



Elbert County Assessor's Office

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DOING YOUR RESEARCH

Colorado Law recognizes that access to the mineral estate from the surface estate is necessary for access to the mineral estate by allowing "reasonable use" of the surface estate. We suggest the following steps to determine if you own your minerals:

- The deed or Title Policy issued at the time a property is purchased can sometimes describe any interests that have been excluded from the ownership.
- If the deed or title policy is unclear, or you wish to research the property ownership further, first determine the legal description of the property. This information is can be found on the Assessor's web site , or visit the Public Assistance Are of the Assessor's Office.
- Once the legal description is obtained, visit the Clerk and Records office
- Search for the documents in the recording office by property legal description. All documents associated with ownership for both surface and mineral ownership are recorded

through the Clerk's office and can be researched and copies can be obtained.

- If mineral interests have been severed you will be able to find out when and who they were conveyed to. The search will also allow you to determine the chain of title of the mineral interests if they were subsequently conveyed to another party.

WHAT IS A MINERAL?

The word "mineral" is used in a variety of contexts. Generally, ores of metals, coal, oil, natural gas, gemstones, dimension stone, construction aggregate, salt and other materials extracted from the ground are considered to be minerals.

MINERAL OWNERSHIP

The most complete ownership interest one can have in real property is known as Fee Simple ownership. This means that the title to the property is free of any conditions, limitations, restrictions or other claims against title. The ownership of any minerals on a property can be separated from the surface rights in two ways: The Fee Simple owner can sell the mineral rights outright to another party, or the Fee Simple owner can sell the surface property and reserve the minerals for themselves. They can be sold separately or re-joined with the surface property owner at a later date. Severed minerals can be severed in portions or interests. They can also be severed for specific types of minerals, hydrocarbons or precious metals. Future sales of the surface property will typically include

language excepting or excluding the previously severed mineral interest.

MINERAL LEASES

Mineral interests can be leased or acquired for the purpose of future production. Mineral leases are typically recorded in the county where the interest exists; however, specific addendums to the lease may be excluded from recorded documents.

VALUING MINERAL INTERESTS

Severed mineral interests are considered real property in Colorado Law, and as such are subject to taxation. In the Assessor's Office, once the mineral interest is severed from the surface property it is assigned a unique account number, and interest is valued & taxed each year. The Tax District and tax rate assigned to the surface property applies to mineral interests as well. Mineral interests exist in units called "mineral acres" and the account value is calculated on a per acre basis. If the Assessor does not have a mineral interest on the tax rolls, the owner can request that the account be added, providing that they can appropriately document their ownership of the property.

When production on a severed minerals interests occurs, the mineral account is deactivated and an account for the producing well or mine is created.