

## Virginia Marine Resources Commission Criteria for a Kings Grant Claim

Below is a list of the minimum information necessary for a review of a Kings Grant claim. Upon receipt, we will forward the information to the office of the Attorney General for their review and advice. Advice from the office of the attorney general is not, and cannot be, a final determination of property rights. That is a function of the judiciary.

A proper submittal should be exhaustive, self-contained, self-explanatory, and authentic. There should be no need for additional research, beyond confirmation of the submittal, by government personnel.

The submittal should be well organized and indexed and include, at a minimum:

- (1) a comprehensive link-by-link analysis and discussion of an unbroken chain of title, with supporting documentation identified and referenced;
- (2) clear and legible copies of all supporting documentation (including typewritten transcriptions of documents difficult to read such as patents and other handwritten documents, along with copies of those handwritten documents themselves), and, if a copy of the required initial pre-grant or pre-patent "lawful survey" is not included, a detailed explanation of the claimant's efforts to locate and copy the initial "lawful survey";
- (3) credible and verifiable explanations of any seeming inconsistencies, gaps in the chain, name discrepancies, and other identifiable problems or potential problems;
- (4) properly recorded survey and plat of the land in issue;
- (5) a demonstration that the claimant's presently-owned property boundary clearly lies within the boundary of the applicable grant or patent, including, if necessary, explanations or confirmation of boundaries where natural or artificial markers identified in documents no longer exist;
- (6) A legal analysis, with appropriate case and statutory citations, demonstrating that on the date of the initial grant, the grantor possessed legal authority to convey title to submerged lands in the waterway involved and, that by clear and unambiguous language, the grantor specifically intended to convey the submerged lands lying within or adjacent to the tract.
- (7) to the extent that review may be facilitated and understanding enhanced, visual aids should be liberally added, e.g. overlays and/or diagrams identifying pertinent tracts and parcels and showing their relationship or contiguity; and
- (8) to the extent that there is doubt or ambiguity concerning the property boundary lines of any document in the chain of title, especially the initial grant or patent relied upon and subsequent early documents in the chain, submittal of a computerized boundary

analysis using an appropriate program, e.g. CO-ordinate-GeOmetry ("COGO") or similar later generation programs, may assist in the legal review.