

## A Centennial Feature —

# City's early history recorded

by Ruth Howard  
Special Features Editor

Anyone who has ever bought or sold a piece of real estate in the United States has had some dealings with an abstract company; yet few of us really know what an abstract company is or what it does.

I know I was not acquainted with the function of the Grant County Abstract Co., and quite frankly wasn't aware that I was missing anything. So when my editor sent me off to do a story on the local abstract company, I yawned and dragged myself out to find the dusty corner of the courthouse occupied by that particular layer of local bureaucracy. "After all," I reasoned, "It's her money."

The office of the Grant County Abstract and Title Co. is newly located on the first floor of the court house but the office was anything but dull and dusty. It was bright and sunny as the smiles I was greeted by. Norma (Mrs. Gordon) Bracht has been manager of the Abstract Co. since July 1, 1973 and Ruth (Mrs. Dean) Webb has been employed there for five years.

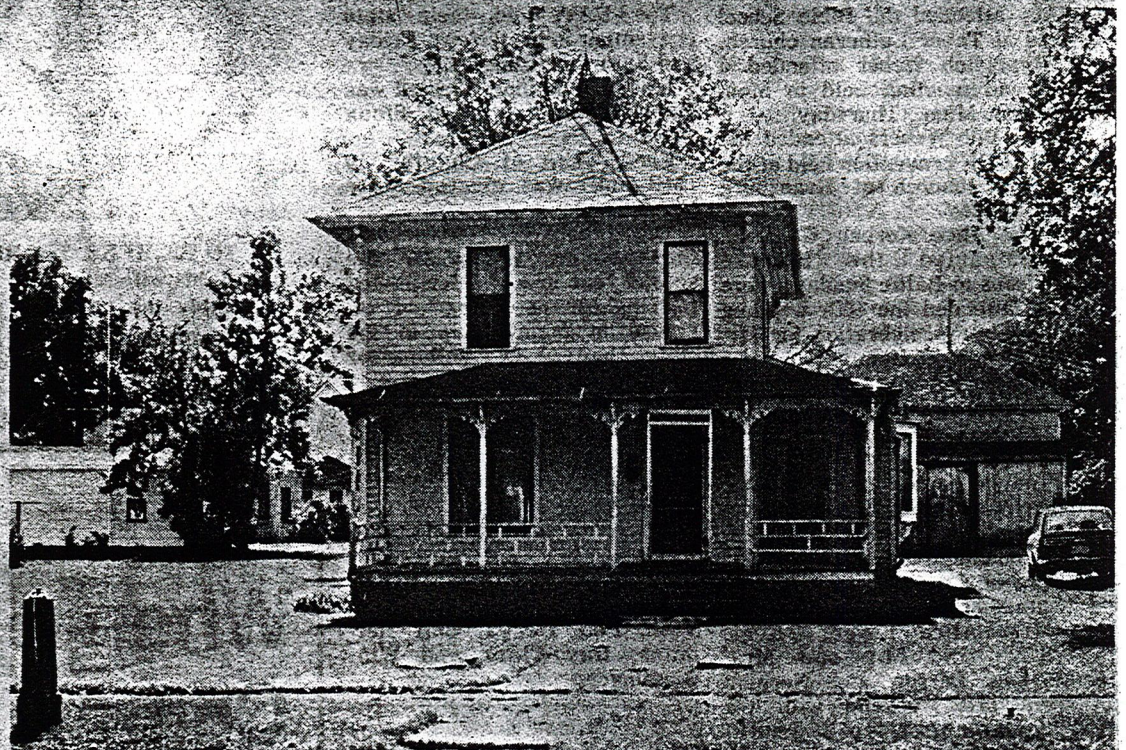
My first surprise came when I was told that this office was not a public office but a private business. It appears to be one of the oldest on-going businesses in the county. Mrs. Bracht has printed deeds that list Haws & Gibson as abstractors in Milbank, Grant County, Dakota Territory in 1889.

Records from 1898 show Frank W. Meehan as register of deeds in 1898 and as abstractor in 1899. It would appear that in 1909 the Grant County Title Company and the Grant County Abstract Co. joined to form the Consolidated Abstract Company.

An abstract company is required by state law to maintain a duplicate of the land records registered by the register of deeds. When the Grant County court house burned in July, 1985 the county records were destroyed. Mrs. Bracht has many records in her files that predate the fire. It is believed that the Abstract office was in the Herald Advance building at 319 S. Main at the time of the courthouse fire so many valuable records were saved.

The purpose of an abstract office is to supply evidence of title that an attorney can examine to determine if a certain piece of real estate is free of encumbrances and is marketable. In simple terms, the abstract office's job is to find out who owns the land in question and who has the right to sell it to another person.

