

Training & Document Requirement Guide

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REGISTER'S OFFICE**

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STANDARD CHECKLIST FOR DOCUMENTS

- ✓ Must be ORIGINAL document (must have original signatures and original notary seals). The only exception is if it's a certified copy, already recorded in another County or State office.
- ✓ Prepared by (full name and address)
- ✓ All documents need to say one of the following (regarding the mail back): MAIL, MAIL ENV, FILE, FEDEX, UPS, or IOM) - If self-addressed envelope is attached, the mail back on the document must match the envelope.
- ✓
 - MAIL – If there is no return envelope enclosed
 - MAIL ENV – If a return envelope is enclosed. Self stamped/addressed envelopes should have no date reflected in the postage stamp information.
 - FILE - If the “mail to” has a mail pick up box at the Register’s office
 - FEDEX – If a FEDEX envelope or label is enclosed.
 - UPS – If a UPS envelope or label is enclosed.
 - IOM – Office and/or Name
 - If no “return to” is listed, it will be whoever sent the document to us.
- ✓ Who signs it must be mentioned in the notary statement or acknowledgement. There are corporate and individual acknowledgements. If there are multiple acknowledgements, there must be a seal for each acknowledgement.
- ✓ Notary signature
- ✓ Notary commission expiration date (make sure it was signed before the expiration date)
- ✓ Notary Seal or Notary Stamp
- ✓ Pages should be in numerical order. Any exhibits go *after* the legal description, & *before* any riders.
- ✓ Look for Social Security # - Reject - inquire if they want the SS # on public record. Enter in notations that we questioned it, along with the name of who gave permission to record as is. Customer would be allowed to redact – they must initial the change. In notations, put name & phone number (with area code) of who redacted it. T.C.A. 10-7-515(a) - Cross-Reference Open Records Law. The preparer of a document shall not place a SSN on any document filed – other than a Power of Attorney. The responsibility of placing SS # lies with the PREPARER of the document.
- ✓ If several related documents are to be recorded simultaneously & on the same receipt, the submitter needs to label the order in the upper left corner of each document , (ex: Warranty Deed (1), Deed of Trust (2), Assignment (3). These sets must be clipped together for recording purposes.
- ✓ Fee should match the check total.
- ✓ Any deeds with exempt parties as grantees do not require an oath.

STANDARD CHECKLIST FOR DOCUMENTS

(continued)

- ✓ If document is to be rejected, proceed through the checklist to make sure everything is in order (so it won't have to be rejected again). For an example of the document rejection letter, see page 22-24.
- ✓ Place paper clips approximately 1 ½" from top left corner. If there is a set of documents with multiple return envelopes, place all envelopes with the first document.

MISCELLANEOUS NOTES

- ◆ Postage paid, self-addressed envelope: All documents should be mailed with a stamped, self-addressed envelope, preferably at least a 6 x 9. It costs the same to mail a #10 envelope & a 6 x 9.
- ◆ Two inch margin at top of document: When preparing a document for recordation - The Register strongly suggests leaving a two-inch margin at the top right corner of the document, so the validation stamp does not cover up any pertinent information.

- ◆ Copy Fees:

Copies = 15¢ per page

Certified Copies = \$1.00 per page

UCC copies = \$1.00 per page

Certified UCC copies = \$2.00 per page

Emails = 15¢ per page

Local fax copies = \$1.00 per page

Long distance fax copies = \$2.00 per page

Plat copies = 15¢ per page

Certified Plat Copies = \$5.00 per page

Copies from **Microfilm** (whether faxed or emailed) = \$1.00 per page

***There is a 5 document limit per day, for email or fax copy requests.**

- ◆ Abbreviations (for mail backs only) –

Ave	Est	Pl	Chatt (Chattanooga)	IOM = Inter Office Mail
Blvd	Ests	Rd	Bham (Birmingham)	
Cir	Hwy	St	E Rdg (East Ridge)	
Ct	Ln	Sq	Ft Ogle (Fort Oglethorpe)	
Dr	Mtn	Trl	Sig Mtn (Signal Mountain)	
St	Pkwy			

- ◆ War Records – DD214 – Discharge:

For a certified copy, call (615) 313-2664 (War Records) to make sure they have it. Their fax number is (615) 313-2688.

Send \$3.00 (Cash or Money Order made payable to “Military Dept”)

Must mail signed request (due to privacy act) to:

WAR RECORDS

P O BOX 41502

NASHVILLE TN 37204-1502

Local Veteran office where a certified copy may be requested:

Veteran’s office located in the State Office Building on McCallie Ave.

(423) 634-6488 ask for Don

The VA office located at Eastgate will be unable to provide a record for the Veteran.

MISCELLANEOUS NOTES

(continued)

◆ Approved for charges:

CITY OF CHATTANOOGA
CITY OF COLLEGEDALE
CITY OF RED BANK
ELECTRIC POWER BOARD
HAMILTON COUNTY
HAMILTON CO. WWT
INTERNAL REVENUE SERVICE
RURAL DEVELOPMENT

TN DEPT OF ENVIRONMENT
TN DEPT OF FINANCE
TN DEPT OF HUMAN SERVICES
TN DEPT OF LABOR
TN DEPT OF REVENUE
TN DEPT OF TRANSPORTATION
US DEPT OF JUSTICE

◆ Do not require notary seals: According to the Notary Law Institute, the following states are listed as seal optional, but encouraged. You may call them at 1-800-722-8708 for a current list, which is updated annually. Their website is: www.notarylaw.com.

CONNECTICUT	MAINE	NEW YORK
KENTUCKY	MICHIGAN	RHODE ISLAND
LOUISIANA	NEW JERSEY	VERMONT

- ◆ 1 & 2 = Grantor & Grantee: When referring to these training notes (under each document type), the 1 and 2 listed represent the grantor/grantee for that document. The 1 will always be the grantor, lienor, assignor, etc. (who the document is from). The 2 will always represent the grantee, donee, assignee, etc. (who the document is to).
- ◆ HCRS: Is an abbreviation for the Hamilton County Register's System, which went into effect on 10/1/2007.
- ◆ Recording Fee Exemptions: Generally, no person or entity, governmental or private, is exempt from the fee requirement. TCA 8-13-111. The only exceptions are Discharge/Military Separation (D07) and Meth Lab Notice (M05), and an Official Statutory Bond for County public officials (see ex: Book 8766 Page 11). County Growth Plans are also exempt from filing fees. 6-58-104(C)(2)

MISCELLANEOUS NOTES

(continued)

♦ Plat Books & Book Types:

Plat Book	Book Type
1-55	P0
56 Page 1-141	P0
56 Page 142 – 350	P1
57	P0
58 Page 1-108	P0
58 Page 109-200	P3
59 Page 1-84	P0
59 Page 85-400	P2
60	P3
61	P2
62	P2
63	P3
64	P2
65	P3
66	P2
67 – Present	P3

♦ Visa/Mastercard Payments:

If it's a credit transaction, a driver's license is required for identity verification.

If it's a debit transaction, no identification is required.

-
- ♦ If asked by a customer to record a document as is, add RECORD AS IS in notations, & cite the requestor's full name with phone number (including area code).

BASIC RULES OF INDEXING

♦ Abbreviations:

The following abbreviations are always used:

& = AND

ASSN = ASSOCIATION (ASSOCIATES = ASSOCIATES)

BROS = BROS (BROTHERS = BROTHERS)

CO = COMPANY (COMPANIES = COMPANIES)

CORP = CORPORATION

INC = INCORPORATED

LTD = LTD (LIMITED = LIMITED)

No other words are to be abbreviated. In the grantor/grantee fields, the words mortgage, services, national, avenue, road, Tennessee, Georgia, etc. must always be spelled out.

♦ Punctuations:

The hyphen is the only punctuation to be used.

If there is a hyphen, leave it. (Ex: Smith-Johnson, Mary Jane = Smith-Johnson, Mary Jane)

If there is an apostrophe, delete the space. (Ex: O'Malley = OMalley)

If there is a slash, leave a space. (Ex: Bank/First Citizens Bank = Bank First Citizens Bank)

If there is a period, leave a space. (Ex: Ditech.com = Ditech com)

♦ Signature Spelling:

Any document showing a signature spelled differently than the typed name within the document, will be indexed both ways – the correct & the misspelled name. This includes any signature leaving off (or adding) Jr., Sr. or initials.

♦ FKA, DBA & NKA:

FKA (formerly known as) & DBA (doing business as) will be indexed on all document types.

The only exception is on Releases. FKA will not be indexed on Releases

NKA (now known as) on Releases: Will only index the NKA (ex: Real Estate Financing Inc.

NKA Regions Mortgage Inc. – only index Regions Mortgage Inc).

BASIC RULES OF INDEXING

(continued)

♦ Miscellaneous Indexing Rules:

If the document has 1st Trust Bank for Savings, it will be indexed as 1st. If it has First spelled out, it would be indexed as First Trust Bank for Savings.

If the document has 21st Century Mortgage, it will be indexed as 21st. If it has Twenty First spelled out, it would be indexed as Twenty First Century Mortgage.

If the document has U.S. Bank N.A., it would be indexed as U S Bank NA (leaving a space where the periods were on U.S.).

If it has US Bank N.A., it would be indexed as US Bank NA.

The following will always be put together, even if the document has periods between the letters:

FSB, LLC, NA, GP, & LP

If the document has L.P., it will be indexed LP.

If the document has Limited Partnership spelled out, it will be indexed spelled out.

If the document has N.A., it will be indexed NA.

If the document has National Association spelled out, it will be indexed as National Assn.

If the grantor/grantee is Mortgage Electronic Registration Systems Inc. as nominee for another company, index both MERS and the company they are nominee for.

A Trustee is indexed with a TR after their last name, and the AP (Associated Party) code is T.

All names must be indexed on a document with a Name Affidavit attached. (ex: GI 9108-894)

On a UCC3 form:

If the book # is 4970 or lower & the date is 11/3/1997 or before, it is a Fixture Release. No instrument # is needed.

If it has a number of C89480 & is recorded before 11/3/1997, it is a UCC Termination (U02). No instrument # is needed.

If the book # is higher than 4970, the document must have the instrument # and the book & page #.

If the instrument # looks like 1999110400001 – it is a Fixture Release (F08).

If the instrument # looks like C000001498 – it is a UCC Termination (U02).

BASIC RULES OF INDEXING

(continued)

- ◆ “Type of” List - (Others may exist)

<u>TYPE OF</u>	<u>DOC TYPE MOST COMMONLY USED WITH</u>
ABANDON	E01
ABANDON & RELOCATION	E01
ACCEPTANCE OF DEED	A01, C02
ADMINISTRATOR	D12, D17
AFDT-FIXATION	A11
AFFIDAVIT	A11
AGMT	A11
AGRIC	A03
AIRCRAFT	L04
AMEND	ANY DOC TYPE EXCEPT D06 & F11
AMEND RENTS	A05
AMEND RENTS & LEASES	A05
ANNEXATION	O04, R05
APPLI	A11
ASGMT	A11, R01, R03
ASSESSMENTS-DUES	L04, N01, R01, R03
ATTORNEY	A01, L04, O02
AVOID	O03
BOAT SLIP	E01
BOND DISCH LIEN	A11
BOUNDARY	A02, D12, E01
CANCLN	P01, P07
CHARTER	A11
CHILD CARE	P06
CHILD SUPPORT	A11, R01, R03
COMMENCEMENT	N02
COMMON LAW	A01
CONSENT	A02
CONSERVATION	E01
CONTIN	F07, U02
CONTRACT	A01, A02, L01, L04, O02
CONTRIBUTION	A01
CONV	C03
CORR	ANY DOC TYPE EXCEPT D06 & F11
CORR DEED	A11
COUNTERPART	D12, D17
DAMAGE	R01, R03
DECREE	A11, R01, R03
DEED	A11

BASIC RULES OF INDEXING

(continued)

<u>TYPE OF</u>	<u>DOC TYPE MOST COMMONLY USED WITH</u>
DEED OF TRUST	A01
DE-TITLE	A10
DISCH LIEN	B03
DISLTN	C03
DISMISSAL	O03
DRIVEWAY	A02, D12, E01
DT FIXTURE	A11
ENCROACHMENT	A02, D12, E01
ESMT	A11
ESTATE	F01
ESTOPPEL	A01
EXECUTORS	D12, D17
EXTEND	O03
FORECLOSURE	A01, D12, D17, N01
FOREST	A03
FORFEITURE	O02, O03
GRANT	A11
HAZARDOUS SUBSTANCE	A01, N01
HEIRSHIP	A01
HOME ASSIST PROG	R06
HOME EQUITY CONV	D05, D06
HOSPITAL	L04
HYPOTHECATION	D05
IDENTITY	A01
INDEMNITY	A02
INHERITANCE	A01
INTENT TO DISSOLVE	C03
JDGMT	A11, R01, R03
JOINDER	R06
LANDLORD	A02
LEASE	A11
LEASEHOLD	D05, D15
LENDER	A02
LIEN	A11
LIEU OF FORECLOSURE	D12, D17
LIMITATION OF USE	N01
LIS PENDENS	R01, R03
LOST AFFIDAVIT	A01
LOST AGMT	A01
LOST ASGMT	A01
LOST DEED	A01

BASIC RULES OF INDEXING

(continued)

<u>TYPE OF</u>	<u>DOC TYPE MOST COMMONLY USED WITH</u>
LOST DT	A01
LOST LIEN	A01
LOST POWER OF ATTY	A01
LOST SUBORD	A01
MAINTENANCE	A02
MARITAL INTEREST	A01
MASTER DEED	A11
MASTER FORM	D05
MECHANIC-MAT'L-LABOR	L04, R01, R03
MEMORANDUM	A02, L01, O02, O03, T03,
MERGER	C03
MINERAL	D12, D17
MODIF	ANY DOC TYPE EXCEPT D06
MUNICIPAL	L03, R01, R03
MUNIMENT OF TITLE	O02, P02
NEGATIVE PLEDGE	A02
NOTICE	A11
NT COMP	A11
OPEN SPACE LAND	A03
OPTION	A05, R01
ORDER	A11, R01, R03
ORGANIZ	C03
OWNERSHIP	A01
PARKING	A01, E01
PARTIAL	D08, R09
PLAT	A11
POSSESSION	O03
POWER OF ATTORNEY	A11
PRENUPTIAL	A02
PT REL	A11
PT REVOC	F05
PT TERMIN	E01, L01, R06
QUIET TITLE	D03, J01, O02
QUITCLAIM DEED	A11
RATIF	R06
REDEMPTION	D03, O02
REFILE	ANY DOC TYPE (STOPPED REFILING 1/2008)
REGULATORY	A02
REINSTATE	D05
RELEASE	A11
REMOVAL	R06

