848 – 1895:

These indexes list the grantors on the left side of the book and the grantees on the right side of the book with the book and page of the document.

REVISED INDEX TO NO. 1 & 2 INDEX TO DEEDS GRANTEES – 1848 – 1895:

These indexes list the grantees on the left side of the book and the grantors on the right side of the book with the book and page of the document.

INDEX TO DEEDS 1886 – 1928 BOOKS 1 THROUGH 14: These indexes list the grantors on the left side of the book and the grantees on the right side of the book with the book and page of the document

MISCELLANEOUS RECORDS BOOKS 1 – 52, 3/27/1896 – 12/31/1957:

Instruments indexed in these books are leases, deeds, agreements, etc. The index is located in the front of the book and the actual documents are found after the index. The index and documents are not available on film.

SOLDIERS AND SAILORS DISCHARGE RECORDS INDEX 1919-1963 AND BOOKS 1 – 31, 10/24/1919 – 12/31/1957:

These are military discharges. There is a separate book for the index and the documents are in books 1 – 31. The index is from 1919 through 1963; however, the books where the documents can be found are from 1919 through 1957. After 1957, the documents can be found on the film. After 1963, the index for discharges can be found in the Direct Index to Official Records Individuals.

INDEX TO DEEDS, GRANTORS, A-Z, 1928 – 1963: These indexes list the transfer of property by grantors (sellers), by last name, in the County from 1928 through 1963. The Grantor is also known as the “Direct Party.” The documents listed in these indexes are deeds. However, you will also find other documents in this index that affect property such as easements, agreements, contracts, death certificates, disclaimer affidavits, wills, and power of attorneys. The index lists the grantors, grantees, kind of instrument, date of recording, book and page and, sometimes, the legal description of the property. This index also lists business names. The location of individuals and business can be found in the front of the index.

INDEX TO DEEDS, GRANTEES, A-Z, 1928 – 1963:

These indexes list the transfer of property by grantees (buyers) by last name in the County from 1928 through 1963. The Grantee is also known as the “Indirect Party.” The documents listed in these indexes are deeds. However, other documents that affect property such as easements, agreements, contracts, death certificates, disclaimer affidavits, wills, and power of attorneys are also indexed. The index lists the grantees, grantors, kind of instrument, date of recording, book and page and, sometimes, the legal description of the property. This index also lists business names. The location of individuals and business can be found in the front of the index.

DEED RECORD BOOKS 204 – 373, 9/21/1944 – 12/31/1957: These books hold copies of the original documents recorded.

DIRECT INDEX TO OFFICIAL RECORDS INDIVIDUALS 1964-1971: These indexes list the official records by direct party and includes indirect party, kind of instrument, date of filing, book and page, and legal description.

INDIRECT INDEX TO OFFICIAL RECORDS INDIVIDUALS 1964-1971: These indexes list the official records by indirect party and includes direct party, kind of instrument, date of filing, book and page, and legal description.

DIRECT INDEX TO OFFICIAL RECORDS CORPORATIONS AND FIRMS 1964-1971: These indexes list the official records by company name and includes indirect party, kind of instrument, date of filing, book and page, and legal description.

INDIRECT INDEX TO OFFICIAL RECORDS CORPORATIONS AND FIRMS 1964-1971: These indexes list the official records by company name and includes direct party, kind of instrument, date of filing, book and page, and legal description.

DIRECT INDEX TO ASSIGNMENTS AND SATISFACTIONS A-Z 1958-1964: This index lists the documents by direct party and includes indirect party, kind of instrument, date of filing, book and page, and recording date.

INDIRECT INDEX TO ASSIGNMENTS AND SATISFACTIONS A-Z 1958-1964: This index lists the documents by indirect party and includes direct party, kind of instrument, date of filing, book and page, and recording date.

OFFICIAL RECORDS ALSO HAS THE ADDITIONAL PUBLIC RECORDS AVAILABLE ON FILM AND IN BOOKS:

Fictitious Names Record Book 1941-1963
General Index to Liens, Corporations and Lis Pendens Direct and Indirect
General Index to Marriages A-Z Brides/Grooms 1958-1965
Incorporation Records Index Books 1, 2, 3, 4, 5, 6
Index to Bills of Sale Direct and Indirect 1958-1963
Index to Decrees Defendants A-Z Beginning of County to 1963
Index to Decrees Plaintiff A-Z Beginning of County to 1963
Index to Decrees Plaintiffs A-Z Beginning of County to 1963
Index to Foreign Assignments Books 1 and 2
Index to Judgments Defendants A-Z Beginning of County to 1963
Index to Judgments Plaintiffs A-Z Beginning of County to 1963
Index to Marriage Records 1869-1915
Index to Mortgage Books 1 & 2 1882-1903
Index to Mortgage Books 4 through 9
Index to Mortgagees A-Z 1928-1964

