

## **Mineral Rights: Who Owns the Dirt Beneath Your Home?**

Most home buyers either assume that they own the land and everything else under their house or they don't think about what exactly they own. This could prove problematic.

The default is that the rights to minerals – including diamonds (like the 23-carat diamond found in Richmond in 1855!)\*– that exist under a piece of property convey with the land itself. In Virginia, owners can separate mineral rights from other property rights. Since future deeds may not specify that mineral rights aren't included, title searches are important.

To ensure that buyers are aware of this, the 2019 General Assembly updated the Virginia Residential Property Disclosure Act to include that the owner makes no representations or warranties about mineral rights.

While your client may not think mineral rights are important, it's important for them to know whether an earlier owner sold or transferred the mineral rights for their property because it could affect them later. The law defaults to the owner of mineral rights also having the right to access the property, remove the minerals, and change the land in any way necessary to access the minerals. The deed which transfers the mineral rights can alter this presumption, but again, it's important for an owner to know what rights someone else might have to their property.

When working with buyers, even in parts of the state aren't known for mineral deposits, encourage your clients to get a title search and make sure they understand what property rights they do and don't have.

\*Wonder what the most common minerals in your area are? Check the [Virginia Department of Mines, Minerals & Energy website](#).