



Fresno County Assessor-Recorder's Office
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Paul Dictos, CPA- Assessor-Recorder

FROM ROYAL CLAIM TO PRIVATE PROPERTY

The legitimacy of basic property rights, one of the mainstays of our free enterprise system, rest in part on the public records of property ownership which are maintained by the recorders of California's 58 counties. Whether property changes hands by sale, gift, foreclosure, court order or eminent domain, the record of that change becomes one indication of the chain of title to the property. While documents granting property from one party to another if properly executed and witnessed do not have to be recorded, unrecorded documents may be difficult to implement if later transfers are recorded. In addition to "property" documents such as deeds, easements, maps and liens which affect ownership, the recorder also is the custodian of "living" documents including birth, marriage and death certificates which have impacts on property ownership as well.

The saga of California property ownership began with the King of Spain's original claim to all of the lands discovered in 1542. Spanish settlers began to colonize California in 1769 either as church missions, military presidios (forts), pueblos (towns) and rancheros (large individual holdings). In 1821 Mexico won independence from Spain and the Mexican government increased the rancheros from 25 to approximately 500 prior to California being annexed to the United States in 1848. During these years rancho surveys and descriptions were kept either in Mexico or with the Alcade (village judge or mayor) of the pueblos. The documents of this period were known as "expedientes" and can still be found in some County Recorder's offices.

When the United States and Mexico signed the Treaty of Guadalupe Hidalgo in 1848, the rights of Mexican citizens to hold property in California were maintained. The Spanish concept of "community property" for married couples stems from this era. Because the surveys, maps and records of the Spanish/Mexican land grants were too vague for United

States standards to establish ownership, procedures were adopted to authenticate those grants based on records from Mexico, pueblo archives and alcalde's records. This process often led to competing claims and, in some cases, bloodshed. Once adjudicated, United States government "patents" were issued.

Lands not covered by adjudicated patents were considered owned by the United States government and were made available to the State of California through land grant laws; the railroads to fund the construction of the transcontinental rail system and to private individuals by preemption (purchasing up to 160 acres for \$1.25/acre from the federal government) or, until 1935, by homesteading (putting the land to productive use for five years).

Should you have any questions please contact the Fresno County Assessor-Recorder Paul Dictos at 559.600.3534 or by e-mail at pdictos@co.fresno.ca.us.