

A “TOWN” MODEL OF LAND REGISTRATION: THE CASE OF KILLINGWORTH, CONNECTICUT

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After 1990, the privatization of land and buildings became a major policy in many countries of Eastern Europe and the Former Soviet Union¹. The Albanian government, for example, created approximately 3 million privately owned parcels of land, apartments, and business establishments in a country of approximately 3 million people (and 11,000 square miles), where all such assets had been owned by the state prior to 1991². The Georgian government created 2.6 million parcels of privately owned agricultural land and another approximately 560,000 privately owned apartments and house plots after 1991, in a country of approximately 5.3 million people and 27,000 square miles (about five times the size of the State of Connecticut with about double the population.)³.

With this great increase in the number and significance of private ownership of land and real estate, came the gradual introduction of real estate markets, the buying and selling of private rights to these assets. For such a market to work dynamically and properly, people need a way to know who the true owners of real estate are. In all of the Western market oriented countries with widespread private ownership of land and real estate, some sort of office or agency has been created to enable people to find out who the true owners of land and real estate are. Based on this historical experience, some sort of property rights registry agency is needed in these newly emerging market oriented economies. Since they had no private ownership of assets prior to 1991, they had no such agency and a new one has to be created.

A widely used model in the E. Europe and FSU context has been the Land Registry, specialized in the organization and display of information about the ownership of land and real estate⁴. That is, the Land Registry carries out these functions and no others. In order to have a sufficient number of transactions for which fees are charged to finance their operations, such offices often cover a large area and a large number of properties. But this specialization and concentration of function on registration of transactions has meant that such offices are geographically and often socially distant from people and the properties that they own. With very slowly developing land markets, the number of transactions is often not sufficiently high to finance their operations,

¹ See J. David Stanfield, 1999, “Creation of Land Markets in Transition Countries: Implications for the Institutions of Land Administration”, Working Paper No. 29, Land Tenure Center, University of Wisconsin, Madison.

² See Ahmet Jazoj, David Stanfield, Teresa Barry, 1996, “Albanian Land Market Action Plan: Purposes, Achievements, Lessons”, Albanian Series Working Paper No. 1, Land Tenure Center, University of Wisconsin-Madison

³ See Robert Cemovich, 2000, “Land Privatization and Enterprises in Georgia”, in Post Soviet Geography and Economics, Vol. 41 (No. 3), pp. 217-229.

⁴ See Tim Hanstad, “Designing land registration systems for developing countries”, American University International Law Review, 13:3, 1997, p. 647-703.

leading either to an increase in fees, thereby being a disincentive for people to register their transactions, or to the reduction of offices and staff and a further distancing of the functions from the people such offices were created to serve.

There is another model, however, that deserves some attention which we call the “town administration” model, where a town clerk or secretary stores transaction documents, indexes the names of those who buy and sell, and displays ownership information about land and real estate as one among many responsibilities. This "town" model of land administration would fit nicely with the traditions of the Former Soviet Union countries, where a Village Secretary in the days of the collectives kept track of housing permits in villages, the birth and death of residents, and other facets of community life. Maybe in the larger towns and cities, the "specialized registry" model could work, with a special office and staff to record documents and maintain the parcel index maps, but in rural settlements and villages, a much simpler, multipurpose administrative structure could handle the land records as well as other functions of local government very cheaply and effectively.

To describe the “town administration” model of land registration, we use the Town of Killingworth Connecticut⁵. In Connecticut, there are 169 Towns whose governing body is usually the Board of Selectmen. Such Towns have either an elected or appointed Town Clerk. In Killingworth, the Clerk is elected every four years in a regular election, and administers the recording, archiving, and displaying of deeds which affect rights to land. The Clerk also issues and records birth, death and marriage certificates, issues dog licenses and burial permits, and provides copies of recorded documents—all for a fee.

Killingworth was named in the late 1600’s for Kenilworth in England, which was also known as Killingworth.⁶ Killingworth was for those early centuries of European settlement basically a farming community with logging as a supplemental activity. The lands in the community are not of great agricultural productivity, so that the lands devoted to agriculture have declined from 1,197 acres (5% of the total area of the town) in 1978 to 317 acres in 1993. Residences account for 20% of the land use in 1990, with open spaces and uncommitted land totaling 70% of the 36 square miles of the town. There is no town commercial center, but rather residences and commercial and service buildings are dispersed across the landscape.

The population of the town grew rapidly after 1950 from 677 people in that year to 4,814 people in 1990, mostly the result of the completion of the interstate highway system in the area and the influx of people looking for a pleasant and accessible place to have a home.

