

CONTENTS

Executive Summary	i
OVERVIEW OF PROJECT	I
RESEARCH STRATEGY.....	I
OVERVIEW OF CONTRACTS FOR DEED AND LAND TITLING IN TEXAS.....	II
OVERVIEW OF THE RESIDENTS WE SURVEYED	IV
KEY FINDINGS RELATED TO RECORDED CONTRACTS FOR DEED.....	V
KEY FINDINGS RELATED TO UNRECORDED CONTRACTS FOR DEED.....	VII
THREE KEY TRENDS RELATED TO LAND ACQUISITION IN INFORMAL SETTLEMENTS	VIII
Trend One: Developer-Financed Sales are Relying Largely on Deeds and Deeds of Trust but are Utilizing Other Problematic Practices that are Placing Homebuyers in Extremely Vulnerable Positions.....	IX
Trend Two: Consumer-Financed Sales are Growing More Predominant and Have Higher Levels of Informality.....	IX
Trend Three: Lack of Wills is Leading to Future Increases in Clouded Title	X
ADDITIONAL TRENDS AND ISSUES.....	X
POLICY RECOMMENDATIONS.....	XI
PRIORITIES FOR FURTHER RESEARCH.....	XII
List of Figures.....	XIV
FIGURE 1.1. SECTION OF EL CENIZO COLONIA ALONGSIDE THE RIO GRANDE IN WEBB COUNTY.....	Chapter 1: 3
FIGURE 1.2. TYPICAL SELF-HELP BUILDING IN STARR COUNTY.....	Chapter 1: 4
FIGURE 1.3. STICK FRAME HOUSING (MODULAR) ON SLAB, CAMERON PARK, CAMERON COUNTY	Chapter 1: 4
FIGURE 1.4. CAMPER, PLUS TRAILER AND CARPORT, MIKE’S COLONIA, STARR COUNTY	Chapter 1: 5
FIGURE 1.5. SANTA MARIA NORTE, A NEW SUBDIVISION IN CAMERON COUNTY.....	Chapter 1: 5
FIGURE 1.6. AERIAL PHOTOS OF INFORMAL HOMESTEAD SUBDIVISION, HILLSIDE TERRACE, HAYS COUNTY	Chapter 1: 6
FIGURE 1.7. SITE DELIVERY OF A USED MANUFACTURED HOME, INFORMAL HOMESTEAD SUBDIVISION IN HAYS COUNTY.....	Chapter 1: 7
FIGURE 2.1. FORFEITURE CLAUSE EXCERPT FROM A CONTRACT FOR DEED IN EL PASO COUNTY	Chapter 2: 3
FIGURE 2.2. EXCERPT FROM A SELLER’S STATEMENT OF ACCOUNT ACTIVITY TO A BUYER WITH A CONTRACT FOR DEED IN EL PASO COUNTY	Chapter 2: 3
Figure 2.3. Excerpt from a Lease-to-Own Contract in El Paso County	CHAPTER 2: 4
FIGURE 2.4. RECEIPT FOR ORAL CONTRACT FOR DEED IN GUADALUPE COUNTY, 2009	Chapter 2: 5
FIGURE 2.5. EXCERPT FROM A HANDWRITTEN CONTRACT FOR DEED IN WEBB COUNTY, 2002.....	Chapter 2: 6
FIGURE 2.6. MERGING OF THREE SMALL COLONIAS INTO A SINGLE SURVEY SITE, HIDALGO COUNTY	Chapter 2: 11
FIGURE 2.7. SEMINOLE VALLEY I & II. EXAMPLE OF A NEW SUBDIVISION SELECTED AS A NON-RANDOM SELECTION SURVEY SITE	Chapter 2: 12
FIGURE 3.1. AVERAGE HOUSING UNIT USAGE RATE FOR RECORDED CFDs IN COLONIAS BY COUNTY, 1989-2010	Chapter 3: 10
FIGURE 3.2. TOTAL NUMBER OF RECORDED CONTRACTS FOR DEED 1989-2010	Chapter 3: 11
FIGURE 3.3. THREE-YEAR RUNNING MEAN, RECORDED CONTRACTS FOR DEED BY COUNTY 1989-2010	Chapter 3: 11
FIGURE 3.4. ANNUAL RECORDED CONTRACTS FOR DEED BY COUNTY 1989-2010	Chapter 3: 12
FIGURE 4.1. CURRENT DEED AND CONTRACT FOR DEED ESTIMATES FROM SURVEYS IN 8 COUNTIES	Chapter 4: 4
FIGURE 4.2. UCFDs AT TIME OF PURCHASE VS. CURRENT UCFDs	Chapter 4: 18