BASIC RULES OF INDEXING

(continued)

<u>TYPE OF</u>	<u>DOC TYPE MOST COMMONLY USED WITH</u>
RENEW	O03
RENTAL	D05
RENTS	A05
RENTS & LEASES	A05
REORGANIZATION	B01, O03
RESCIND	A01
RESIGNATION	P06
RESTATE	C03
RESTRS	A11
REVOC	P06
REVOC TRUST	D12, D17
RIGHT OF WAY	D17, E01, O02
RT OF 1 ST OFFER	A02, R01
REZONING	
RT OF 1 ST REFUSAL	A02
SCRIVENERS	A11, D18
SET ASIDE	D03, D04, J01, J02, O02, O03,
SEWER	E01
SHERIFF	D12, D17
STORMWATER	E01
STRAW DEED	D12
SUB OF ATTY	O02
SUB OF COLLATERAL	D06, F07
SUB TR	A11
SUBORD	A11
SUC TR	A11
SUPL	D05, D10
SURVIVORSHIP	A01
TAX ENFORCEMENT	A11
TAXPAYER	A01
TERMIN	E01, L01, U02
TRUST	A11
TRUSTEES DEED	A11
USE	A02
VARIANCE	R06
VENDORS LIEN	A01, D05, R01
WAIVER	R06
WARRANTY DEED	A11
WATER LINE	E01
WILL	A11
WITHDRAWAL	L04

BASIC RULES OF INDEXING

(continued)

◆ Indexing Legal Descriptions

Town:

Index (if listed) from within the address. If there isn't one within the address, index the one mentioned at the heading of the legal description.

Subdivision:

Choose the exact subdivision from the drop down list. If not listed, leave this field blank & indexing will add it to the list.

Block:

Index the block # if listed. In some instances there may be other items put in this field if no block # is mentioned. (ex: Bldg, Est, Villa, Tr).

Lot:

Index the lot #. It may need to be listed as part "pt" if it says - ex: "The north half of lot 40, less & except that part conveyed, or except # of feet". Ignore less & except that part used in rounding the curve or widening, unless it was conveyed. List one lot # per screen. If additional lots need to be added, enter the total # of lots and click Add Lots. To be able to add additional lots, you cannot have pt in front of the lot #. Leave the pt off until after all lots are added, then go back & add the pt in front of the lot #'s.

Unit:

Index the unit # if listed. Do not use Roman Numerals (ex: if it states unit IV, put 4). If you have more than one unit #, list them all as separate entries.

Map Parcel:

A map parcel # is required on documents conveying property. Index the map parcel on each tract/lot if specified. If the document does not specify which parcel goes with a lot, only index the first map parcel on the first legal description. (ex: GI 9104-514 shows 2 map parcels at the top of the first page, and has more than 1 lot in the legal description. Since they don't specify which map parcel # goes with which lot, only index the first map parcel # with the first lot. GI 9090-827 shows several lots, but each lot specifies a map parcel. In this case, index each map parcel #.) If a parcel has a letter in it, it must have at least 2 (ex: 156A-B-001). Sometimes it will have 3. Do not accept a map parcel that only has 1 letter (ex: 156A-001).

BASIC RULES OF INDEXING

(continued)

District:

Index the district # if listed. Do not use Roman Numerals. (ex: if it states I, II, or III – put 1, 2 or 3).

Address:

Index the address if listed. If there is more than one address listed with the same street, leave the number field blank & just index the street. If there is more than one street, leave the entire field blank.

Zip Code: Index the zip code on all documents that contain an address.

Description:

If the document does not list a lot in a subdivision, index the first road listed & acreage if any shown (usually at the end of the legal paragraph, ex: Containing 5.00 acres more or less). If no road is listed, index acreage only. If there is no road or acreage, look for near (NR) a lot & a subdivision. If there is no lot or subdivision, look for near someone's property. If none of the above can be found, start typing the first line of the legal paragraph as far as the description field will allow, ending with When indexing a road, if it states North Moore Road, index N Moore Rd. If it states it is North of Moore Road, put Moore Rd.

Abbreviations:

A	Acre(s)	Pkwy	Parkway
Ave	Avenue	Pike	Pike
Bl	Block	Pl	Place
Blvd	Boulevard	Pt	Point
Bldg	Building	Prop	Property
Cir	Circle	Rdg	Ridge
Ct	Court	Rd	Road
Cove	Cove	Rt	Route
Dr	Drive	St	Saint
Est	Estate	Sq	Square
Ests	Estates	St	Street
Hts	Heights	Trace	Trace
Hwy	Highway	Tr	Tract
Ln	Lane	Trl	Trail
Mtn	Mountain	Un	Unit
Nr	Near	Villa	Villa
Park	Park		

EXAMPLES

T.C.A. 66-22-107

T.C.A. 66-22-108

*Acknowledgements are unacceptable if they are missing a signature, seal or commission expiration date!

◆ Individual Acknowledgement:

STATE OF

COUNTY OF

On this _____ day of _____, 20____, before me personally appeared _____
(*person/persons who appeared*), to me known to be the person____ described in and who
executed the foregoing instrument, and acknowledged that _____ (*he/she/they*) executed the
same as _____ (*his/her/their*) free act and deed.

IN WITNESS WHEREOF I have hereunto set my hand and Notarial Seal.

(*signature*)

Notary Public

My Commission expires:

SEAL

◆ Corporate Acknowledgement:

STATE OF

COUNTY OF

Before me, _____ (*Notary's name*) of the state and county aforesaid, personally appeared
_____ (*person/persons who appeared*), with whom I am personally acquainted, and who, upon
oath, acknowledged himself to be _____ (*Title/Position*) of the _____ (*Company*
Name), the within named bargainor, a corporation, and that he as such
_____ (*Title/Position*), being authorized so to do, executed the foregoing instrument for
the purpose therein contained, by signing the name of the corporation by himself as
_____ (*Title/Position*).

Witness my hand and seal, at office in _____, this
_____ day of _____, 20_____.

(*signature*)

Notary Public

My Commission expires:

SEAL

EXAMPLES

(continued)

◆ Power of Attorney Acknowledgement:

State of _____

County of _____

Before me, the undersigned Notary Public of the state and county aforesaid personally appeared (person/persons who appeared) to me known or proved to me on the basis of satisfactory evidence to be the person who executed the foregoing instrument in behalf of (person they're signing for) principal, and who acknowledged that he executed the same as the free act and deed of said principal as attorney in fact.

Witness my hand this ____ day of _____, 20____.

(signature)

Notary Public

My commission expires: _____

SEAL

◆ Military Redact Acknowledgement:

State of _____

County of _____

Personally appeared before me, (person duly authorized to take acknowledgments), the within named (person/persons who signed request), with whom I am personally acquainted (or proven to me on the basis of satisfactory evidence) and who acknowledges that such person executed the within instrument for the purpose of making a request of the Register of Deeds of _____ County, Tennessee, to remove a military discharge record or redact a social security identification number from a military discharge record, excepting microfilm records.

Witness my hand this ____ day of _____, 20____.

(signature)

Notary Public

My commission expires: _____

SEAL

EXAMPLES

(continued)

◆ Max Statement:

“Maximum principal indebtedness for Tennessee recording tax purposes is \$_____”.

◆ Preferred Oath of Value Statement:

*Oath statement is unacceptable if it's missing the conveyed amount, signatures, seal or commission expiration date!

*Oath statement cannot be older than 6 months.

STATE OF _____
COUNTY OF _____

I hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$_____, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

(signature)
Affiant
(*see note below)

Subscribed and sworn to before me on this the _____ day of _____,
20_____.

(signature)
Notary Public

My Commission Expires: _____
SEAL

*An affiant may be one of the grantees, or an agent of the grantee (must write “as agent” beside the signed name). The grantor may not sign as affiant, or as agent for the affiant.

EXAMPLE OF DOCUMENT REJECTION LETTER

If a document is rejected, the following rejection letter will be returned with the document.

DATE: Date of rejection

TO: Company name & address

RE: Document type / John Doe / Check # 12345

A document must meet the following requirements to be recordable.

Missing name and/or address of person or firm who prepared the document. The return address must be on the document and should match any enclosed pre-addressed envelopes. Per TCA 66-24-115

Instrument must be dated. Per TCA 66-22-11

Name & address of Grantee must be set out (Deeds, Easements, Decrees – any document conveying property). Per TCA 66-24-114

Name & address of person or firm who should receive tax bills (any document conveying property). Per TCA 66-24-114

Missing map parcel number (Need on all documents conveying property). Please see <http://assessor.hamiltontn.gov/propertyinquiry/inquiryhome/propertysearch.aspx>, or call the Assessor's office at (423) 209-7300 to get this information.

Missing legal description. A legal description is not the address of the property. It can be a description of a lot or lots within a subdivision & must include a reference to the plat book & page. It can also be a tract or tracts described with a metes & bounds description.

Missing prior title information – state the book & page, and the kind of document that is the source of title (Deed, Will, or Court Decree etc.) Per TCA 66-24-110(a)

On assignments, releases, and amended or modified instruments, give the book & page of the source document within the body of the document. Per TCA 66-24-110(a)

Documents cannot be refiled per TCA 66-24-101(a)(27). A Scrivener's Affidavit must be prepared. Please see <http://register.hamiltontn.gov/registerhome/home.aspx>, then select Training & Document Requirement Guide & view page 51 - A11 or page 84 - D18.

Missing signature of proper parties.

Each signature must be notarized. Please see <http://register.hamiltontn.gov/registerhome/home.aspx>, then select Training & Document Requirement Guide & view pages 19-20 for examples.

Notary acknowledgement is missing names of parties who have signed document.

Notary acknowledgement is missing signature of notary.

EXAMPLE OF DOCUMENT REJECTION LETTER

(continued)

Notary acknowledgement is missing notary's seal.

Notary acknowledgement is missing proper TN acknowledgement – Corporate, Individual or Power of Attorney. Per TCA 66-22-107 & 66-22-108. Please see <http://register.hamiltontn.gov/registerhome/home.aspx>, then select Training & Document Requirement Guide & view pages 19-20 for examples.

Notary acknowledgement is missing date of acknowledgement.

Notary acknowledgement is missing notary's expiration date.

See page 2 for Correct Fees & Charges.

Any attachments or exhibits cited in document must be attached and labeled as exhibits.

Documents that function as more than one document type have a charge of \$5.00 for each additional function.

Missing Oath of Value. The oath needs to state the state of & county of, be dated, signed by the affiant, signed by the notary & state the notary's expiration date with their seal. Per TCA 67-4-409(a)(6)(a)(b). Please see <http://register.hamiltontn.gov/registerhome/home.aspx>, then select Training & Document Requirement Guide & view page 21 for an example of a proper Tennessee oath.

Please show the order in which you want your documents recorded.

Deed of Trust Amend/Modification is short \$250.00 penalty fee. Per TCA 67-4-409(b)(b)(8) & 67-4-409(b)(b)(12).

Document needs to be filed in the correct County/State.

Please return the document promptly because when a Deed of Trust is modified for an increase in debt & the document is not recorded within 60 days after the increase occurs, a \$250.00 penalty or double the mortgage tax amount, whichever is greater, will also apply to the cost of recording. Per TCA 67-4-409(b)(b)(8) & 67-4-409(b)(b)(12).

Certification page for e-filed documents missing. Per TCA 66-24-101(d3). The page must go at the back of the e-filed document.

Tennessee Code does not allow us to record common law – sovereign documents.

Deed of Trust Amendment/Modification is short \$2.30. Please return the document promptly, because when a Deed of Trust is modified for an increase in debt & the document is not recorded within 60 days after the increase occurs, a \$250.00 penalty, or double the mortgage tax amount, whichever is greater, will also apply to the cost of recording. Per TCA 67-4-409(b)(b)(8) & 67-4-409(b)(b)(12).

EXAMPLE OF DOCUMENT REJECTION LETTER

(continued)

Must be an original document - cannot be a copy.

Trustee's Deed – amount sworn to in oath of value is much lower than the assessed property value. The Tennessee Department of Revenue requires that the amount cited in the oath of value be what was given or the value of the property, whichever is greater. The oath amount generally should NOT be the unpaid balance of the loan before foreclosure. Enclosed is the Tax Assessor's sheet which reflects the current property value. Per TCA 67-4-409(a)(1).

The making under oath of any false statement known to be false respecting the consideration or value of property transferred shall be punishable as perjury. Per TCA 67-4-409(a)(6)(b).

Changing & initialing an original document before recording – only the grantor(s) or signatory(ies) on the original document may make changes or add information to the unrecorded document. All changes or added information on the document must be initialed by all the grantor(s) or signatory(ies).

Quitclaim Deeds with a habendum clause (to have & to hold in fee simple) require an oath of value stating the consideration or value of the property amount, whichever is greater. The Tennessee Department of Revenue does not consider deeds with this wording as "true Quitclaim Deeds". Only the grantor(s) or signatory(ies) may strike this language or all must initial the change. True Quitclaim Deed oaths may reflect the consideration only.

The legal description page(s) needs to be scanned before the rider(s).

A trustee must be named on the Deed of Trust. The trustee cannot be the same entity as the beneficiary. Per TCA 66-5-103(4)

The affiant of the oath of value must be signed by the grantee of the document or the grantee's agent. If signed by agent, it must state "as agent" next to their name. The grantor may not sign as affiant or as the affiant's agent per the Tennessee Department of Revenue.