Index to Mortgages Mortgagees Gainesville (Banks other than Gainesville Banks)
Index to Mortgages Mortgagors A-Z 1928-1964
Marriage License Affidavits and Index Book 1 1919-1920
Marriage Records 5/18/1869-1973
Tax Certificate Records Books 1, 2, 3
Tax Rolls Real Estate 1894-1994

Subdivision plats are recorded in the Public Records. The index to the plats is on line at www.alachuaclerk.org. Plats are recorded in a plat book with a plat book and page. Copies of the plats are available for public view. Plats are 24" x 36", and full size copies can be purchased at a cost of \$5.00 each.

Minor plats are not recordable instruments; however, they are indexed and filed in this office with a book and page. Full size copies can be purchased at a cost of \$5.00 each

Condominium maps are not recordable instruments; however, they are indexed and filed in this office with a book and page. Full size copies can be purchased at a cost of \$5.00 each.

Department of Transportation Right of Way Maps are indexed and filed in this office. . Full size copies can be purchased at a cost of \$5.00 each.

Unrecorded Maps, such as maps that illustrate the boundaries and subdivision of parcels of land but do not comply with other recording requirements are filed in this office with a book and page. Full size copies can be purchased at a cost of \$5.00 each.

ELECTRONIC ACCESS TO OFFICIAL RECORDS: The index is available on a publicly available internet website from 1971 to present; images are available on the website, free of charge, from 1990 to present. As of June 5, 2002, images are not available on the website of military discharges, death certificates, matters or cases governed by the Florida Rules of Family Law, The Florida Rules of Juvenile Procedure, or the Florida Probate Rules.

COMMON TERMS:

AFFIDAVIT: A written statement or declaration, sworn to before an officer who has authority to administer an oath.

AGREEMENT: A general term usually describing a common view of two or more people regarding the rights and obligations of each with regard to a given subject. Not necessarily a contract, although all contracts are agreements.

AGREEMENT FOR DEED AKA LAND CONTRACT: An installment contract for the sale of land. The seller has legal title until paid in full. The buyer has equitable title during the contract term.

ASSIGNMENT: A transfer to another of any property, real or personal, or of any rights or estates in said property. Common assignments are of leases, mortgages, deed of trust, but the general term encompasses all transfers of title.

ASSUMPTION OF MORTGAGE: Agreement by a buyer to assume the liability under an existing note secured by a mortgage or deed or trust. The lender usually must approve the new debtor in order to release the existing debtor from liability.

ATTORNEY IN FACT: One who is appointed to act (as agent) for another (principal) under a power of attorney.

BOND: An insurance agreement by which one is insured against loss by acts or defaults of a third party. In construction, a performance bond insures that the builder will finish his project.

CERTIFICATE: A writing, either from a court or other public body, giving assurances of existing conditions or facts, and giving rights or creating obligations.

CERTIFIED COPY: A true copy, attested to be true by the office holding the recorded document.

DECLARATION OF RESTRICTIONS: A set of restrictions filed by a subdivider to cover an entire tract or subdivision.

DEED: Any one of many conveyancing instruments given to pass fee title to property upon sale.

DEED IN LIEU OF FORECLOSURE: A deed given by an owner/borrower to a lender to prevent the lender from bringing foreclosure proceedings.

DEED RESTRICTIONS: Limitations on the use of property placed in the conveyancing deed by the grantor, which bind all future owners.

DOCUMENTARY STAMP TAX: Taxes stamped on the deed showing the amount of transfer tax paid. The current rate in the State of Florida is \$.70/hundred dollars.

DOMICILE: A legal term signifying a place where a person has his permanent home.

EASEMENT: A right created by grant, reservation, or agreement which one has in the land of another. It is either for the benefit of land (appurtenant), such as right to cross A to get to B, or “in gross”, such as a public utility easement.

FAIR MARKET VALUE: Price that probably would be negotiated between a willing seller and willing buyer in a reasonable time. Usually arrived at by comparable sales in the area.

FEDERAL TAX LIEN: A lien attaching to property for nonpayment of a federal tax.

FINANCING STATEMENT: A recorded instrument taking the place of personal property liens in some states. Used instead of chattel mortgages, inventory liens, pledges, etc.