In Killingworth, there are about 3,100 parcels of land. From January of this year (2003), there have been 2,082 recorded transactions, mostly related to mortgages. Last year there were 2,488

⁵ To become acquainted with this town administration model, during August 10 and 11, 2003 Jean Jacques Meunier and I visited the Town Hall of Killingworth, Connecticut. These notes come from conversations with the Town Clerk, Susan Adinolfo (18 years as Clerk—See Figure 5 for a photo) and Donna Shanoff, Town Assessor. We thank these two people particularly for their help in understanding how the town operates. Any errors in this paper are the responsibility of the author.

⁶ Killingworth Planning and Zoning Commission, “Town of Killingworth Plan of Conservation and Development, 1997, p. 15.

documents recorded generating fee income to the Town of \$65,153. The fees generated from recording deeds cover the costs of the operation of the deed recording work and more. The recording fee is \$13.00 for the first page of the recorded document, and an additional \$5.00 fee per page for additional pages. In total the Clerk's office generated \$158,749 in revenues from its various services and fees, of which \$136,263 went into the general fund of the Town⁷.

The falling interest rates for loans based on mortgaged properties these past couple of years have motivated people to re-negotiate lower rates and to take out loans for other uses. Each mortgage agreement or modification has to be recorded. There are title insurance companies which issue their insurance for the purchasers of real estate, in large part due the requirement of banks which hold mortgages that there be such insurance.

The Clerk has been carefully introducing computers into the operations of the office, with the initial effort being the building of a data base to index grantors and grantees, and print out those indices quarterly. Since 1857 when the Town government was officially created, and until the first computer was introduced a few years ago, the operations of the registry were done by hand, including the construction of alphabetically organized lists of grantors and grantees. The Clerk has also microfilmed deeds, and stores those rolls in the Iron Mountain facilities for back up copies should some disaster befall the Town Hall.

The Clerk is not personally liable for any errors in the documents that she stores, nor for damages which an owner may suffer if the Clerk does not properly store or index a document. The town's Board of Selectmen (elected) can buy an insurance policy for its employees, to cover possible lawsuits, but it is not a common occurrence.

Another security measure is the construction of a vault in the Town Hall, where all of the land records are stored, including the deeds, indices, parcel maps and surveys. See Figure 4 for a view of the shelves in the vault holding the bound volumes of deeds.

The Clerk works in close cooperation with the Town Assessor who administers the real property taxation system, and maintains the "parcel index map" (a map at the scale of 1 inch = 200 feet or 1:2,400, showing the roads and boundaries of all parcels, as well as bodies of water), and the archives of the survey plans required in all subdivisions of existing parcels. A copy of the multi-page index map is kept on a counter for easy access by anyone who comes into the Town Hall (see Figure 1), along with a card index showing the names of all owners in alphabetical order with reference to the map sheet and map parcel number of the property owned, as well as the volume and page of the filed deed (see Figure 2), and another card index by map sheet, with a card for each parcel in each sheet, showing the name of the owner, their address and the volume and page number of the deed referencing that parcel, and the map and parcel number of the parcel (see figure 3). The map in Figure 1 shows the boundaries of properties, but no buildings. Each parcel has a unique number within the map sheet containing the parcel. The circled number is the address, which indicates that there must be a house on the parcel. Provisional addresses have been assigned by the Assessor every 100 feet of frontage along the road. The index maps are maintained routinely and revised annually.

⁷ Town of Killingworth, Annual Report, Fiscal Year ending June 30, 2002, pp 37-38.

The Clerk and two assistants handle the duties of the Clerk's office, including the document recording, archiving, indexing, and public service activities, while the Assessor and a staff of two run the property tax assessments, records and index map maintenance.

The Assessor is appointed by the Board of Selectmen as are the assistants. Their salaries are paid from the Town's budget. The assessor's work has to be carefully and consistently done, in order to avoid complaints from the public. Toward those ends the assessor has developed a detailed system for valuing each parcel and buildings on the parcel, to arrive at a total valuation figure for the town each year. See Figure 6a and 6b for the two sides of the field card used to calculate and exhibit the valuation of a property, including a photo of the house on the property).

Based on that valuation for all properties in the town, the "grand list", the Town's Board of Finance develops the yearly Town budget and decides on the tax rate needed to generate the funds needed for the school (about 75% of the total expenditures of the Town), highway maintenance, sanitation and other expenditures of the Town. For the fiscal year of 2002, the total town budget was \$14,096,626, of which \$11,019,554 was generated from property taxation⁸

This long tradition in Connecticut of Towns administering their property registries along with other administrative functions, rather than property registration being the responsibility of a specialized entity often located in more distant administrative centers (such as Counties) offers an alternative model for land registration in countries making the transition from planned to market based economies. Such a model has the advantage of being locally administered where social contacts are easy and frequent and where people know who owns what land. Avoidance of the registration responsibilities in instances of transactions can be much less than in the more specialized, centralized model, especially when land taxes are also collected at the local level for funding local needs, such as community schools. An effective, locally administered property tax gives an incentive to sellers of property to be sure that they are no longer registered as the legal owner who is liable for the payment of property taxes. The Town model of land administration also has the advantage of being similar to the local administration structure and functions in the days of collective ownership of land in transition countries. When the centralized, specialized model of land registration becomes distorted and inoperable, the Town model of land administration is available as an alternative that has proven its worth over long periods of time in places without large budget resources and highly developed infrastructure.