Missing "Max Debt" statement. The statement should read, "Maximum principal indebtedness for Tennessee recording tax purposes is _____". (On amendments, modifications or Assignments of Rents & Leases, enter only the amount of the increase. If there is no increase enter the original amount and state where taxes were paid).

DEED EXAMPLES

Deed with Life Estate – GI 6075-600

QuitClaim Deed Reserving Life Estate – GI 6464-716

Warranty Deed in Lieu of Foreclosure – GI 6466-809

To Joint Tenants with Right of Survivorship – GI 6401-104

To Tenants in Common – GI 6401-469

To Tenants by Entirety – GI 9163-26

To Create Estate by the Entirety – GI 6077-141

To ½ Interest to one & ½ Interest to another– GI 6402-335

QuitClaim Deed from one party to another to create Tenants by Entirety – GI 6472-31

QuitClaim Deed from husband, to husband and wife, Tenants by the Entirety with the Right of Survivorship – GI 6469-202

QuitClaim Deed from one spouse to another, pursuant to divorce – GI 6470-260

QuitClaim Deed from one person to 3 people as tenants in common, with right of reversion, as to undivided ½ interest & to 2 people as tenants in common with right of reversion, as to an undivided ½ interest – GI 6471-54

QuitClaim from Living Trust – GI 6461-456

Warranty Deed from an unmarried man, to a husband & wife as joint tenants with the right of survivorship, & NOT as tenants in common with right of reversion – GI 6480-537

Warranty Deed by Power of Attorney – GI 6462-766

Executor's Deed – GI 8767-544 (exempt by will) & 8767-641

Sheriff's Deed – GI 4614-683

CHILD SUPPORT LIEN RELEASE EXAMPLES

GI 6152-985 – From Florida – must be a Certified copy from the Court.

GI 5343-733 - From Alabama – must be a Certified copy from the Court.

GI 7428-987 - From California – must be a Certified copy from the Court.

GI 8763-85 – From an individual – In lieu of a Court Certified copy, the holder of the indebtedness may release. See Release (R01) page for recording requirements.

OTHER LIEN EXAMPLES

Amended – 8861-172

Assessments – GI 8856-291

Fine & Restitution – GI 8853-507

Labor – GI 7782-849

Lien Lis Pendens – GI 5521-858

Mechanic's – GI 8860-348

Mechanic's & Materialmen's – GI 7779-204

Municipal – GI 8856-692

REGISTER SEARCH TIPS

How things were searched on microfilm compared to how they are now searched in the computer system.

The computer system contains information from 7/1/1969 forward.

Imaging

The grantor/grantee indexes that were in book form have been incorporated into our search screen for the time periods:

up to 7/25/1928, 7/26/1928 to 7/25/1957, & 7/26/1957 to 6/30/1969

In our Online Record Search, click on Index Search.

As of 1/9/2015 Book 1668 is the oldest book available online. Scanning of older books is in progress.

Image information may be researched that is older than the index information of 7/1/1969.

We are currently keying the indexes for charters, discharges, ordinances, plats & resolutions

You will need to change your beginning default date to 1/1/1900.

Up to 1897 documents were handwritten. (no signatures)

10/8/1897 Book 141 Page 514 documents were typed. (no signatures)

11/10/1953 Book 1126 Page 1 we began using a photo copier to copy the original document.

3/1/1954 Book 1131 Page 242 Stopped showing xxxxxxxxxxxxxxxxxxxxxxxx to end a document.

2/6/1954 Book 1131 Page 244 Beginning of block style certificate to end a document.

1/2/1969 Book 1801- We stopped having split images.

6/23/1969 D T Book 1834 Page 90 shows the second clock on a document. A29688 The book and page is now stamped in the upper right hand corner.

6/23/1969 Deed Book 1835 Page 174 shows the first clock on a document. A29687 The book and page is now stamped in the upper right hand corner.

8/27/1969 Book 1847-D T's are recorded w/ regular work & no longer in separate books.

2/11/1971 Book 1949 begins to contain 1000 pages. The previous books contained 700 pages.

5/21/1998 each page of a multipage plat has its own number. Plat Book 58 Page 171 & 172 (previously Plat Book 171 Page 1, 171-2)

3/23/1999 Book 5315, we stopped having paper copies of books. We started exporting & burning the images to cd's.

10/1/2007 first book & pages in new HCRS system: docs-GI Book 8482 Page 946, P3 Plat Book 87 Page 161.

The instrument number for Book 8482 Page 946 is 2007100100075. It was not reset correctly by the IT dept.

11/01/2007 the first instrument of the day is 2007110100223 GI Book 8510 Page 416. It was not reset correctly by the IT dept.

3/30/2010-completed AE imaging system.

3/31/2010 new imaging system HCDMS, first one is Book 9137 Page 657.

REGISTER SEARCH TIPS

(continued)

Indexing

Cemetery

In the index books on microfilm, cemeteries were listed under a setout page for firms & corporations. (They are in the "C" tapes)

Starting 7/1/1969 in the computer system they are indexed under the name of the cemetery.

Charities

In the index books on microfilm, charities were listed under a setout page for firms & corporations. (They are in the "C" tapes)

Starting 7/1/1969 in the computer system they are indexed under the name of the charity.

Church

In the index books on microfilm, churches were listed under a setout page for firms & corporations. (They are in the "C" tapes)

Starting 7/1/1969 in the computer system they are indexed under the name of the church.

Lodges

In the index books on microfilm, lodges were listed under a setout page for firms & corporations. (They are in the "L" tapes)

Starting 7/1/1969 in the computer system they are indexed under the name of the lodge.

Schools

In the index books on microfilm, schools were listed under a setout page for firms & corporations. (They are in the "S" tapes)

Starting 7/1/1969 in the computer system they are indexed under the name of the school.

Railroads

In the index books on microfilm, railroads were in the corporate section of the index under the railroad name.

Land Grants

One may find a few land grants when the chain of title is taken back far enough in the index, but ALL land grants may be found at the TN State Library & Archives. Their contact information is:

Library and Archives
403 7th Avenue North
Nashville TN 37243-1102
Phone: (615) 741-2764

U S A-various departments

In the index books on microfilm, various departments of the government are listed under a setout page for firms & corporations. (They are in the "U" tapes)

Starting 7/1/1969 in the computer system they are indexed under the name of department.

For ex:

Department of Housing & Urban Development
Secretary of Housing & Urban Development
Rural Housing Service

REGISTER SEARCH TIPS

(continued)

Assignments

Assignments were indexed from the assignor to the assignee. (The borrower was listed in the legal field)
Now they are indexed from the assignor & the borrower to the assignee.

Indexing System to 10/31/1997
Asgmt-who executed D T was in legal

Banner Indexing System 11/3/1997 forward
Asgmt-who executed D T is a grantor

Deed of Trust

Deeds of Trust were indexed from the borrower to the trustee.
Now they are indexed from the borrower to the lender.

Indexing System to 10/31/1997
D T-grantee was Trustee

Banner Indexing System 11/3/1997 forward
D T-grantee is beneficiary

- 5/22/2007 Deeds of Trust cannot have zero (0) in the max.
- 6/2007 Modifications must list an amount & list where taxes were paid.
 Fixture filings must list an amount.
- 6/28/2007 Exempt agencies can put zero (0) in the max.
- 10/15/2014 Documents titled "DEED OF TRUST, ASSIGNMENT OF RENTS & LEASES,
 & FIXTURE FILING" - must be treated as a triple document.
 An exception will be made when an assignment and a fixture filing follow.
- An amendment to this will also be a triple document.

Subdivision Plats

- 6/8/1998 We began listing owners name as a grantor.
- 5/11/2000 We began indexing all lots in plats.
- 12/16/2002 We began using prior titles & parcels.
- Plat Book P0 = Converted plats
- Plat Book P1 = 8.5 x 14
- Plat Book P2 = 18 x 24
- Plat Book P3 = 24 x 30
- As of 10/2001, we only record 24 x 30.

Restrictions

To 5/2000

Were from the undersigned
To restrs-"name of subdivision"

Change in indexing 5/31/2000
From the undersigned & the name of the subdivision
To restrs-"name of subdivision" & restrictions

(If it's a waiver, we also index who it was granted to)

Restrictions Waiver 7/20/1994 We started indexing who the waiver was granted to.

Change in indexing 2/5/2008

Restrictions

1. Who signs it
2. Name of subdivision (if there is no subdivision, use the word "restrictions")

On 2/8/2008 the prefix "restrs" was removed from all computer indexes.

REGISTER SEARCH TIPS

(continued)

UCC

1/1992 We began entering UCC's in computer system.
7/1/2001 No signatures required on any UCC form.
7/1/2001 We no longer record UCC's unless the customer insists.
 We still file UCC terminations.
 D T fixture filings are on UCC forms and are still recorded.

Answers to frequently asked questions.

- 1) Liens are indexed in the computer from 10/1/1981.
- 2) /s/then a typed name is an electronic signature (District Court)
- 3) WATA = whom acquired title as
- 4) JTWRs = joint tenants with right of survivorship
- 5) u/w = under will of
- 6) aka = also known as
- 7) fka = formerly known as
- 8) nka = now known as
- 9) sbm = successor by merger
- 10) nmi = no middle initial
- 11) nmn = no middle name
- 12) New overage check policy implemented on 3/15/2004
- 13) Codes with a 50 or higher are converted data
 For ex: D55=Converted D T from 7/1/69-11/2/1997
 D05=D T from 11/3/1997 to present
- 14) Register's Office moved from Rm 204 & Rm 104 to Rm 400 9/20/1996
- 15) Satellite Office opened 1/16/2001. Satellite Office closed 2/2012.
- 16) Started electronically recording documents on 5/5/2006
- 17) The amount we want in the oath in a decree of redemption is what they "have now paid into the Court"

What a stamp is equivalent to:

We believe the stamps are worth \$1.10 per thousand.

Indexing System to 10/31/1997

Suc Tr-who executed D T was in legal

Sub Tr-who executed D T was in legal

Rel-Orig Mtg was in legal

Banner Indexing System 11/3/1997 forward

Suc Tr-who executed D T is a grantor

Sub Tr-who executed D T is a grantor

Rel-do not put Orig Mtg

Deed-pick up prior titles & parcel

6/12/1989 We began indexing notices of completion in the computer system.

1/3/2000 We began listing legal descriptions on releases & assignments.

7/2000 On Master Deeds we began listing the name of the subdivision as a grantor.

2/10/2010 We began describing documents further by using the type of list.

2/16/2010 We began describing the liens further by using the type of list.

2/2010 We began indexing the parcel & address with city on the first legal description unless specified.

REGISTER SEARCH TIPS

(continued)

10/2014 We began indexing the zip code on documents that contain an address.

Charters

The round charter index was indexed into the system from 9/20/1999 & finished 2/16/2000.

5/12/1997 We took out punctuation in charters & began indexing them like other documents
(corp, co & assn)

In converting the data into the banner system, all punctuation was removed from charters. The only punctuation used is the hyphen.

Military Discharges

We indexed the military discharges in to computer system going back to 7/1/1969.

The military discharges are not viewable with the internet access database information or images.

We are keying older indexes as the older images are imported.

Mineral Interest & Declaration of Interest

Declarations of Interest have been changed to mineral. 7/2008

New Document Types

D15-Trustees Deed 11/5/1997

We added 4 new document types on 4/20/2004.

R10-Release TN Dept of Revenue

R11-Release TN Dept of Labor

R12-Pt Rel Dept of Revenue

L07-Tax Lien TN Dept of Labor & Workforce

We added 3 new document types on 8/10/2005.

M05-Meth Lab Notice

M06-Meth Lab COF

M07-Meth Lab Rel

We added 1 new document type on 5/2006.

M04-Military-Redaction

We added 1 new document type on 2/27/2007.

S05-Survey

We added 2 new document types on 5/17/2007.

We went back & converted some older recordings from Affidavit to the new document types.

Our first A11 is recorded on 7/27/2004.

Our first D18 is recorded on 7/14/2004.

As of 11/2014 various other "types" have been added as needed.

A11-Scriveners Affidavit

D18-D T Scriveners Affidavit

On 5/17/2007 we stated they:

Must be headed scriveners affidavit-(doc type)

Ex: Scriveners Affidavit-Warranty Deed

Scriveners Affidavit-Quitclaim Deed, etc.

Must have grantor & grantee of original document.

Must state book & page reference.

Must state type of document being recorded.

REGISTER SEARCH TIPS

(continued)

Our Indexing Systems

Cott Indexing-the index books on microfilm.

Database Solutions-Computer indexing system from 6/12/1989 to 11/2/1997

Banner-Computer indexing system from 11/3/1997 to 9/28/2007

Hamilton County indexing system from 10/1/2007 forward.

The first book & page in this new system for plats is P3 Plat Book 87 Page 161.

The first book & page in this new system for documents is GI Book 8482 Page 946 was labeled instrument #2007100100075. The IT dept did not reset it correctly.

4/15/2011 We began indexing all units in a legal description as separate entries.

4/26/2011 Liens- Other than certified liens, record only mechanics/material/labor or homeowners. Everything else must go through court. Sessions is \$20,000 & below. Circuit is over \$20,000. They can find an attorney through the court.

5/10/2011 Liens-We began indexing the lien amount.

Fee Changes

8/2/1968 Book 1779 Page 394 fees began showing in misc docs books.

8/2/1968 Book 1780 Page 305 fees began showing in D T books.

7/1/1971 Went from \$1.50 a page to \$2.00 a page. Book 1972

7/1/1979 Went from \$2.00 a page to \$3.00 a page. Book 2604

7/1/1988 Went from \$3.00 a page to \$4.00 a page. Book 3503

7/1/1998 We began collecting a data processing fee of \$2.00.

7/2/2001 Went from \$4.00 a page to \$5.00 a page. Book 5914

10/1/2007 The new computer system keeps track of money overages of 1¢-49¢

8/19/2013 2% credit card fee begins.

2/10/2014 \$2.00 efile fee-1st one is Book 10154 Page 571.

Misc Changes

10/8/2007 Self-stamped envelopes should have no date stamped in the postage stamp information.