FIGURE 5.1. SALES TYPE: LAND OR LAND & HOUSE.....	Chapter 5: 5
FIGURE 5.2. METHOD OF PAYMENT	Chapter 5: 5
FIGURE 5.3. LAND PRICES BY PURCHASE YEAR.....	Chapter 5: 6
FIGURE 5.4. CURRENT TITLE BY PURCHASE YEAR	Chapter 5: 9
FIGURE 5.5. DRAKE IN NORTERN TORNILLO CDP, SOUTHEASTERN EL PASO COUTNY.....	Chapter 5: 13
FIGURE 5.6. PUEBLO DE LAS PALMAS OFF FM 2221, WESTERN HIDALGO COUNTY.....	Chapter 5: 14
FIGURE 5.7. DEVELOPER'S SALES OFFICE, PUEBLO DE LAS PALMAS	Chapter 5: 15
FIGURE 5.8. CONSUMER VS. DEVELOPER SALES BY PURCHASE YEAR	Chapter 5: 17
FIGURE 5.9. OWNER-HOUSEHOLDS WITH NO WILLS	Chapter 5: 23
FIGURE 5.10. OWNERS' EXPECTATIONS REGARDING LOT INHERITANCE.....	Chapter 5: 27
FIGURE 5.11. SHODDY HOUSING: THE SHAPE OF INFORMALITY TO COME – OWNING TO RENT? PHOTO OF LOT IN PUEBLA DE LAS PALMAS.....	Chapter 5: 31
FIGURES 5.12. RECENTLY ABANDONED HOMES, GUADALUPE COUNTY.....	Chapter 5: 35

List of Tables.....XIV

Table 2.1. Colonias and Informal Homestead Subdivisions Selected for Survey in Each County	CHAPTER 2: 15
Table 2.2. Survey Returns by County	CHAPTER 2: 16
Table 3.1. Consolidated Numbers and Usage Rates of Recorded CFD by County	CHAPTER 3: 8
Table 3.2. The Final Outcome of Recorded CFDs: The Case of Maverick County CFD by County	CHAPTER 3: 13
Table 4.1. Extrapolation of Survey Data by Deed Types for Randomly- Selected Colonias in Six Border Counties Showing “Liberal” (Higher Range) Estimations of Current Unrecorded Contracts for Deed	CHAPTER 4: 9
Table 4.2. Extrapolation of Survey Data by Deed Types for Randomly- Selected Colonias in Six Border Counties Showing “Conservative” (Lower Range) Estimations of Current Unrecorded Contracts for Deed	CHAPTER 4: 10
Table 4.3. Extrapolation of Survey Data by Deed Types for Randomly- Selected Colonias in Six Border Counties Showing “Moderate” Estimations of Current Unrecorded Contracts for Deed	CHAPTER 4: 11
Table 4.4. Survey Data by Deed Types across all Eight Counties Showing Moderate Estimates for Current Unrecorded CFDs for Residents Who Purchased Their Homesteads	CHAPTER 4: 14
Table 4.5. Survey Data across all Eight Counties Showing High and Low Estimates for Deed Type at Purchase	CHAPTER 4: 16
Table 4.6. “Gap Analysis” to Ascertain a Lapse of Four or More Years Between Alleged Purchase Date and Appearance in the Record Indicative of a Prior Unrecorded CFD	CHAPTER 4: 19
Table 5.1. Head of Household Age, Paid Workers in House, and Monthly Household Income	CHAPTER 5: 3
Table 5.2. Colonia Age and Home Tenure	CHAPTER 5: 4
Table 5.3. Purchase Payments: Extrapolative vs. Non-Extrapolative	CHAPTER 5: 7
Table 5.4. Land Size and 2011 Appraised Value: Extrapolative vs. Non-Extrapolative	CHAPTER 5: 8
Table 5.5. Current Titles by County	CHAPTER 5: 9
Table 5.6. Titles at Purchase by County	CHAPTER 5: 10
Table 5.7. Down Payments by County and Title at Purchase	CHAPTER 5: 11
Table 5.8. Land Size and Appraised Value: Drake and Pueblo de las Palmas.....	CHAPTER 5: 14