⁸ Town of Killingworth, op. cit., p.16 of Supplemental Schedules.

Figure 1: Parcel Index Map



Figure 2: Card Index, Names of Owners of Land



Figure 3: Card Index in Order by Map Sheet and Parcel Number

Map 21 12	Vol.	Page
Carlton E. Stahl	51	468
Andrew J. Moore	65	172
Thomas J. Moore	72	71
Taylor Moore	73	514
Dolores Greene		
Dolores S. Greene Kaplan & Herbert Sorenson Kaplan	80	326
Dolores S. Greene Kaplan & Thomas A. Bishop Trustee	82	632
Dolores S. Greene Kaplan	82	775
Hager, Marilyn F. & Lavezzoli, Robert F.	83	776

Figure 4: Vault Shelves with Bound Volumes Containing Deeds



Figure 5: The Town Clerk



Figure 6a: Page 1 of the Field Card of the Assessor

TOWN OF KILLINGWORTH, CONNECTICUT (070)

Field Card

LOCATION 15 PATRICK DRIVE WORRAL MARK D	ACCOUNT NUMBER 0167525	SURVEY 6401	DEV LOT 28-40D	MAP / LOT 28-40D				
0 OF 0	CENSUS TRACT 15 PATRICK DRIVE KILLINGWORTH CT	VOLUME / PAGE 168 / 175	PURCHASE DATE 07/12/2001	SALES PRICE 370000				
CURRENT OWNER PASCUZZO PATRICIA S & STEVEN J	06419	136 / 240		SALES CODE U W				
PRIOR OWNER INFORMATION								
TYPE	FINISH AREA	SIF AREA	ASSESSMENT YEAR	ASSESSMENT BREAKDOWN				
GOOD 1. FAMILY / 2.0 / B COLONIAL 2 FAMILY RESIDENCE	SEMI FIN % WET / LOW BSMT # OF CARS IN BSMT GARAGE BASEMENT ACCESS HATCHWAY I		11 RES. LAND 13 RES. DWELLINGS	UNIT ACRES ASSESSMENT 1 1.10 73150 185210				
EXTERIOR	HEATING AND COOLING SYSTEM							
FOUNDATION BASEMENT FULL PARTY EXTERIOR SIDING	POURED CONC. CRAWL % SLAB% VINYL	OIL						
-1 -2 -3		HEATING % 100 AIR COND % 100						
BRICK / STONE INSULATION EXTERIOR MILLWORK ROOF TYPE DORMER (L.F.) ROOFING PLAIN FIREPLACES DETAILED FIREPLACES HEATING DEPRECIATION CHIMNEY(S) SKYLIGHTS	LN 100 % DETAIL GABLE ARCH SHINGLES 1 MODERN 1	ATTIC ACCESS						
PLUMBING								
FIXTURES 5 3 3	BATH TYPE MOD-FULL SHR MOD-PLAIN TUB MOD-PLAIN SHR	FIXTURES	LAV TYPE					
INTERIOR								
INTERIOR MILLWORK % OF INTERIOR FINISH	PLAIN 100 %							
BASEMENT 1ST FLOOR 2ND FLOOR 3RD FLOOR	WALL FINISH NIL DRY WALL DRY WALL	FLOOR FINISH CONCRETE HARD WOOD HARD WOOD						
COMMENTS TOPO ABOVE GRADE; MARBLE FLOOR IN BATHS; PRE FAB FRPLC;								
CONDITION / DESIR / UTIL YEAR BUILT RENOVATION YEAR ADDITION YEAR								
AVERAGE 1996								
ROOM LAYOUT								
BASEMENT 1ST FLR 2ND FLR 3RD FLR TOTAL	KIT 1 1 1 4	DR 1 1 1 4	LR 1 1 1 4	BR 1 1 1 4	FR 1 1 1 4	OTHER 1 1 1 4	TOTAL 4 4 4 8	BATH 1 1 1 3
ZONE R-2 SINGLE CARD YES								
REFER ACCT # 04/24/2002								
LAST UPDATE 04/27/2001								
INSPECTION DATE DM								
INSPECTOR TG								
PREVIOUS GROSS ASSESSMENT 155200								
ASSESSMENT HISTORY DATA								
YEAR	GROSS	REASON	UPDATE					

08/13/2003

LESHER GLENNING MUNICIPAL SERVICES, INC.

REVALUATION - 2001