7/1/2014 The cover sheets have a notice area for customers. (ex: warning about the scam for \$83-\$89 certified copy)

MORTGAGE & TRANSFER TAX EXEMPTIONS

(See pages 35-36 for specific examples)

1. All State, County & City Government entities are exempt.
2. Credit Unions (state chartered): Exempt when entity is the debtor (mortgage tax) or the grantee (transfer tax). These entities are not exempt from the mortgage tax when they are the secured party and the debtor is not exempt. T.C.A. 45-4-803
3. Electric Cooperatives and Electric Membership corporations: Exempt when entity is the debtor (mortgage tax) or the grantee (transfer tax). These entities are not exempt from the mortgage tax when they are the secured party and the debtor is not exempt. T.C.A. 65-25-222
4. Farmer's Cooperatives: Exempt when entity is the debtor (mortgage tax) or the grantee (transfer tax). These entities are not exempt from the mortgage tax when they are the secured party and the debtor is not exempt. T.C.A. 43-16-145
5. Farmer's Home Administration – FHA (same as THDA): Exempt when entity is the debtor or the secured party (mortgage tax) or the grantee (transfer tax). This entity is not exempt from the mortgage tax when it is the guarantor and a private party, such as a bank, is the secured party and the debtor is a private party. Title 7 CFR 1800
6. Federal Credit Unions: Exempt when entity is the debtor (mortgage tax) or the grantee (transfer tax). These entities are not exempt from the mortgage tax when they are the secured party and the debtor is not exempt. T.C.A. 45-4-803 & 12 U.S.C. 1768
7. Federal National Mortgage Assn aka Fannie Mae, Freddie Mac, and Sallie Mae: Exempt when entity is the debtor (mortgage tax) or the grantee (transfer tax). These entities are not exempt from the mortgage tax when they are the secured party and the debtor is not exempt. Federal Code 12 U.S.C.1723 (a) & 12 U.S.C. 1451
8. Farm Credit Services (Production Credit Associations): Exempt when entity is the debtor or secured party (mortgage tax) or the grantee (transfer tax). T.C.A. 56-4-401, 67-4-1302, 12 U.S.C. 2077
9. Telephone Cooperatives: Exempt when the entity is the debtor (mortgage tax) or the grantee (transfer tax). These entities are not exempt from the mortgage tax when they are the secured party and the debtor is not exempt. T.C.A. 65-29-129

MORTGAGE & TRANSFER TAX EXEMPTIONS

(See pages 35-36 for specific examples)

(continued)

10. Tennessee Housing Development Agency – TDHA (same as FHA): The recording is exempt from the mortgage tax when THDA is assigned a security interest in the document. T.C.A. 13-23-127 & 67-4-409 (f)
11. Utilities – Local: If the utility is a governmental entity (such as a county, municipality, utility district or local authority), then it is exempt when the entity is the debtor or the secured party (mortgage tax) or the grantee (transfer tax). Note: A governmental entity will usually have words such as Department, Agency, Authority, or District in its title. - T.C.A. 67-4-409 (f) (F2)
12. There are also exemptions for certain investment companies operating under T.C.A 67-4-122 and for instruments evidencing an indebtedness of a health & educational facility corporation formed under Tennessee Code Annotated, Title 48, Chapter 3, Part 3.

KNOWN EXEMPT & NOT EXEMPT TAX ENTITIES

(Others may exist)

◆ Exempt:

The following may be exempt from State Tax (mortgage or conveyance tax):

American Red Cross aka American National Red Cross

Chattanooga Ag Credit Assn

Chattanooga Gas Co

Chattanooga Hamilton County Hospital Authority 7-57-501(a), 67-4-409(f)

Chattanooga Housing Authority

Chattanooga Metropolitan Airport Authority

Distributors Insurance Co

Eastside Utility District

Electric Power Board

Federal Government (look up additional for departments specified)

Federal Home Loan Mortgage Corp aka Freddie Mac - Exempt only as Grantee on a deed (not beneficiary on a deed of trust or mortgage).

Federal Housing Administration

Federal National Mortgage Assn aka Fannie Mae – Exempt only as Grantee on a deed (not beneficiary on a deed of trust or mortgage).

FDIC – Federal Deposit Insurance Corp

Government National Mortgage Assn (12 USCS 1723a©)

Health & Educational Facilities Board (will be indexed as Chattanooga City of – Health & Educational Facilities)

Home Equity Conversion Act Mortgage 67-4-409 (B) (1)

Homekeeper Deed of Trust TCA 47 CHAPTER 30 (FNMA LOAN)

Industrial Development Board 67-4-409 (F) - (will be indexed as Chattanooga City of – Industrial Development Board, or Hamilton County – Industrial Development Board)

National Consumer Cooperative Bank 12USC 3019, 67-4-409

Resolution Trust Corp

KNOWN EXEMPT & NOT EXEMPT TAX ENTITIES

(continued)

River Valley Agcredit ACA (Chattanooga Agcredit Assn merged with & into Jackson Purchase Agricultural Credit Assn).

Small Business Administration aka SBA

Municipalities – Any city or state agency

Revocable Living Trust (grantees on a deed) or individual/or plus spouse receiving Property from trust, if it was conveyed to trust by the same parties

Secretary of Housing & Urban Development (HUD)

Tenants by Entirety (creation or destruction of)

Tennessee Cooperative Marketing Assn TCA 43-16-145

Union Fork Bakewell Utility District

U. S. Department of Health, Education & Welfare as secured party on a deed of trust.

UTC

Veteran's Administration (VA)

Volunteer Electric Cooperative

Volunteer Energy Cooperative

♦ Not exempt:

10-2004 Mortgage Tax per Ron Fults, Attorney for CTAS revised copy revised 12/14/2004 in 1st paragraph under Not Exempt*.

Chattanooga Community Housing Development Organization "CCHDO" (Private non-profit organization)

Churches

Mental Health Facility

Orange Grove in Chattanooga

Student Loan Marketing Assn – SLM Corp

Tennessee American Water Co

DOCUMENT CODES

Beside each document type is a book & page example of a document that has been recorded in
Hamilton County, TN

A01 AFFIDAVIT - (Inheritance GI 6465-69/ Heirship GI 8687-989/ Identity GI 9098-564)
A02 AGREEMENT - (GI 8043-809) Negative Pledge Agreement (GI 5525-554)
A03 APPLICATION - (GI 6432-870)
A04 APPOINTMENT - (GI 5561-843)
A05 ASSIGNMENT OF DEED OF TRUST - (GI 6468-561)
A06 BLANKET ASSIGNMENT - (GI 8242-479)
A07 PARTIAL ASSIGNMENT - (GI 6362-248)
A08 ASSUMPTION - (GI 6468-189)
A10 AFFIDAVIT OF AFFIXATION - (GI 8346-899) DETITLE (GI 9326-710)
A11 AFFIDAVIT – SCRIVENERS – (GI 8348-818)
B01 BANKRUPTCY - (GI 8303-456)
B02 BILL OF SALE - (GI 7362-768)
B03 BOND - (GI 8073-860)
B04 BYLAWS - (GI 6113-966)
C01 CANCELLATION - (GI 7126-460)
C02 CERTIFICATE - (GI 6513-88)
C03 CHARTER - (GI 6468-589)
C04 CONTRACT - (GI 6399-643)
C05 CHILD SUPPORT LIEN - (GI 8224-786)
D01 CORRECTIVE DEED - (GI 6466-341)
D02 DECLARATION - (GI 6254-766)
D03 DECREE PROPERTY - (GI 6450-885)
D04 DECREE LIEN - (GI 6340-71)
D05 DEED OF TRUST - (GI 6462-633) FORM = GI 8458-590
D06 D T AMEND / MODIFICATION - (GI 8376-814)
D07 DISCHARGE / MILITARY SEPARATION (DD214) - (GI 6461-815)
D08 DISCLAIMER - (GI 3083-900)
D09 DISMISSAL - (GI 6019-557)
D10 MASTER DEED - (GI 5754-812)
D11 MASTER’S DEED - (GI 6408-827)
D12 QUITCLAIM DEED - (GI 8376-541) FORM = GI 8383-49
D13 R/W DEED (RIGHT OF WAY) - (GI 7786-888)
D14 TIMBER DEED - (GI 8200-242)
D15 TRUSTEE’S DEED - (GI 6470-136)
D16 VENDOR’S LIEN DEED / ASSUMPTION DEED - (GI 7800-217)
D17 WARRANTY DEED - (GI 6470-325)
D18 SCRIVENERS AFFIDAVIT – DEED OF TRUST – (GI 8341-808)
E01 EASEMENT - (GI 6465-19)
F01 FT LIEN - (GI 6460-332)
F02 FT NOTICE - (GI 6170-241)

DOCUMENT CODES

(continued)

F03 FT PT RELEASE - (GI 6433-588)
F04 FT RELEASE - (GI 6452-429)
F05 FT REVOCATION - (GI 8318-252)
F06 FT SUBORD - (GI 6463-362)
F07 FIXTURE DEED OF TRUST - (GI 8377-540)
F08 FIXTURE RELEASE - (GI 6473-581)
F09 FIXTURE ASSIGNMENT - (GI 6427-529)
F10 FIXTURE PT RELEASE - (GI 6453-467)
F11 FIXTURE DT AMEND - (GI 8345-275)
G01 GRANT - (GI 8049-852)
J01 JUDGEMENT – PROPERTY - (GI 8031-212)
J02 JUDGEMENT – LIEN - (GI 6475-134)
L01 LEASE - (GI 6458-126) CABIN SITE (GI 10318-819)
L02 LETTERS - (GI 5556-363)
L03 LICENSE - (GI 7694-939)
L04 LIEN - (GI 7446-154 & GI 7012-205) FORM = GI 8383-13
L06 LIEN LIS PENDENS – (GI 8869-295)
L07 TAX LIEN – TN DEPT. OF LABOR & WORKFORCE – (GI 8288-450)
M01 MERGER - (GI 6503-562)
M02 MINERAL - (GI 3745-467 & 3918-238)
M03 MOTION - (GI 4922-680)
M04 MILITARY REDACT – (GI 8159-172)
M05 METH LAB NOTICE – (GI 8374-289)
M06 METH LAB CERTIFICATE OF FITNESS – (GI 8032-861)
M07 METH LAB RELEASE – (GI 8125-576)
N01 NOTICE - (GI 6467-31)
N02 NOTICE OF COMPLETION - (GI 8377-720)
O01 OPTION – (LIKE BILL OF SALE & CONTRACT) - (GI 6083-598)
O02 ORDER PROPERTY - (GI 6467-599)
O03 ORDER LIEN - (GI 6454-904)
O04 ORDINANCE - (GI 6270-512)
P01 PARTNERSHIP (SECRETARY OF STATE) - (GI 8366-751)
P02 PETITION - (GI 8052-234)
P05 PLAT – LARGE (24 X 30) - (P3 70-95) *P03=Small & *P04=Medium
P06 POWER OF ATTORNEY - (GI 8352-782) REVOCATION OF (GI 9641-501)
P07 PARTNERSHIP (GENERAL) - (GI 6117-699)
Q01 QUALIFICATIONS - (GI 4356-856)
R01 RELEASE - (GI 6473-770)
R03 PARTIAL RELEASE - (GI 6472-312)
R04 RESIGNATION - (GI 4482-180)
R05 RESOLUTION - (GI 5551-358)
R06 RESTRICTIONS - (GI 6468-837)
R07 REVOCATION - (GI 5409-915)

DOCUMENT CODES

(continued)

R08 RIGHT OF WAY - (GI 6256-828)
R09 DT REINSTATE - (GI 6444-342)
R10 RELEASE - TN DEPT. OF REVENUE - (GI 8319-268)
R11 RELEASE - TN DEPT. OF LABOR - (GI 8322-670)
R12 PARTIAL RELEASE - TN DEPT. OF REVENUE - (GI 8007-601)
S01 SUBORDINATION AGREEMENT - (GI 6468-943)
S02 SUBSTITUTE TRUSTEE - (GI 6468-586)
S03 SUCCESSOR TRUSTEE - (GI 6470-616)
S04 SUPPLEMENT - (GI 4818-604)
S05 SURVEY - (GI 8459-225)
T01 NOTICE OF STATE TAX LIEN - DEPT. OF REVENUE - (GI 6471-265)
T03 TRUST - (GI 6468-762)
U01 UCC (NEW) - (GI 6463-253)
U02 UCC (TERMINATION) - (GI 6468-798)
W01 WAIVER - (GI 6429-893)
W02 WILL - (GI 6421-626)

AFFIDAVIT – A01

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
- ◆ Index legal description or address (if given)
- ◆ No book & page reference needed (unless it's a lost assignment affidavit)
- ◆ No max statement needed
- ◆ There are several types of affidavits. Some examples are...
- ◆ Lost Assignment Affidavit -

1. EVERYONE (including who executed the Deed of Trust, who should've signed it, etc.)
2. AFFIDAVIT

- ◆ Affidavit of Heirship (or Inheritance) -

- ◆ Must have a legal description
(The following info would not be required, if followed by a deed from one or all of the heirs)
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be "same" if there are multiple grantees at different addresses.
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Must have a map parcel #

It can be 2 ways, read the document...

* If the undersigned IS related to the deceased, it would be...

1. WHO SIGNS IT, OTHER HEIRS LISTED WHO DID NOT SIGN & THE DECEASED.
2. AFFIDAVIT

* If the undersigned is NOT related to the deceased (neighbor, friend, etc.), it would be...

1. THE DECEASED
2. THE HEIR(S)

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

AGREEMENT – A02

ASK-THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Read through the document to make sure it's an Agreement. It may say something like “this is an agreement to create an easement” (it would be an Easement).
If it's a Modification Agreement, it would be a Modification of a Deed of Trust.
If it's an Assumption Agreement, it would be an Assumption.
- ◆ After you've determined it's an AGREEMENT...
- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement
- ◆ If it says it's an agreement by & between several people, it would be...

1. EVERYONE
2. EVERYONE

OR

- ◆ If the document specifies a buyer & seller, it would be...

1. SELLER (First Party)
2. BUYER (Second Party)

- ◆ If one of the above not possible, it would be...