Table 5.9. Consumer vs. Developer Sales by Purchase Year and by Colonia/IFHS Age	CHAPTER 5: 17
Table 5.10. Payment Method for Consumer vs. Developer Sales.....	CHAPTER 5: 18
Table 5.11. Purchase Payments: Consumer vs. Developer Sales.....	CHAPTER 5: 21
Table 5.12. Land Size and Appraised Value: Consumer vs. Developer Sales	CHAPTER 5: 21
Table 5.13. Age of Interviewee by Time Period of the Colonia or Subdivision Development	CHAPTER 5: 24
Table 5.14. Renters and Concessions (Rent-Free Living Arrangements) by County	CHAPTER 5: 27
Table 5.15. The Relative Current Monthly Costs of Renting versus Buying	CHAPTER 5: 30
Table 5.16. Vacant and Abandoned Lots Analysis: Maverick, Hays and Guadalupe County	CHAPTER 5: 36
Table 5.17. Vacant and Abandoned Lots with Property Tax Arrears in Maverick, Hays and Guadalupe Counties	CHAPTER 5: 37

Acknowledgements **1**

Chapter 1. Introduction to the Contract for Deed Prevalence Project	1
OVERVIEW OF PROJECT	1
DEFINING THE UNIVERSE OF STUDY: COLONIAS AND INFORMAL HOMESTEAD SUBDIVISIONS	3
Classic Border Colonias	3
New (Post-1995) Border Informal Homestead Subdivisions.....	5
Non-Border Informal Homestead Subdivisions	6
Research Strategy	7
ORGANIZATION OF THE REPORT.....	8
ACKNOWLEDGEMENTS.....	8

**Chapter 2. Overview of Contracts for Deed, and the Research Strategy and Methodology
Adopted to Analyze the Prevalence of Contracts for Deed** **1**

Overview of Contracts for Deed and Land Titling in Texas	1
Bank Financing: Deeds and Deeds of Trust	1
Seller Financing: Deeds and Deeds of Trust	1
Seller Financing: Contracts for Deed	2
Deeds in Lieu of Foreclosure	6
The Research Strategy and Methodology	7
Summary of the Research Strategy	7
Methodology for Estimating Unrecorded Contracts for Deed	8
Population Estimates.....	10
The Selection of the Colonias to be Surveyed	10
Sample Size	12
Survey Creation.....	12
Interview Preparation	13
Interviewer Training and Preparation	14
Lot Selection Logistics and Lot “Logs”	14
Mail-Back Surveys.....	15
Post-Survey.....	16