A title search may cover records in the offices of register



**THE RESIDENCE OF F. W. MEEHAN** has been a landmark in Milbank since before 1900. The home at 408 South Fifth is now occupied by Thelma Erdahl. An early picture of the residence was shown in the 1900 souvenir booklet put out by the Druecker Bros Pioneer Store (which was located in the double building at 216-18 South Main — Schad's and Tim's).

The two pictures show the home has changed very little; today's shows the hitching post, however. — HA Photo



The F. W. Meehan residence

of deeds, clerk of courts, municipal and other county officials. These records include all recorded documents, judgments, liens, taxes, street assessments, sewer and water assessments, and all other special taxes and levies.

After a title search it is possible for an attorney to point out any problems that may relate to the sale of the property in question. Unpaid taxes, unsatisfied mortgages and judgments against the seller are just a few of the many problems that could make it possible for a sale of the property to proceed.

To show me how a title search is done, Mrs. Bracht and I at random chose a house in Milbank and checked its history. The house we chose was on Lot 3, Block 34, of the First Addition, City of Milbank. The property is listed in large index books which

show the volume and page numbers of books where deeds and mortgages are recorded. We checked only the transfer of the deed on this property though a real title search would concern itself with every mortgage and other records.

The first entry for Lot 3 was in 1882 when Charles Prior bought the land from the United States Government for \$1 per acre. In 1882 Charles Prior sold several acres of land, which included Lot 3, to Lisa Parkherst for \$300. The land was subdivided then and became part of the First Addition to the City of Milbank, formerly known as Milbank Junction. In 1898 Tressa Meehan, wife of Frank W. Meehan, register of deeds for Grant County at that time, purchased Lot 3 for \$30. It appears that the Meehans built the house on that lot soon after. When they resold the lot and house 19 years later in 1917 to Julius Greening, the price was \$4600. In 1931 Julius Greening sold the house to his son Ernest Greening. The price then was \$1 plus other valuable considerations.

# on abstracts

At this point we discovered an error in the records. The index book listed the next entry for this property as being recorded in volume 64, page 344. A check of that page showed a record of farmland elsewhere in the county. At this point in a real title search it would be necessary to compare the records in the abstract office to those held by the register of deeds.

The next entry listed for Lot 3 showed that Eli and Tillie Erdahl purchased the property from E. J. Tillmans in 1947. The sale price this time had climbed to \$6250.

The property is still owned by Eli Erdahl. The only other entry listed the probate action at the time of Tillie Erdahl's death to transfer the house to the sole ownership of Eli Erdahl.

The job of preparing an abstract is getting more complicated every year, Mrs. Bracht tells me. "We are dealing with one hundred years of history and some of the abstracts we prepare are an inch thick. Each transfer adds another step to research. Just think what the abstracts for the New England states must be Boston, for instance, is having their 350th anniversary."

It occurred to me that to buy a piece of land I had to have a clear title from the seller. "Why then," I asked, "do you have to research every title clear back to the Government? Why not just go back to the last clear title?"

"You don't receive a clear title in the legal sense," Mrs. Bracht told me. "What you get is an attorney's opinion that there aren't any encumbrances on the property that would give someone else a claim to any part of that property. A title search could miss a tax claim or something of that nature or there could be a forged deed or a mistake in the public records. Those things would not show up on an abstract."

It is possible to buy title insurance that would protect you from any claim against your title. The South Dakota Housing Authority and most of the other

federal financing agencies require that title insurance be purchased.

Mrs. Bracht tells me that the work of an abstractor gets pretty detailed and it is very helpful to have had some legal training. Mrs. Bracht was a legal secretary for 15 years before entering the business.

Ruth Webb confided, "This is a job you either love or hate. You have to enjoy history and detail work to do this." For me the morning was interesting.

Someone with an interest in history would find checking the records of their family home intriguing. We discovered, for instance, that the first records were all hand-written by someone who had beautiful script handwriting. The entry from 1917 was typewritten indicating that perhaps the county had its first typewriter sometime before 1917. Records now are copied by Xerox machine and all the records are micro-filmed with these microfilms in a safe place. Another courthouse fire could destroy the lovely hand written books but the records they contain would not be lost.

If anyone is interested in researching their home, Mrs. Bracht suggests that they contact the register of deeds office. The records there are public property and as such are open to the public.

It would be interesting to detail the history of some of the oldest homes in the city. Perhaps a walking tour of the town could be arranged with historical information printed in a brochure for the walkers. It is too late to prepare something like that for the city's centennial this year but South Dakota has its 100th anniversary in 1989. Perhaps . . .



RUTH WEBB AND NORMA BRACHT display the original plat map of Big Stone City. This map is part of the records owned by the Grant County Abstract and Title Company and is the only original map in existence. When the Otter Tail power plant was built they made several copies of this map. — Howard Photo