1. EVERYONE
2. AGREEMENT

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

APPLICATION – A03

(Also known as an Assessor's Greenbelt filing)

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a map parcel #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement
- ◆ If it's a LAND APPROVAL application (greenbelt assessment - either agricultural or forest), it needs a legal description and/or an address.
- ◆ Index source of title if listed
- ◆ If it's a LAND APPROVAL application, it would be...

1. PROPERTY OWNER WHO SIGNS and/or PARTY LISTED ON LINE # 1
2. APPLICATION & APPLICATION # (Ex: APPLICATION 526502)

*Application number is written on the top line of the block, beside Hamilton County.

- ◆ If it's NOT a LAND APPROVAL, ask.

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

APPOINTMENT – A04

Read the document to be sure it's an appointment. If it is an Appointment of Substitute (or Successor) Trustee, it's indexed as an S02 or S03.

Once you've determined it's an appointment...

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement

1. WHO SIGNS IT
2. WHO THEY'RE APPOINTING

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

ASSIGNMENT OF DEED OF TRUST – A05

May say: CORPORATE ASSIGNMENT OF DEED OF TRUST
TRANSFER & ASSIGNMENT
REAL ESTATE LIEN ASSIGNMENT

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a max statement. It can be zero. If an amount is listed, it needs to state the book & page where taxes were paid.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. ASSIGNOR & WHO EXECUTED DEED OF TRUST
2. ASSIGNEE

- ◆ Do not index book & page reference from the legal description, it will be the book & page # of the Deed of Trust being assigned.
- ◆ Index legal description or address (if given)

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$5.00 for each additional reference (If it's a Corrective Assignment, do not charge for the Assignment being corrected).

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

ASSIGNMENTS OF RENTS & LEASES – A05

*One example is Book 10336 Page 955

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ No legal description needed
- ◆ Book & page reference of the DT required in body of document, or in the margin
- ◆ Must have a max statement. It cannot be zero. It needs to state the book & page # where taxes were paid.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT
2. WHO CONVEYING (OR TRANSFERRING) TO

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$5.00 for each additional reference

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

BLANKET ASSIGNMENT – A06

(Multiple grantors, with multiple separate Deed of Trust references, are being assigned to one company.)

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a max statement. It can be zero. If an amount is listed, it needs to state the book & page # where taxes were paid.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. ASSIGNOR & WHO EXECUTED DEED OF TRUST
2. ASSIGNEE

- ◆ Index legal description or address (if given)
- ◆ Do not index book & page reference from the legal description, it will be the book & page # of the Deed of Trust being assigned.

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$5.00 for each additional reference

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

PARTIAL ASSIGNMENT – A07

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a max statement. It can be zero. If an amount is listed, it needs to state the book & page where taxes were paid.
- ◆ Index legal description or address (if given)
- ◆ Do not index book & page reference from the legal description, it will be the book & page # of the Deed of Trust being assigned.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. ASSIGNOR & WHO EXECUTED DEED OF TRUST
2. ASSIGNEE

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee
\$5.00 for each additional reference

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

ASSUMPTION – A08

(See page 49)

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have “Seller is (or is not) released from liability”. It will either be written in the margin, or within the document. The fee will depend on whether they are (or aren’t) released from liability.
- ◆ If seller IS released from liability, it must have a max statement (it is taxable)
- ◆ Must have Book & Page reference (of the Deed of Trust they’re assuming)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. EVERYONE (INDIVIDUALS & BANK)
2. EVERYONE (INDIVIDUALS & BANK)

* If seller is NOT released of liability, it will be:

\$5.00 per page (If 1 page, it’s \$10.00)
\$2.00 data processing fee

* If seller IS released of liability, it will be:

\$5.00 per page (If 1 page, it’s \$10.00)
\$2.00 data processing fee
\$1.00 probate fee
and...
Mortgage amount multiplied by .00115

- ◆ If it’s a multi-functioning document, it’s \$5.00 for each ADDITIONAL function.



STATE OF TENNESSEE
DEPARTMENT OF REVENUE
ANDREW JACKSON STATE OFFICE BUILDING
NASHVILLE, TENNESSEE 37242

MEMORANDUM

TO: Register of Deeds

FROM: Office Audit & Examination

DATE: March 13, 1996

SUBJECT: Mortgage Recordation Tax & Assumption Agreements

It has come to our attention that there is some confusion regarding mortgage loan agreements which are referred to as "assumption agreements." This memorandum is to clarify the Department's policy regarding these agreements and the application of the Mortgage Recordation Tax.

There are two types of assumptions. The most common type is an arrangement whereby the purchaser promises to pay the debt of the seller, but the seller remains liable on the debt in the event the purchaser does not pay. In such a case, no additional mortgage recordation tax is due if tax was paid on the original deed of trust. The assumption by the purchaser is not a new indebtedness, but only a continuation of the old debt.

The other type of assumption is when the purchaser actually enters into a new contract with the mortgagee changing the terms of the mortgage and canceling the seller's obligation. This involves a new contract of a three party agreement whereby, one party is released from a contract and another party is substituted. This creates a new indebtedness and mortgage recordation tax is due on the new amount of the mortgage. In this case the lender would relieve and release the seller from any and all further liability or obligation under the note and security instrument.

If you have any questions, please call Diann Schneider at (615) 532-6082.

AFFIDAVIT OF AFFIXATION – A10

FORM CAN BE FOUND AT www.hamiltontn.gov/register (Mobile Home Affidavit)

This document must stand alone, not as an exhibit

Public Chapter 132, which amends the statute on affidavits of affixation (T.C.A. 55-3-138), into effect July 1, 2009 – The revised statute states that affidavits of affixation are to be filed in the Register's office as separate documents. The specific provision will be codified as T.C.A. 55-3-138(b)(1). The full text of Public Chapter 132 can be found here: <http://state.tn.us/sos/acts/106/pub/pc0132.pdf>.

- ◆ Must have prepared by, return to name & address
- ◆ Must have the names of legal owners of manufactured home & real property to which it's being affixed
- ◆ Must have description of the manufactured home (ex: Manufacturer's Name, Model, Length/Width, Serial #)
- ◆ Must have property address & legal description
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
- ◆ Index Prior Title, if given
- ◆ Must be acknowledged

1. WHO SIGNS IT
2. AFFIDAVIT

If affidavit is a DE-TITLE –

Index book & page # of affixation

1. WHO SIGNS IT
2. PRIOR & PRESENT OWNERS

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

AFFIDAVIT-SCRIVENERS – A11

(If it's correcting a Deed of Trust, see D18)

See page 52 for details

- ◆ Document must be titled: Scriveners Affidavit – Document Type
(ex: Scriveners Affidavit – Warranty Deed)
- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have grantor/grantee names. If correcting grantor/grantee, it must show the way it was on the original document and the corrected way.
- ◆ Must have book & page of document being corrected
- ◆ Must have a legal description when correcting a document that requires a legal description
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
- ◆ Document being corrected does not need to be attached as an exhibit
- ◆ A Scrivener's Affidavit may not be recorded for a PLAT, if it corrects lot lines or notes that are on the previously recorded plat(s).

1. WHO SIGNS IT & THE GRANTOR MENTIONED IN THE AFFIDAVIT

If correcting Grantor name, index it both ways

2. GRANTEE MENTIONED IN THE AFFIDAVIT

If correcting Grantee name, index it both ways

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$5.00 for each additional document book & page # being corrected.

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

SPOTLIGHT ON CURRENT ISSUES

From: The University of Tennessee at Chattanooga
County Technical Assistance Service

August 8, 2007

LEGISLATIVE UPDATE FOR REGISTERS OF DEEDS

Public Chapter 116 (Scrivener's Error Affidavit)

Under T.C.A. 66-22-101, documents must be authenticated as a condition of recording. According to the statute, in order for a document to be authenticated, it must be executed by the maker, or the natural person acting on behalf of the maker, and then that signature must either be notarized or witnessed.

Issues have arisen when parties have recorded documents, realized mistakes were made in the documents, and then have corrected the mistakes and presented the corrected documents to registers for re-recording. Under T.C.A. 66-22-101, such documents would not be eligible for recording as they would not be properly authenticated.

As this so-called re-recording is not a viable option for correcting mistakes made in recorded documents, parties have two options – they can either correct the document and have the corrected version executed by the maker and then notarized or witnessed or they can register a scrivener's error affidavit pursuant to T.C.A. 66-24-101(a)(27).

A scrivener's error affidavit is used to identify the previously recorded document and describe the corrections that need to be made to the document. Public Chapter 116, which amends T.C.A. 66-22-101 and 66-24-101, goes further in that it provides that parties may attach corrected documents as exhibits to the affidavits. The purpose of the affidavit remains the same. The only change is that exhibits may now be included. Importantly, the bill provides that the previously recorded document, with corrections, may be attached as an exhibit. Keep in mind, however, this document will carry the legal weight of an exhibit to an affidavit, and not that of a recorded document such as a deed.

Public Chapter 116 was signed by the Governor May 8, 2007, and was effective on that day. Therefore, registers may now accept exhibits attached to scrivener's error affidavits.

BANKRUPTCY – B01

Just because the certification page is from the Bankruptcy Court does not mean it's a bankruptcy. Read the document to be sure it's a true bankruptcy. Once you have determined that it is...

- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. DEBTOR
2. COURT

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

BILL OF SALE – B02

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a max statement
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ Must have a map parcel #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. SELLER
2. BUYER

- ◆ If making payments, must pay mortgage tax. If not making payments, max statement will be zero.

*** If max statement is zero, it will be...**

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

*** If max statement is NOT zero, it will be...**

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee
\$1.00 probate fee
and...
Mortgage amount multiplied by .00115

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

BOND – B03

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Power of Attorney may be included
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

***You may refer to T.C.A. 66-11-142 for more information regarding this document.**

T.C.A. 8-19-102 (a) Official statutory bonds are filed in the office of the county Register of Deeds first. Then they are transmitted to the office of the county clerk for safekeeping, immediately after recordation.

1. EVERYONE (Principal, Surety, & who they're bound unto)
2. EVERYONE (Principal, Surety, & who they're bound unto)

- * The principal is the entity obligated, with the surety, to the obligee.
- * The surety is the entity obligated, with the principal, to the obligee. In the event of a default on the part of the principal, the surety is required to perform the terms of the contract between the principal and obligee.

*If it's an Official Statutory Bond for County Public Officials, there is no charge (ex: Book 8766 Page 11).

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

BY LAWS – B04

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index legal description or address (if given)
- ◆ No book & page reference needed, but index if they include it. An exception - if they're AMENDING by laws, will need book & page # of the by laws being amending.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT & NAME OF SUBDIVISION OR DEVELOPMENT
2. BY LAWS

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

CANCELLATION – C01

ASK - THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

*One example of a Cancellation is Book 7126 Page 460

1. WHO SIGNS IT
2. WHO THEY'RE CANCELING

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

CERTIFICATE – C02

ASK - THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

* One example of a Certificate is Book 6513 Page 88

1. TENNESSEE STATE OF
2. ESTATE OF THE DECEASED

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

CHARTER – C03

May say: Articles of Dissolution, Articles of Termination
Articles of Organization, Articles of Merger, Charter Amendment or Notice of Dissolution

- ◆ Must have a white cover letter from Secretary of State, it is the first page. One exception is when the charter was electronically filed with the Secretary of State. If it was e-filed, instead of a cover letter, the front page of the Charter will have a header stating it was Filed with the Secretary of State. (Ex: FILED, RILEY DARNELL, TN SECRETARY OF STATE, 12/12/2014, 8:01:18 AM at top of document).
- ◆ Must have “return to” name & address
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ There is usually a unique number stamped on the cover letter. The attached pages should run in consecutive order.
- ◆ Index execution date if given, usually on the last page (signature page).

1. COMPANY NAME
2. TYPE OF DOCUMENT (*see below)

*It may begin with one of the following:

Charter	Charter Amendment
Articles of...	Notice of...
Restatement of...	Application for...

\$5.00 up to 5 pages & each additional page is 50¢
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

CONTRACT – C04

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a max statement
- ◆ Must have a legal description
- ◆ Must have a map parcel #
- ◆ Must have a prior title
- ◆ Index execution date if given, otherwise index date of notary acknowledgement

.

1. SELLER
2. BUYER

- ◆ If making payments, must pay mortgage tax. If not making payments, max statement will be zero.

*** If max statement is zero, it will be...**

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

*** If max statement is NOT zero, it will be...**

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee
\$1.00 probate fee
and...
Mortgage amount multiplied by .00115

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

CHILD SUPPORT LIEN – C05

- ◆ Must be a Certified copy from the Court
- ◆ Index execution date if given, otherwise index date when the judge signed it.
- ◆ Must have lien amount

*One example of a Child Support Lien is Book 8224 Page 786

1. OBLIGEE (Lienor)
2. OBLIGOR (Lienee) - who owes the money

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

CORRECTIVE DEED – D01

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Must have reason for correction
- ◆ Must have an oath of value, it cannot be older than 6 months. If oath shows an increased amount, it should state the total amount & the amount over the original deed oath amount. If oath is not changing, it should match the original deed & cite the book & page in that oath where tax was paid. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant.
- ◆ Must have a map parcel #
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be “same” if there are multiple grantees at different addresses.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT

2. WHO THE PROPERTY IS CONVEYED UNTO

- ◆ **The fee depends on the correction being made...**

***If the oath of value is being corrected, it is taxable. It would be:**

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$1.00 probate fee

and...

Full conveyance amount multiplied by .0037

***If the oath of value is not changing, it is not taxable. It would be:**

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

Exempt the conveyance tax and probate fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

DECLARATION – D02

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. EVERYONE
2. DECLARATION

OR

* If it says it's a declaration by & between several people, it would be...

1. EVERYONE
2. EVERYONE

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

DECREE PROPERTY – D03

- ◆ Must be a certified copy from the court
- ◆ Must have a map parcel #
- ◆ Must have oath of value if it's a tax sale. Does not require an oath of value on Divorce Decrees, Decrees to Quiet Title, etc. Oath cannot be older than 6 months. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant.
- ◆ If it's a Decree of Redemption, the amount in the oath is what they “have now paid into the Court”
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be “same” if there are multiple grantees at different addresses.
- ◆ Need to check mark (√) in the left margin, by the paragraph for divesting property
- ◆ No acknowledgement needed
- ◆ Must have prior title
- ◆ Index execution date if given, otherwise index date when the judge signed it.