FORECLOSURE SALE: A sale of property used as security for a debt to satisfy said debt.

GRANTEE/aka: INDIRECT PARTY: One to whom a grant is made, generally the buyer.

GRANTOR/aka: DIRECT PARTY: One who grants property or property rights.

GRANTOR-GRANTEE INDEX: The record of the passing of title to all the properties in a country as kept by the county recorder’s office. Property is checked by tracing the names of the sellers and buyers (chain of title).

HEIRS AND ASSIGNS: Words usually found in a deed showing the interest the grantee is receiving. A deed to “A, his heirs and assigns” would grant the property to A with the right to assign said property or have it descend to A’s heirs upon A’s death. This would be considered a fee interest (estate). This would differ from a life estate granted to A which would terminate upon A’s death and could not be inherited by A’s heirs.

HOMESTEAD: The dwelling of the head of a family. Some states grant statutory exemptions protecting the homestead property against the rights of creditors. Property tax exemptions are also available in some states.

INSTRUMENT: Any writing having legal form and significance, such as a deed, mortgage, will, lease, etc.

JUDGMENT: The decision of a court of law. Money judgments, when recorded, become a lien on real property of the defendant.

JUDGMENT CREDITOR: A person, corporation, etc. that has been awarded a money judgment by a court. Recording and abstract of said judgment will create a lien on real property owned by the judgment debtor in the county where the abstract is recorded.

JUDGMENT DEBTOR: A person, corporation, etc. against whom a money judgment has been awarded by a court.

JUDGMENT LIEN: A lien against the property of a judgment debtor.

LEASE: An agreement by which an owner of real property (lessor) gives the right of possession to another (lessee), for a specified period of time and for a specified consideration.

LEGAL DESCRIPTION: A method of geographically identifying a parcel of land.

LIEN: An encumbrance against property for money, either voluntary or involuntary. All liens are encumbrances, but all encumbrances are not liens.

LIS PENDENS: A legal notice recorded to show pending litigation relating to real property, and giving notice that anyone acquiring an interest in said property subsequent to the date of the notice may be bound by the outcome of the litigation.

LOT: Generally, any portion or parcel of real property. Usually refers to a portion of a subdivision.

MECHANIC'S LIEN: A lien created by statute for the purpose of securing priority of payment for the price or value of work performed and materials furnished in construction or repair of improvements to land, and which attaches to the land as well as the improvements.

METES AND BOUNDS: Description of land by boundary lines, with their terminal points and angles.

MINERAL RIGHTS: The ownership of the minerals (coal, gold, iron, etc.) under the ground, with or without ownership of the surface of the land.

MORTGAGE: The instrument created for the pledging of property to a creditor as security for the payment of a debt.

MORTGAGEE: The party lending the money and receiving the mortgage.

MORTGAGOR: The party who borrows the money and gives the mortgage.

NOTARY PUBLIC: One who is authorized by the state or federal government to administer oaths and to attest to the authenticity of signatures.

NOTICE OF COMMENCEMENT: A recorded notice showing that construction on a property is going to take place.

OFFICIAL RECORDS: Each instrument that the clerk of the circuit court is required or authorized to record in one general series called "Official Records".

OWNER OF RECORD: The owner of property according to the records of the county recorder.

PARCEL: A general term meaning any part or portion of land.

PARTIAL RELEASE: A release of a portion of property covered by a mortgage. A subdivider will obtain a partial release as each lot is sold upon payment of an agreed upon amount. In areas where the subdivider is not usually the builder, it may be necessary to sell groups of lots to obtain a partial release

PERFORMANCE BOND: A bond posted by a builder to insure completion of a project.

PLAT: A map dividing a parcel of land into lots, as in a subdivision.

PLAT BOOK: A book that contains the plat maps for a given area.

POWER OF ATTORNEY: An authority by which one person (principal) enables another (attorney in fact) to act for him/her.

PROBATE: Any action over which probate court has jurisdiction.

PUBLIC RECORDS: Usually at a county level, the records of all documents which are necessary to give notice. The records are available to the public. All transactions for real estate sales should be recorded.

QUITCLAIM DEED: A deed operating as a release and intended to pass any title, interest, or claim that the grantor may have in the property, but not containing any warranty of a valid interest or title in the grantor.

RECONVEYANCE: An instrument used to transfer title from a trustee to the equitable owner of real estate, when title is held as collateral security for a debt. Most commonly used upon payment in full of a trust deed. Also called a deed of reconveyance or release.

