

# LAND PATENT GLOSSARY

“What You Need to Know About...LAND PATENTS”

U.S. Land Patents are the SUPREME LAW of the LAND per

The Constitution for the United States of America: Art. VI (2) and Art. IV s 3 (2)

by Ron Gibson

Please do your own due diligence if terms used in these definitions are unknown to you...all you need to do is an online search for the word's definition.

**ADHESION CONTRACT** — A distinctive feature of adhesion contract is that the weaker party has no realistic choice as to its terms.

**ALIENABLE** - Proper to be the subject of alienation (separation) or transfer.

**ALLODIUM** - Land held absolutely no one's own right, and not of any lord or superior; land not subject to any feudal duties or burdens.

**ALLODIAL** – Free; not holden of any lord or superior; owned without obligation of vassalage or fealty; the opposite of feudal.

**APPURTANANCES** - An article adapted to the use of the property to which it is connected, and which is intended to be a permanent accession to the freehold.

**ASSIGNS** - Assignees; those to whom property is, will, or may be assigned.

**BLM** - Federal Land Office; Bureau of Land management.

**BONA FIDE**- In or with good faith; honestly, openly, and sincerely; without deceit or fraud.

**CAVEAT EMPTOR** - Buyer beware.

**COLLATERAL ATTACK** - With respect to a judicial proceeding, an attempt to avoid, defeat, or evade it, or deny its force and effect, in some incidental proceeding not provided by law for the express purpose of attacking it.

**COLOR OF LAW** —The appearance or semblance, without the substance, of legal right.

**COLOR OF TITLE** - That which is a semblance or appearance of title but is not title in fact or law.

**COMMON LAW** - As distinguished from statutory law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from uses and customs of immemorial antiquity.

**CORPORATE** - Belonging to a corporation; as a corporate name.

**CORPORATION** - An artificial person or legal entity.

**DEED** - A conveyance of realty; a writing signed by grantor, whereby title to realty is transferred from one to another.

**EJECTMENT** - At common law, this was the name of a mixed action ... which lay for the recovery of the possession of land, and damages for the unlawful detention of its possession.

**EMINENT DOMAIN** - The power to take private property for public use by the state, municipality, and private persons or corporations authorized to exercise functions of public character.

**EQUITABLE OWNERSHIP** - Ownership rights which are protected in equity.

**EQUITABLE TITLE** - See Equitable ownership.

**EQUITY** - Justice administered according to fairness as contrasted with the strictly formulated rules of common law.

**ESTOPPEL** - Term means that a party is prevented by his own acts from claiming a right to detriment of other party who was entitled to rely on such conduct and has acted accordingly.

**EVIDENCE OF TITLE**- A deed or other document establishing title to property, especially real estate.

**FOREVER** - For eternity, for always, endlessly.

**FREEHOLD** - An estate for life or in fee. A "freehold estate" is a right of title to land.

HEREDITAMENTS - Things, which may be directly inherited, as contrasted with things, which go to the personal representative of a deceased.

HYPOTHECATE - To pledge (property) to another as security without transferring possession or title, mortgage.

IMMUNITIES - Freedom or exemption from penalty, burden or duty.

INALIENABLE - Not subject to alienation.

LACHES - "Doctrine of laches" is based on maxim that equity aids the vigilant and not those who slumber on their rights.

LAND PATENT - An instrument conveying a grant of public land; also, the land so conveyed.

LAW - Something laid down or settled.

LAWFUL- In conformity with the principles of law.

LAWFUL MONEY - As provided in the Constitution for the United States of America Art I, section 8, clause 5: Coin.

LEGAL - Of, based upon, or authorized by law.

LETTERS OF PATENT - Issued by Congress per Article IV, section 3, clause 2; to dispose of property (unappropriated lands) belonging to the United States; and then signed into Law the president as Patent to the Patenee, his heirs and assigns forever.

MEMORANDUM OF LAW – A brief written statement outlining the terms of an agreement or transaction.

MORTGAGE - The lending of monies for the purchase of property by a creditor in exchange for the payment of a debt.

NUNC PRO TUNC - Now for then.

PATENTEE - A person who has been granted a patent.

PERPETUITY - The state or quality of being perpetual.

**PRIVILEGE** - A particular and peculiar or advantage enjoyed by a person, company or class, beyond the common advantages of other citizens.

**QUIT CLAIM** - In conveyancing, to release or relinquish a claim, to execute a deed of quitclaim.

**REAL ESTATE** - Land and anything attached to permanently affixed to the land, such as buildings, fences, and anything attached to the buildings, such as light fixtures, plumbing and heating fixtures, or other such items which would be personal property if not attached.

**RES JUDICATA** - A matter adjudged; a thing judicially acted upon, or matter settled by judgment.

**RIGHTS** - A power, privilege, or immunity guaranteed under a constitution.

**SOVEREIGN** - A person, body, or state in which independent and supreme authority is vested.

**SOVEREIGNTY** - The supreme, absolute, and uncontrollable power by which an independent state is governed, supreme political authority.

**STARE DECISIS** - To abide by, or adhere to, decided cases.

**TITLE** - The formal right of ownership of property. Title is the means whereby the owner of lands has the just possession of his property.

**TREATY LAW** - [And all Treaties made, or which shall be made under the Authority of the United States, shall be the supreme Law of the Land.

**WARRANTY DEED** - Deed in which grantor warrants a good, clear title.

**WILL DEED** - A deed not in the chain of title.