1. WHO IT'S DIVESTED OUT OF
2. WHO IT'S VESTED INTO

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee
\$1.00 probate fee – (if taxes are collected)
and...
Full conveyance amount multiplied by .0037

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

DECREE LIEN – D04

- ◆ Must be court certified
- ◆ No acknowledgement needed
- ◆ Must have Lienor & Liencee
- ◆ Must have lien amount
- ◆ You have to read the document to see who was awarded the judgment.
- ◆ Submitter must note in upper left corner of the document the word **LIEN**
- ◆ Submitter needs to check mark (✓) in the left margin, by the paragraph for the lien
- ◆ Index execution date if given, otherwise index date when the judge signed it.

1. PERSON WHO WAS AWARDED JUDGMENT
2. PERSON WHO THE JUDGMENT WAS AGAINST

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

DEED OF TRUST – D05

*May say: Home Equity Deed of Trust, Open End Deed of Trust, Subordinate Deed of Trust, Construction Deed of Trust, Supplemental Deed of Trust

*Documents titled “Deed of Trust, Assignment of Rents & Leases & Fixture Filing” must be recorded as a triple document. An exception will be made when an Assignment and a Fixture Filing follow.

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a legal description
- ◆ Must have a max statement – A Deed of Trust citing a Bankruptcy code can have zero in the max statement. Exempt entities may also have zero in the max statement.
- ◆ Home Equity Conversion is tax exempt – TCA 67-4-409 (B)(1) Deed of Trust should be referenced & labeled Home Equity Conversion Act
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Must have a Trustee
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. BORROWER
2. LENDER

*A rider attached to a Deed of Trust that mentions the guarantor of the loan is tax exempt, does not exempt the recording taxes unless an assignment is recorded simultaneously with the Deed of Trust.

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$1.00 probate fee

and...

Exempt \$2,000 from the conveyed amount, and multiply by .00115

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

DEED OF TRUST AMENDMENT OR MODIFICATION - D06

May say: Modification of security instrument, Loan modification agreement, Modification & Extension of Deed of Trust, Construction/Permanent Mortgage Modification Agreement

- ◆ Must have prepared by, return to name & address
- ◆ Both borrower & lender must sign & be acknowledged (with notary seal for each)
- ◆ Index legal description or address (if given)
- ◆ Must have book & page # of the Deed of Trust being modified or amended
- ◆ Must have a max statement. It can't be zero. If increasing indebtedness, it must be the increased amount only. If not increasing indebtedness, it must be the full loan amount followed by a statement citing the book & page where taxes were paid. If decreasing indebtedness, it must be the amount it's decreasing to, followed by a statement citing the book & page where taxes were paid.
- ◆ Must index the execution date. If it's 60 days (or more) past the execution date AND they're increasing indebtedness, see penalty fee below.

1. BORROWERS
2. LENDER

***Fee depends on whether the max statement is being modified/amended...**

If increasing indebtedness:

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$1.00 probate fee

\$2.30 mortgage tax increase – exempt this fee if the increase is less than \$2,000

Full amount in max statement multiplied by .00115 (Do NOT exempt \$2,000 – there are no exemptions on a modified deed of trust).

If it's being recorded **60 days** or more past the execution date, a **penalty** of \$250 – OR double the tax (whichever is GREATER).

If it's being increased less than \$2,000 – exempt the \$2.30, multiply full increased amount by .00115 & add it to the mortgage tax field. Also charge the \$1.00 probate fee.

If not increasing indebtedness:

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

DISCHARGE / MILITARY SEPARATION (DD214) – D07

To request a copy of a recorded DD214, please see the appropriate forms on page 69-71

DD214 IS NOT VIEWABLE ON ONLINE RECORD SEARCH, VIEWABLE TO REGISTER STAFF ONLY

- ◆ Our Register of Deeds was furnished the following letter, but **it is the veteran's decision only**, whether to register or not.
- ◆ **If they want it recorded, we will record it.** We can record a military redaction form if requested.
- ◆ No acknowledgement needed
- ◆ No prepared by needed
- ◆ The mail back will be the word "FILE" (typed in computer only, do not write FILE on the DD214)
- ◆ Electronic copies are acceptable from the Army, Air Force & Coast Guard. As of 11/7/14. The Navy & Marines do not.
 1. BRANCH OF MILITARY (Army, Marines, Air Force, Navy)
 2. INDIVIDUAL BEING DISCHARGED
- ◆ Must have original with type of separation section, or a certified copy with a seal.
- ◆ Instant recording – we keep a copy & give the customer the original.

Separation Papers (Department of Defense Form 214-DD214) - Many veterans were advised upon discharge from the military to register their DD214 separation papers at the County Court House Register of Deeds office. Now VA advises, DO NOT register your DD214 with the Courthouse Register of Deeds, due to possible Identity Theft. This is in accordance with VA letter "SCAMS TARGET VETERANS FOR IDENTITY THEFT", dated 1-30-2002. According to this letter, between 600,000 to 700,000 cases of identity theft were reported by the Federal Trade Commission in the year 2000. It states that identity theft is the fastest growing crime today, and many victims don't find out that their personal information has been stolen until they are trying to buy a house or obtain a loan. Once you register your DD214 with the courthouse, it becomes public record, and anyone can go look at it. VA recommends that you should safeguard the form as you would any vital papers and place it in a bank safety deposit box or purchase a fire proof safe to store your vital forms in. All people should begin to safeguard their social security numbers to prevent identity theft. Many of you have noticed that your social security income statements of late only list the last four numbers of your social security number to guard against identity theft.

There is no charge for this recording

MILITARY DISCHARGE COPY REQUEST

All requests for a copy of a DD214 must have this form completed

T.C.A. 10-7-513

Effective September 1, 2010 the Tennessee law changed regarding confidentiality of the veteran's war record, or better known as the DD214.

The record is confidential for 75 years.

Hamilton County, Tennessee Register's Office will provide a free copy to an approved requestor, subject to the remitted documentation for proof. Please select in which capacity that you are authorized to request a copy of the DD214, and provide the documentation of proof as set out by that item.

Please check the selection that applies to this request. Please print, sign, & date the form below:

Veteran's Name _____.

Date of the copy request _____. (mm/dd/yyyy)

<u>REQUESTOR</u>	<u>SELECT ONE</u>	<u>DOCUMENTATION REQUIRED</u>
1) Veteran	_____	Valid driver's license with photo id (if request is from Veteran living out of state – must cite the SSN to clerk taking the copy request & match DD214) (may be faxed)
2) Legal Guardian	_____	Valid driver's license with photo id and certified copy of the court appointment of the said Legal Guardian (may be faxed)
3) Spouse (current & not estranged)	_____	Valid driver's license with photo id and sign the Register's Affidavit (may be faxed)
4) Child	_____	Valid driver's license with photo id and sign the Register's Affidavit (may be faxed)
5) Parent	_____	Valid driver's license with photo id & sign the Register's Affidavit (may be faxed)
6) Nearest living relative	_____	Valid driver's license with photo id and sign the Register's Affidavit (may be faxed)
7) Personal Representative	_____	Certified copy of the court appointment of the Personal Representative (may be faxed).

MILITARY DISCHARGE COPY REQUEST

(continued)

- | | |
|------------------------------------|-----------------------------------------------------------------------------------------|
| 8) Power of Attorney _____ | Original or certified copy of recorded Power of Attorney. (Certified copy may be faxed) |
| 9) Governmental body _____ | Request on letterhead (may be faxed or emailed with signature applied to request) |
| 10) Funeral home or cemetery _____ | Authorized representative request on letterhead (may be faxed or emailed) |

I acknowledge and agree that this statement may be relied upon as the truth and that the witness to my signature attests this information is correct. Please add your area code and telephone number (prefer cell number) for verification purposes.

Signature of individual or individual acting in what capacity and name of the business Nearest (type or print legibly, & sign)

Witness (type or print legibly, & sign) (only needed for Spouse, Child, Parent, living relative)

(Phone number with area code)

(required)

(Phone number with area code)

Register's clerk is required to date, initial, & place in secure file

Date: _____

Type of documentation required that has been received:

Placed in secure file _____ (clerk should initial legibly)

Note: In some situations this Register's DD214 affidavit may be faxed with the Military Discharge Request Form to 423-209-6561. For additional questions please call the Hamilton County TN Register's Office at 423-209-6560.

REGISTER'S AFFIDAVIT: DD214 COPY REQUEST

Regarding Confidentiality

(This form is to be used when the requestor is not the Veteran)

T.C.A. 10-7-513

Effective September 1, 2010 the Tennessee law changed regarding the confidentiality of the Veteran's war record, or better known as the DD214.

The record is confidential for 75 years.

Veteran's Name _____.

Date of the copy request _____. (mm/dd/yyyy)

I _____ (please type or print legibly your name and in the case of a business etc. your name, what capacity you serve, along with the business name), that I am the (please check the appropriate selection).

Spouse of Veteran _____

Child _____

Parent _____

Nearest living relative _____

I acknowledge and agree that this statement may be relied upon as the truth and that the witness to my signature attests this information is correct also. Please add your area code and telephone number (prefer the cell phone number) for verification purposes only.

Signature of individual or individual acting
in what capacity, and name of the business
(type or print legibly, & sign)

Witness (type or print legibly, & sign)

(Phone Number with Area Code)

(required)

(Phone Number with Area Code)

Note: In some situations this Register's Affidavit DD214 may be faxed with the Military Discharge Request Form to 423-209-6561. For additional questions please call the Hamilton County TN Register's Office at 423-209-6560.

Register's Clerk who completed the request (please initial): _____ Date: _____

DISCLAIMER – D08

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

.

*One example of a Disclaimer is Book 6462 Page 437

***If Disclaimer of Inheritance:**

1. UNDERSIGNED
2. ESTATE OF THE DECEASED

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

DISMISSAL – D09

ASK-THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Some are indexed like a release
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

*One example of a Dismissal is Book 6019 Page 557

1. PLAINTIFF
2. DEFENDANT

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

MASTER DEED – D10

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ No oath of value needed
- ◆ No grantee name & address needed
- ◆ No map parcel # needed
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT & THE SUBDIVISION NAME
2. MASTER DEED

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

MASTER'S DEED – D11

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have an oath of value, it cannot be older than 6 months. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant.
- ◆ Must have legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Must have Grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be "same" if there are multiple grantees at different addresses.
- ◆ Must have a map parcel #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. CLERK & MASTERS NAME & WHO HE'S ACTING FOR
2. WHO CONVEYED UNTO

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

QUITCLAIM DEED – D12

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have oath of value (unless it's going into a revocable trust), it cannot be older than 6 months. The oath should reflect the consideration amount, if there was an amount paid for the property. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant.
- ◆ Must have a legal description
- ◆ Must have a map parcel #
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be “same” if there are multiple grantees at different addresses.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
- ◆ When a revocable trust is transferred back to the transferor/spouse, a prior deed must be checked to verify that they were the actual parties that transferred it to the revocable trust. Once the parties are verified to be the same, the conveyance is tax exempt.

1. WHO SIGNS IT
2. WHO CONVEYED UNTO

- ◆ If it has the “to have & to hold – warrant & defend” clause, then it's not a true QuitClaim, and the oath should reflect & conveyance tax paid on the “whichever is greater” amount value or consideration.
- ◆ A gift tax memo should be given if no consideration is stated in the oath. Any property given to another party could have a gift tax due to the Dept. of Revenue if it is over \$10,000.00 in value. They would be questioned if the Dept. of Revenue ever audited.

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$1.00 probate fee (if oath has zero, exempt the probate fee)

and...

Full conveyance amount multiplied by .0037

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

R/W DEED (RIGHT OF WAY) – D13

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a map parcel #
- ◆ Must have send tax bills to: (name & address). It cannot be “same” if there are multiple grantees at different addresses.
- ◆ Must have an oath of value, it cannot be older than 6 months. Conveyed amount must be at least \$10.00. Per TN Dept of Revenue, tax & probate fee will be due on this amount. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant.
- ◆ Must have grantee’s name & address
- ◆ Must have a legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT
2. WHO CONVEYED TO

\$5.00 per page (If 1 page, it’s \$10.00)
\$2.00 data processing fee
\$1.00 probate fee
and...
Full conveyance amount multiplied by .0037

- ◆ If it’s a multi-functioning document, it’s \$5.00 for each ADDITIONAL function.

TIMBER DEED – D14

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a legal description
- ◆ Must have an oath of value, it cannot be older than 6 months. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant.
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Must have a map parcel #
- ◆ No grantee's name & address needed
- ◆ No send tax bills to: (name & address) needed
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT
2. WHO CONVEYED TO

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee
\$1.00 probate fee
and...
Full conveyance amount multiplied by .0037

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

TRUSTEE'S DEED – D15

May say: Substitute Trustee's Deed

*Only use this code for foreclosures

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a legal description
- ◆ Must have a map parcel #
- ◆ Must have grantee name & address
- ◆ Must have send tax bills to: (name & address). It cannot be "same" if there are multiple grantees at different addresses.
- ◆ Must have oath of value, it cannot be older than 6 months. The Tennessee Department of Revenue issued a statement on December 10, 2007 affirming that the oath on a *Trustee's Deed* should reflect the value of the property or the consideration (what the buyer purchased it for), whichever is the greater amount. Many customers assume that this is the amount given at the sale for the foreclosed property which is incorrect. The oath on a Trustee's Deed should reflect the same amount - the consideration or value of the property - whichever is greater, as if it were a Warranty Deed. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant. Any oath with less than \$5,000.00 must be faxed to the Tennessee Dept. of Revenue.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNED IT & THE BORROWERS
2. WHO CONVEYED TO

- ◆ Index book & page # of Deed of Trust being foreclosed on AND the prior deed reference(s) in the legal description
- ◆ This is the only deed that may only have the Book & Page # of the Deed of Trust as the prior title. All other deeds must list the prior deed reference.