Chapter 3. the Changing Practice of Recorded Contracts for Deed in Texas Border Counties and in Central Texas	1
The Methodology and Strategies to Determine Recorded Contracts for Deed	1
What Qualifies as a Contract for Deed?	2
How Many Recorded Contracts for Deed are There?	2
Verification	3
Veterans' Land Board Contracts	4
How Many Contracts Remain?	4
Approximating Title Histories in Order to Identify Current CFDs	4
Timing	6
Putting the Use of CFDs into Perspective: Usage Rates	6
<i>Usage Rate per 1000 Transactions across Each County</i>	6
<i>Usage Rate per 1000 Household Units across Colonias in Each County</i>	7
RECORDED CONTRACTS FOR DEED: RESULTS	8
Changing Trends in the Use of Recorded Contracts for Deed	10
CFDs as a Route to Successful Home Ownership and Final Deeds	12
<i>Recorded CFD to Deed Track Record in Maverick County</i>	12
<i>Average Conversion Times of RCFDs to Deeds</i>	14
Summary Findings of Trends in Individual Counties over Time	15
Chapter 4. Tracking and Estimating Unrecorded Contracts for Deed – Survey Analysis	1
Key Findings Concerning Unrecorded Contracts for Deed	1
Phase Two Methodology	2
Did the Interviewee Rent or Inherit	5
Is the Owner's Name in the Title Records	6
Confidence Variable One: A Name Match	7
Confidence Variable Two: Deed-Type Confirmed	8
Confidence Variable Three: Record Type	8
Current Unrecorded Contracts for Deed: Conservative, Moderate, and Liberal Estimates	9
Moderate Estimate Likely an Undercount	13
Overview: The Continuing Use of Recorded and Unrecorded CFDs in the Six Border Counties	13
Unrecorded CFDs in Non Border Counties Overview: The Continuing Use of Recorded and Unrecorded CFDs in the Six Border Counties	14
Estimating the Use of Unrecorded Contract for Deed at the Time of Purchase	15
Using the "Gap" Analysis to Estimate the Conversion Time from UCFD to Deed or RCFD	19
Concluding Discussion: The Future of Unrecorded Contracts for Deed	20
Chapter 5. General Survey Results and the Reproduction of Informality in Texas Colonias and Subdivisions	1
Introduction	1
Survey Findings: An Overview	2
Owners and Renters: Background SES Data and Comparisons	3
Settlement Age and Home Tenure	3
Household Owner Information	4
Purchase Types	5
Purchase Payments	6
Current Titles	8
Titles Received at Purchase	9
Developer Strategies and "Flipping" of Lots	11
The Practice of Flips in Drake and Pueblo de las Palmas	12
<i>Method</i>	12
<i>Drake Findings</i>	13

<i>Pueblo de las Palmas Findings</i>	14
Sales by Resident Homeowners: Consumer-to-Consumer and Developer Transactions.....	16
Growing Prevalence of Consumer-to Consumer Transactions.....	17
Limited Bank Financing, Leading to Heavy Reliance on Cash Sales and Seller Financing	18
High Levels of Informality	19
Higher Prices, Down Payments, Monthly Payments.....	20
Income Levels	21
Owners who had Previously Sold a Lot	22
Inheritance: Aging Homeowners and “Clouded” Titles.....	22
Upcoming Trend: Increase in Clouded Title from Inheritance without Wills in Older Colonias.....	22
Types of Clouded Title Issues.....	24
<i>Children from Prior Relationships</i>	25
<i>Divorce</i>	25
<i>Probate Costs are a Barrier</i>	25
Informal and Alternative Arrangements.....	26
Additional Findings on Wills and Inheritance	27
Informality and Renting in Colonias: A Rising Trend?	27
Renter and Non-Owner Profiles	28
Why is Renting in Colonias and IFHS on the Rise?.....	29
Monthly Rental Costs	30
Renting to Own or Owning to Rent?	31
Follow-up Mail Survey of Owners Who Rent or Lend their Properties.....	32
“Interesting Case Studies” of Owners who Rent Out their Homes.....	33
Vacant Lots and Lot and Home Abandonment.....	34
Classification of Lots in the Later Surveys (Maverick, Hays and Guadalupe)	34
Summary Findings for Lot Vacancy and Abandonment in Guadalupe, Hays and Maverick Counties	35
Additional Analysis	36
Conclusions: The Reproduction of Informality	38
Chapter 6. Conclusions and Policy Recommendations	1
CONCLUSIONS.....	1
Trend One: Developer-Financed Sales are Relying Largely on Deeds and Deeds of Trust but are Utilizing other Problematic Practices that are Placing Hombuyers in Extremely Vulnerable Positions	1
Trend Two: Consumer-Financed Sales are Growing More Predominant and Have Higher Levels of Informality	2
Trend Three: No Wills Leading to Future Increases in Clouded Title	4
Additional Findings	4
UNDERSTANDING INFORMAL PATHWAYS TO HOMEOWNERSHIP	6
PUBLIC POLICY RESPONSES TO INFORMALITY.....	8
Land Information System Reform	9
Policies to Improve Clean Titles and Effective Title Recording.....	10
Policies to Support Clean Title Associated with Property Inheritance and Succession.....	12
Policies to Improve Market Performance	13
Other Policies	14
PRIORITIES FOR FURTHER RESEARCH.....	14
Link Between Intestacy and Clouded Titles	14
Property Abandonment and Vacancies.....	15
New Developer Practices and Purchase Success Rates	15
Information About Lot Acquisition Transactions.....	16
Summary	16
References	