RECORDATION: Filing instruments for public record with a recorder.

RECORDED MAP: A map recorded in a county recorder's office. May be a subdivision map or describe a non-subdivided parcel. Reference to a recorded map is commonly used in legal descriptions.

RECORDED PLAT: A subdivision map filed as a matter of public record.

RECORDING: Filing documents affecting real property as a matter of public record giving notice to future purchasers, creditors, or other interested parties. Recording is controlled by statute and usually requires the witnessing and notarizing of an instrument.

RECORDING FEE: The amount paid to the recorder's office in order to make a document a matter of public record.

REGISTRAR OF DEEDS: A term used in some states to describe the person in charge of recorded instruments. More commonly called a recorder.

RELEASE: An instrument releasing property from the lien of the mortgage, judgment, etc. Sometimes a "discharge" is used instead of a release.

RERECORDING: The recording of a deed for a second time to correct an error in the original deed that was recorded. Also called a corrective deed.

RESTRICTIONS OR RESTRICTIVE COVENANTS: Most commonly used to describe a use or uses prohibited to the owner of land. Former owners in deeds, or in the case of a subdivision set restrictions forth, the developer records a declaration of restrictions. A limitation on use of the property by law (zoning ordinances) may also be termed a restriction.

REVENUE STAMPS: Formerly federal tax on sale of real property. Canceled and replaced by state tax stamps. The amount of the tax is stamped on the conveyancing instrument.

SATISFACTION: Discharge of an obligation by payment of the amount due as on a mortgage, trust deed or contract; or payment of a debt awarded such as satisfaction of a judgment. Also the recorded instrument stating said payment has been made.

SECTION: A division or parcel of land on a government survey comprising one square mile (640 acres). Thirty-six (36) sections comprise a township.

STATUTE: A law that comes from a legislative body. A written law rather than law established by court cases.

STATUTORY LIEN: An involuntary lien created by law rather than by contract. Includes tax liens, mechanic's liens, etc.

SUBDIVISION: A division of a single parcel of land into smaller parcels (lots) by filing a map describing the division, and obtaining approval by a governmental commission (city or county). The exception is a condominium.

SUBDIVISION MAP: A map submitted by a subdivider to the proper governmental body for approval in order to establish a subdivision. When the map is approved and recorded, it becomes the basis for the legal description of the subdivision.

TAX DEED: (1) Deed from tax collector to governmental body after a period of non-payment of taxes according to statute. (2) Deed to a purchaser at a public sale of land taken for delinquent taxes. The purchaser receives only such title as the former owners had, and strict procedures must be followed to prevent attachment of prior liens.

TAX LIEN: (1) A lien for nonpayment of property taxes and attaches only to the property upon which the taxes are unpaid. (2) A federal income tax lien. May attach to all property of the one owing the taxes.

TAX ROLL: A list, usually published by a county, containing the descriptions of all parcels in said county, the names of the owners (or those receiving the tax bill), the assessed value, and tax amount.

TENANCY BY THE ENTIRETY: A form of ownership by husband and wife whereby each owns the entire property. In the event of the death of one, the survivor owns the property without probate.

TITLE: The evidence one has of right to possession of land.

TITLE SEARCH: A review of all recorded documents affecting a specific piece of property to determine the present condition of title.

TOWNSHIP: A territorial division of land established by federal survey being six miles square and containing thirty-six (36) sections, each one mile square.

TRANSFER: The act by which the title to property is conveyed from one person to another.

TRANSFER TAX: State tax on the transfer of real property based on purchase price or money changing hands.

TRUST: A fiduciary relationship under which one holds property (real or personal) for the benefit of another. The party creating the trust is called the settler, the party holding the property is the trustee, and the party for whose benefit the property is held is called the beneficiary.

UNIFORM COMMERCIAL CODE: A code (laws) which regulates the transfer of personal property; it took the place of the various state statutes covering chattel mortgages, conditional sales, trust receipts, etc.

UNRECORDED INSTRUMENT: A deed, mortgage, etc., that is not recorded in the county recorder's office and, therefore, not protected under recording statutes. It is valid between the parties involved but not against innocent third parties.

WARRANTY DEED: A deed used in many states to convey fee title to real property. Until the widespread use of title insurance, the warranties by the grantor were very important to the grantee. When title insurance is purchased, the warranties become less important as a practical means of recovery by the grantee for defective title.

WITNESS: (1) To sign a deed, note, or other document, to attest to its authenticity, or to prove its execution. (2) The person attesting.