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$1.00 probate fee

and...

Full conveyance amount multiplied by .0037

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

VENDOR'S LIEN DEED – D16

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be "same" if there are multiple grantees at different addresses.
- ◆ Must have a map parcel #
- ◆ Must have a legal description
- ◆ Must have book & page reference (index the book & page # of the deed of trust they're assuming AND the prior deed reference). The prior deed reference must state the type of document, along with the book & page #.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT
2. WHO CONVEYED UNTO

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$1.00 probate fee

and...

Mortgage assumed amount multiplied by .00115

Full conveyance amount multiplied by .0037

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

ASSUMPTION DEED – D16

- ◆ Must have “Seller is (or is not) released from liability”. It will either be written in the margin, or within the document. The fee will depend on whether they are (or aren’t) released from liability.
- ◆ If seller **IS released** from liability, it must have a max statement with at least the amount of money still owed on the loan stated & it is taxable.
- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have grantee’s name & address
- ◆ Must have send tax bills to: (name & address). It cannot be “same” if there are multiple grantees at different addresses.
- ◆ Must have a map parcel #
- ◆ Must have a legal description
- ◆ Must have book & page reference (pick up the book & page # of the deed of trust they’re assuming AND the prior deed reference). The prior deed reference must state the type of document, along with the book & page #.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT
2. WHO CONVEYED UNTO

***If seller is NOT released of liability:**

\$5.00 per page (If 1 page, it’s \$10.00)
\$2.00 data processing fee

***If seller IS released of liability:**

\$5.00 per page (If 1 page, it’s \$10.00)
\$2.00 data processing fee
\$1.00 probate fee
and...
Mortgage assumed amount multiplied by .00115
Full conveyance amount multiplied by .0037

- ◆ If it’s a multi-functioning document, it’s \$5.00 for each ADDITIONAL function.

WARRANTY DEED – D17

May say: LIMITED WARRANTY DEED, SPECIAL WARRANTY DEED
EXECUTOR'S DEED

(See page 83 for details regarding conveyance tax)

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Will always say TO HAVE & TO HOLD – WARRANT & DEFEND
- ◆ Must have a map parcel #
- ◆ Must have a legal description
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be "same" if there are multiple grantees at different addresses.
- ◆ Must have oath of value, it cannot be older than 6 months. If it's less than \$5,000 a copy must be faxed to the TN Dept. of Revenue. Also, any deed that is suspicious because they have way less stated value than what is on the Assessor sheet. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant. Any oath with less than \$5,000.00 must be faxed to the Tennessee Dept. of Revenue.
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ When a revocable trust is transferred back to the transferor/spouse, a prior deed must be checked to verify that they were the actual parties that transferred it to the revocable trust. Once the parties are verified to be the same, the conveyance is tax exempt. See review of TCA regarding Revocable Trusts on page 83.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT
2. WHO CONVEYED UNTO

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee
\$1.00 probate fee
and...Full conveyance amount multiplied by .0037

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

REVIEW OF T.C.A. REGARDING REVOCABLE TRUSTS

- ◆ T.C.A. – 67-4-409 (a)(3)(iii)

No conveyance tax will be levied on the transfer of real estate when such:

By the conveyance from one (1) spouse or both spouses to a trustee and immediate reconveyance by the trustee in the same instrument as tenants in common, tenants in common with the right of survivorship, joint tenants or joint tenants with right of survivorship.

- ◆ T.C.A. – 67-4-409 (a)(3)(F)

No conveyance tax will be levied on the transfer of real estate when such:

Are transfers by a transferor of real estate to a revocable living trust created by the same transferor or by a spouse of the transferor, or transfers by the trustee of a revocable living trust back to the same transferor or to the transferor's spouse;

- ◆ T.C.A. – 67-4-409 (a)(3)(G)

No conveyance tax will be levied on the transfer of real estate when such:

Are deeds executed by the trustee of a revocable living trust *to implement a testamentary devise by the trustor of the trust.*

SCRIVENERS AFFIDAVIT – DEED OF TRUST – D18

(See page 85 for details)

- ◆ Document must be titled: Scriveners Affidavit – Deed of Trust
- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have grantor/grantee names. If correcting grantor/grantee, it must show the way it was on the original document and the corrected way.
- ◆ Must have book & page # of document being corrected
- ◆ Must have a legal description when correcting a document that requires a legal description
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
- ◆ Document being corrected does not need to be attached as an exhibit

1. WHO SIGNS IT & THE GRANTOR MENTIONED IN THE AFFIDAVIT
(If correcting grantor name, index it both ways)

2. GRANTEE MENTIONED IN THE AFFIDAVIT
(If correcting grantee name, index it both ways)

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

\$5.00 for each additional document book & page # being corrected.

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

SPOTLIGHT ON CURRENT ISSUES

From: The University of Tennessee at Chattanooga
County Technical Assistance Service

August 8, 2007

LEGISLATIVE UPDATE FOR REGISTERS OF DEEDS

Public Chapter 116 (Scrivener's Error Affidavit)

Under T.C.A. 66-22-101, documents must be authenticated as a condition of recording. According to the statute, in order for a document to be authenticated, it must be executed by the maker, or the natural person acting on behalf of the maker, and then that signature must either be notarized or witnessed.

Issues have arisen when parties have recorded documents, realized mistakes were made in the documents, and then have corrected the mistakes and presented the corrected documents to registers for re-recording. Under T.C.A. 66-22-101, such documents would not be eligible for recording as they would not be properly authenticated.

As this so-called re-recording is not a viable option for correcting mistakes made in recorded documents, parties have two options – they can either correct the document and have the corrected version executed by the maker and then notarized or witnessed or they can register a scrivener's error affidavit pursuant to T.C.A. 66-24-101(a)(27).

A scrivener's error affidavit is used to identify the previously recorded document and describe the corrections that need to be made to the document. Public Chapter 116, which amends T.C.A. 66-22-101 and 66-24-101, goes further in that it provides that parties may attach corrected documents as exhibits to the affidavits. The purpose of the affidavit remains the same. The only change is that exhibits may now be included. Importantly, the bill provides that the previously recorded document, with corrections, may be attached as an exhibit. Keep in mind, however, this document will carry the legal weight of an exhibit to an affidavit, and not that of a recorded document such as a deed.

Public Chapter 116 was signed by the Governor May 8, 2007, and was effective on that day. Therefore, registers may now accept exhibits attached to scrivener's error affidavits.

EASEMENT – E01

May say: Ingress & Egress, Boundary

There are several different kinds of easements, treat it like a deed

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be "same" if there are multiple grantees at different addresses.
- ◆ Must have a map parcel #
- ◆ Must have an oath of value (unless it's declaring an easement & not conveying), it cannot be older than 6 months. Conveyed amount must be at least \$10.00. Per TN Dept of Revenue, tax & probate fee will be due on this amount. (EPB Abandon & Relocation – must have oath and is taxable). An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant.
- ◆ Must have a legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
- ◆ Creating or conveying an easement is taxable. An easement consists essentially of a right of one proprietor to some use out of the estate of another proprietor. TCA 67-4-409 (a) imposes a tax for the recording of instruments which evidence the transfer of any interest in real estate. There appears to be nothing which alters the character of an easement as an interest in land. As interests in land, easements are taxable under this section.

1. EVERYONE
2. EVERYONE

OR

1. SELLER
2. BUYER

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$1.00 probate fee

and... Full conveyance amount multiplied by .0037

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FEDERAL TAX LIEN – F01

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ No original signature needed
- ◆ Lien amount is TOTAL AMOUNT
- ◆ Must have a serial number
- ◆ No book & page needed
- ◆ Index execution date

1. INTERNAL REVENUE SERVICE
2. LIENEE NAME AND ADDRESS

- ◆ Must index: Lien Amount
 Serial Number
 Full Address

***Estate Tax Liens:** “Type of” will be Estate. Index the legal description if it’s attached to specific property. It will not have a Serial Number - enter a zero in the field (it cannot be left blank). United States Title 26 IRS Code 6321-6324. See Book 9090 Page 272 for an example of one that has been recorded.

\$5.00 per page (If 1 page, it’s \$10.00)
\$2.00 data processing fee

- ◆ If it’s a multi-functioning document, it’s \$5.00 for each ADDITIONAL function.

FT NOTICE – F02

(FEDERAL TAX NOTICE)

*One example of a Federal Tax Notice is Book 6170 Page 241

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ No original signature needed
- ◆ Lien amount is TOTAL AMOUNT
- ◆ Must have a serial number
- ◆ No book & page # needed
- ◆ Index execution date.

1. INTERNAL REVENUE SERVICE
2. TAXPAYER(S) NAME AND ADDRESS

- ◆ Must index: Lien Amount
 Serial Number
 Full Address

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FT PT RELEASE – F03

(FEDERAL TAX PARTIAL RELEASE)

This document must not be altered.

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ If no book & page reference listed, DO NOT write it in.
- ◆ If partially releasing property, a legal description is needed
- ◆ If partially releasing names, no legal description is needed
- ◆ Must have a serial number
- ◆ Index execution date

1. INTERNAL REVENUE SERVICE
2. TAXPAYER(S) NAME AND ADDRESS

- ◆ Must index:
 - Lien Amount
 - Serial Number
 - Full Address

- ◆ \$5.00 per page (If 1 page, it's \$10.00)
- ◆ \$2.00 data processing fee
- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FEDERAL TAX RELEASE – F04

May say: RELEASE OF FEDERAL TAX LIEN

(See page 91 for details)

This document must not be altered.

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ If no book & page reference listed, DO NOT write it in.
- ◆ If partially releasing property, a legal description is needed
- ◆ If partially releasing names, no legal description is needed
- ◆ Must have a serial number
- ◆ Index execution date

1. INTERNAL REVENUE SERVICE
2. TAXPAYER(S) NAME AND ADDRESS

- ◆ Must index: Lien Amount
 Serial Number
 Full Address

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

IRS LIEN RELEASE - FEDERAL TAX LIEN RELEASE INFO

The IRS Lien has a release notation on each lien filed which states the following: **IMPORTANT RELEASE INFORMATION: *For each assessment listed below, unless notice of the lien is re-filed by the date given in column (e) this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).*** In order for the IRS lien to be considered released by the Credit Bureau, Land Title Company Underwriters etc. an original Federal Tax Lien release document must be filed in the county where the release was filed which states the correct book and page of the original release. A fax or emailed copy sent to record is not acceptable for filing. Generally, the IRS will mail several releases and federal tax liens weekly from their offices to our office. The Register's Office always has to mail the original Release back to the IRS. The customer who brings the original IRS lien in for filing should ask for a copy of the recorded release. Then the customer is responsible for reporting the Release to the Credit Bureau, Title Companies etc. so that the Federal Tax Lien may be cleared from those records.

FT WITHDRAWAL – F05

(FEDERAL TAX WITHDRAWAL)

May say: FT REVOCATION

This document must not be altered.

*One example of a Federal Tax Withdrawal is Book 8318 Page 252

*One example of a Federal Tax Revocation is Book 3914 Page 593

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ If no book & page reference listed, DO NOT write it in.
- ◆ If partially releasing property, a legal description is needed
If partially releasing names, no legal description is needed
- ◆ Must have a serial number
- ◆ Index execution date

1. INTERNAL REVENUE SERVICE
2. TAXPAYER(S) NAME AND ADDRESS

- ◆ Must index: Lien Amount
 Serial Number
 Full Address

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FT SUBORDINATION – F06

(FEDERAL TAX SUBORDINATION)

This document must not be altered.

*One example of a Federal Tax Subordination is Book 6463 Page 362

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ If no book & page reference listed, DO NOT write it in.
- ◆ If partially releasing property, a legal description is needed
If partially releasing names, no legal description is needed
- ◆ Must have a serial number
- ◆ Index execution date

1. INTERNAL REVENUE SERVICE
2. TAXPAYER(S) NAME AND ADDRESS

- ◆ Must index: Lien Amount
 Serial Number
 Full Address

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FIXTURE DT – F07

(If CONTINUATION is checked, see page 95)

New UCC Forms (effective 7/1/2013) can be found at http://www.tn.gov/sos/bus_svc/ucc_forms.htm

- ◆ REAL ESTATE RECORDS box must be checked
- ◆ Must have name & address of debtor
- ◆ Must have legal description (street address does not count as a legal description)
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Must have a max statement. It can't be zero. If increasing indebtedness, it must be the increased amount only. If not increasing indebtedness, it must be the full loan amount followed by a statement citing the book & page where taxes were paid. If decreasing indebtedness, it must be the amount it's decreasing to, followed by a statement citing the book & page where taxes were paid. If taxes were paid elsewhere (ex: Secretary of State or another County), a copy of the receipt must be attached, showing where taxes were paid.
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ On the form, the description of collateral should state "Filed in Real Estate Records" (there must be a description of collateral)

1. DEBTOR
2. SECURED PARTY

- ◆ Look for "Name of Record Owner" – It could be different, & will need to be indexed & charged for.

\$13.00

\$ 2.00 data processing

\$15.00 FOR EACH DEBTOR

If more than 10 pages, it's 50¢ per page for the 11th page & beyond.

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FIXTURE DT CONTINUATION – F07

New UCC Forms (effective 7/1/2013) can be found at http://www.tn.gov/sos/bus_svc/ucc_forms.htm

- ◆ Continuation must be checked
- ◆ Must have book & page # of Fixture they're continuing
- ◆ Write the instrument # on the document, so it won't have to be looked up again while being proofed
- ◆ Must have a max statement. It can't be zero. It must be the full loan amount followed by a statement citing the book & page where taxes were paid.
- ◆ No legal description needed
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ Must be filed within 5 years (or they'll have to reinstate it). May be filed by secured party at any time within the last 8 months that the financing statement is effective

1. DEBTOR
2. SECURED PARTY

- ◆ Look for "Name of Record Owner" – It could be different, & will need to be indexed & charged for.

\$13.00
\$ 2.00 data processing
\$15.00 FOR EACH DEBTOR

If more than 10 pages, it's 50¢ per page for the 11th page & beyond.

