

Land Patenting Process

The Virginia Land Law of 1779 required the establishment of a Land Office for claims to property in what was then called Kentucky County, Virginia.

When Kentucky separated from Virginia in 1792, the Kentucky General Assembly voted to maintain the Land Office; all documents pertaining to the patents in Kentucky were transported by wagon from Virginia to Frankfort before 1800.

The Land Office has had a colorful history in Kentucky government. In 1898, the duties of the Land Office Register were merged with the Auditor of Public Accounts. Then, in 1934, the Kentucky General Assembly transferred the duties of the Land Office to the Secretary of State. Less than 10 years ago, voters approved a constitutional amendment which removed the Office of Land Register from the Kentucky Constitution. By statute, the Kentucky Secretary of State's Office maintains and preserves all records pertaining to Kentucky land patents including those prior to 1792.

The Secretary of State's Office also assists in issuing new land patents. KRS Chapter 56 describes the legal requirements for patenting unappropriated land.

Since Kentucky is considered a state-land-state, which means land appropriation is handled on the state level, the patent process remains the method of land appropriation for property within Kentucky. Kentucky does not have properties subject to claim under the federal land program. For a listing of public domain states that participate in federal land sales, contact the Bureau of Land Management at 7450 Boston Boulevard, Springfield, Va. 22153.

It is also important to note that the state Land Office cannot provide a listing of properties subject to sale for collection of delinquent taxes. Contact the local property valuation administrator to determine what, if any, lands are subject to sale.

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"Patenting" refers to the system of land appropriation used to transfer land from the Commonwealth to an individual or group of individuals. The patent process consists of four steps: (1) Warrant(s) -- authorizing surveys to be made (2) Entries -- reserving land for patenting (3) Survey -- actual field survey describing metes and bounds, and (4) Governor's Grant -- finalizes patent and conveys title to the individual.

After a grant is issued, subsequent conveyances of the property are filed with deeds and wills on the county level. There is no central registration of deeds in Kentucky, although the Kentucky Department for Libraries & Archives, Coffee Tree Road, Frankfort, KY 40601, makes a concerted effort to microfilm county records.

This patenting process was introduced by King George III of England in his Proclamation of 1763 as a method of paying veterans of the French & Indian War. The same system of awarding bounty land to veterans was adopted after the Revolutionary War.

The Virginia Land Law of 1779 expanded the land patent system to include warrants other than those issued for military service. In total, military warrants comprise only a small percentage of Kentucky land patents. Other patents were authorized by such warrants as Treasury Warrants, Certificates of Settlement, and Preemption Warrants, Acts of the General Assembly, etc.

Warrants do not convey title nor do they define a specific tract location.

As mentioned earlier, to patent (or acquire) land, all four of these steps must be followed:

1. Warrant(s) authorizing a survey to be made.
2. Entry in the county surveyor's book. The Secretary of State does not always have evidence of entries.
3. Survey depicting the tract.
4. Governor's Grant finalizing the transaction.