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FIXTURE RELEASE – F08

New UCC Forms (effective 7/1/2013) can be found at http://www.tn.gov/sos/bus_svc/ucc_forms.htm

- ◆ Look up book & page # to be sure it was a fixture filing
- ◆ Write the instrument # on the document, so it won't have to be looked up again while being proofed
- ◆ Must have book & page # of fixture they're releasing
- ◆ Termination must be checked
- ◆ No legal description needed
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ Box #2 (Termination) must be checked. If box #8 (Collateral Change) is also checked, it should be rejected. It cannot be a full termination & a partial release at the same time.

1. SECURED PARTY
2. DEBTOR

- ◆ Look for "Name of Record Owner" – It could be different, & will need to be indexed & charged for.

\$13.00

\$ 2.00 data processing

\$15.00 FOR EACH DEBTOR

If more than 10 pages, it's 50¢ per page for the 11th page & beyond.

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FIXTURE ASSIGNMENT – F09

New UCC Forms (effective 7/1/2013) can be found at http://www.tn.gov/sos/bus_svc/ucc_forms.htm

- ◆ Assignment must be checked
- ◆ Must have book & page # of the Fixture they're assigning
- ◆ Write the instrument # on the document, so it won't have to be looked up again while being proofed
- ◆ No legal description needed
- ◆ Must have a max statement. It can be zero. If an amount is listed, it needs to state the book & page where taxes were paid.
- ◆ No prepared by needed
- ◆ No acknowledgement needed

1. ORIGINAL SECURED PARTY & DEBTOR
2. NEW SECURED PARTY

- ◆ Look for "Name of Record Owner" – It could be different, & will need to be indexed & charged for.

\$13.00
\$ 2.00 data processing
\$15.00 FOR EACH DEBTOR

If more than 10 pages, it's 50¢ per page for the 11th page & beyond.

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FIXTURE PARTIAL RELEASE – F10

New UCC Forms (effective 7/1/2013) can be found at http://www.tn.gov/sos/bus_svc/ucc_forms.htm

- ◆ Look up book & page # to be sure it was a fixture filing
- ◆ Must have book & page # of the Fixture they're releasing
- ◆ Write the instrument # on the document, so it won't have to be looked up again while being proofed
- ◆ Box #8 (Collateral Change) must be checked. If box #2 (Termination) is also checked, it should be rejected. It cannot be a partial release & a full termination at the same time.
- ◆ Must have a legal description
- ◆ No max statement needed
- ◆ No prepared by needed
- ◆ No acknowledgement needed

1. SECURED PARTY
2. DEBTOR

- ◆ Look for "Name of Record Owner" – It could be different, & will need to be indexed & charged for.

\$13.00

\$ 2.00 data processing

\$15.00 FOR EACH DEBTOR

If more than 10 pages, it's 50¢ per page for the 11th page & beyond.

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FIXTURE DT AMENDMENT – F11

New UCC Forms (effective 7/1/2013) can be found at http://www.tn.gov/sos/bus_svc/ucc_forms.htm

- ◆ Amendment must be checked
- ◆ Must have book & page # of Fixture they're amending
- ◆ Write the instrument # on the document, so it won't have to be looked up again while being proofed
- ◆ Must have a max statement. It can't be zero. If increasing indebtedness, it must be the increased amount only. If not increasing indebtedness, it must be the full loan amount followed by a statement citing the book & page where taxes were paid.
- ◆ No legal description needed
- ◆ No prepared by needed
- ◆ No acknowledgement needed

1. DEBTOR
2. SECURED PARTY

- ◆ Look for "Name of Record Owner" – It could be different, & will need to be indexed & charged for.

\$13.00
\$ 2.00 data processing
\$15.00 FOR EACH DEBTOR

If more than 10 pages, it's 50¢ per page for the 11th page & beyond.

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

GRANT – G01

*One example of a Grant is Book 8049 Page 852

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a legal description
- ◆ Must have a max statement
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. BORROWER
2. LENDER

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$1.00 probate fee

and...

Exempt \$2,000 from the conveyed amount, and multiply by .00115

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

JUDGMENT PROPERTY – J01

- ◆ Must have certified copy from the court
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ Index legal description (or address) if given
- ◆ No book & page reference needed, but index it if they include it
- ◆ Must have a map parcel # if property is involved
- ◆ No changes can be made to this document, except writing map parcel # in left margin
- ◆ Need to check mark (✓) in the left margin, by the paragraph for divesting property
- ◆ If they're divesting property, must have grantees name & address, send tax bills to, & map parcel #
- ◆ Index execution date if given

1. WHO IT'S DIVESTED OUT OF
2. WHO IT'S VESTED INTO

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

JUDGMENT LIEN – J02

- ◆ Certified letter from Clerk of Court must be attached (it goes in back) **OR** it must be stamped as certified
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ Must have lien amount
- ◆ Submitter must note in upper left corner of the document the word **LIEN**
- ◆ Submitter needs to check mark (√) in the left margin, by the paragraph for the lien
- ◆ Index execution date if given

Check the first page to see who the judgment is in favor of...

1. WHO JUDGMENT IS IN FAVOR OF (And Assignee)
2. WHO JUDGMENT IS AGAINST

* It's usually from the plaintiff - to the defendant. All parties must be indexed.

\$5.00 per page
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

LEASE – L01

- ◆ Must have either a max statement, OR be stamped “this is a true lease, no security interest”. The amount in the max statement can be zero, if no payments are being made.
- ◆ Must have signature of both parties
- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. LANDLORD (Lessor)
2. TENANT (Lessee)

*A good example of a Cabin Lease – Book 10318 Page 819

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

LETTERS – L02

*One example of a Letter is Book 5556 Page 363

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date when the judge signed it.

1. PROBATE COURT
2. PEOPLE AND DECEASED

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

LICENSE – L03

*One example of a License is Book 6340 Page 506

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. LICENSOR
2. LICENSEE

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

LIEN – L04

(See page 26 for Lien Examples)

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged (unless it's from the U. S. Attorney's office)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
- ◆ Must have Lien Amount
- ◆ Must have address & legal description of the real property (Sometimes not required, according to type of ie: Aircraft, Hospital)
- ◆ Remind customers – An attorney's opinion should be sought regarding the following:
 - A. The validity of the lien, and the length of time the lien may be valid in the TCA (Tennessee Law). T.C.A. – 66-11-101 (single family residence), 145, 146, etc.
 - B. Whether a Judgment in Sessions (or other Court) may be valid for longer, and whether the customer would rather pursue that type of Judgment.
 - C. A lien that is not for labor and/or materials against a residence, should be questioned for recording.

1. ENTITY WHO SIGNED IT
2. WHO THEY'RE PUTTING A LIEN AGAINST

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

LIEN LIS PENDENS – L06

T.C.A. 20-3-101

- ◆ No prepared by needed. It must be returned to the court
- ◆ Must be signed by the court with Plaintiff & Defendant referenced, Court and Case #
- ◆ Ideally, a certified copy from the Court would be presented for recording. If it is presented for recording before it is filed in the Court case, it must be signed by the Court and be acknowledged
- ◆ Must be acknowledged – unless it's a certified copy of an order, signed by the judge & filed in the Court
- ◆ Must have Lien Amount
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. PLAINTIFF
2. DEFENDANT

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

TAX LIEN - TN DEPT. OF LABOR & WORKFORCE – L07

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ Must have account #
- ◆ No book & page reference needed
- ◆ Must have a “sign date” - (example: “witness my hand at Nashville TN on the 31st day of January, 2014”)
- ◆ “Mail to” will be – TN Dept. of Labor & Workforce

1. TENNESSEE STATE OF
2. EMPLOYER

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

MERGER – M01

(If it has a cover letter from the Secretary of State, it would be a Charter)

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. MERGING COMPANIES
2. ARTICLES OF MERGER

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

MINERAL – M02

May say: Declaration of Interest

***One example of a Mineral is Book 3745 Page 467**

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a map parcel #
- ◆ Must have book & page reference
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. OWNER OF MINERAL INTEREST
2. SURFACE OWNER

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

MOTION – M03

ASK-THESE CAN BE INDEXED DIFFERENT WAYS

*One example of a Motion is Book 4922 Page 680

- ◆ It is usually a certified copy
- ◆ No prepared by needed
- ◆ Index execution date if given

1. PLAINTIFF
2. DEFENDANT

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

MILITARY REDACT – M04

Must use the form prescribed by law. It can be found at
<http://tennessee.gov/sos/acts/104/pub/pc0292.pdf>

- ◆ Must have prepared by, return to name & address
- ◆ Must have full name of veteran
- ◆ Must have the name of person making request. If not the veteran who is requesting, it must identify the legal relationship that entitles them to make the request
- ◆ Must specify if they want to remove the Military Discharge, or redact the social security number (if practicable)
- ◆ Must have book & page # of the Military Discharge being redacted
- ◆ Must have signature of person who is making the request
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. VETERAN & PERSON MAKING REQUEST (If not the veteran)
2. MILITARY REDACTION

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

METH LAB NOTICE – M05

Must use the form prescribed by law. It can be found at
<http://tennessee.gov/sos/acts/104/pub/pc0347.pdf>

- ◆ Must have prepared by, return to name & address
- ◆ Index execution date if given
- ◆ Must have signature of local law enforcement agent
- ◆ No acknowledgement needed
- ◆ Must have name of property owner
- ◆ Must have property address
- ◆ Must have prior title reference stating the type of document, along with the book & page #

1. OWNER OF PROPERTY
2. AGENCY GIVING NOTICE

There is no charge for this recording

METH LAB CERTIFICATE OF FITNESS – M06

Must use the form prescribed by law. It can be found at
<http://tennessee.gov/sos/acts/104/pub/pc0347.pdf>

- ◆ Must have prepared by, return to name & address
- ◆ Index execution date
- ◆ Must have name of property owner
- ◆ Must have property address
- ◆ Must have book & page where Meth Lab Notice was recorded, or state “notice not of record”
- ◆ Must be signed by a Certified Industrial Hygienist (or other authorized person) and Company
- ◆ Must be acknowledged
- ◆ The Certificate of Fitness and the Release should be filed simultaneously. They should both be stand alone documents.

1. AGENCY THAT ISSUED QUARANTINE
2. OWNER(S) OF PROPERTY

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

METH LAB RELEASE – M07

Must use the form prescribed by law. It can be found at
<http://tennessee.gov/sos/acts/104/pub/pc0347.pdf>

- ◆ Must have prepared by, return to name & address
- ◆ Index execution date if given
- ◆ Must have agency who issued the quarantine
- ◆ Must cite both the book & page # where Meth Lab Notice was filed & book & page where Certificate of Fitness was filed.
- ◆ No acknowledgement needed
- ◆ The Certificate of Fitness and the Release should be filed simultaneously. They should both be stand alone documents.
- ◆ If only the Release is submitted to record, then the recording clerk must verify if the Certificate of Fitness has been filed and the margin must state “Certificate of Fitness was filed in Book ____ Page ____”.

1. AGENCY THAT ISSUED QUARANTINE
2. OWNER(S) OF PROPERTY

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

NOTICE – N01

*One example of a Notice is Book 6467 Page 31

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. ALL PARTIES
2. NOTICE

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

NOTICE OF COMPLETION – N02

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a legal description or the property address
- ◆ No book & page reference needed
- ◆ “Date of:” = the date of completion (on form) – Example 03/09/2014 (It must be past the date of completion)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
- ◆ Section F (“may send notice”) – It can be the same as parties in section A or B.

1. FROM LINE A ON DOCUMENT (Owner)
2. TO LINE B ON DOCUMENT (Contractor)

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

OPTION – 001

(LIKE A BILL OF SALE & CONTRACT)

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have a max statement
- ◆ Must have a legal description
- ◆ Must have book & page reference
- ◆ Must have a map parcel #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. OPTIONOR
2. OPTIONEE

- ◆ If making payments, must pay mortgage tax. If not making payments, max statement will be zero.

*** If max statement is zero, it will be...**

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

*** If max statement is NOT zero, it will be...**

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee
\$1.00 probate fee
and...
Mortgage amount multiplied by .00115

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

ORDER PROPERTY – O02

- ◆ Must have certified copy from the court
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ Index execution date if given
- ◆ Index legal description or address (if given)
- ◆ No prior title reference needed, but index it if it's there
- ◆ Must have a map parcel # if property is involved
- ◆ Need to check mark (✓) in the left margin, by the paragraph for divesting property
- ◆ If they're divesting property, must have grantees name & address, send tax bills to & a map parcel #

1. WHO IT'S DIVESTED OUT OF
2. WHO IT'S VESTED INTO

OR

If it's a PROBATE FOR MUNIMENT OF TITLE:

- ◆ Must have grantees name & address, send tax bills to & a map parcel #
1. PROBATE COURT (Ex: HAMILTON COUNTY PROBATE COURT, WALKER COUNTY GEORGIA PROBATE COURT, etc.)
 2. ESTATE OF THE DECEASED
 2. PERSON RECEIVING THE PROPERTY

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

ORDER LIEN – O03

- ◆ Must have a certified copy from the court
- ◆ Submitter must note in upper left corner of the document the word **LIEN**
- ◆ Submitter needs to check mark (√) in the left margin, by the paragraph for the Lien
- ◆ No prepared by
- ◆ No acknowledgement needed
- ◆ No legal description needed
- ◆ No book & page reference needed
- ◆ Must have Lien Amount
- ◆ Index execution date if given

1. WHO WON THE JUDGMENT
2. WHO THE LIEN IS AGAINST

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

ORDINANCE – 004

- ◆ Must have a notarized Notice of Certification from City Council
- ◆ No prepared by needed
- ◆ Must have grantees name & address (unless it's an Annexation Ordinance).
- ◆ Must have send tax bills to (name & address) – (unless it's an Annexation Ordinance). It cannot be “same” if there are multiple grantees at different addresses.
- ◆ Must have a map parcel #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. NAME OF PROPERTY OWNERS (listed in Grantee's address)
1. CHATTANOOGA CITY OF (OR HAMILTON COUNTY)

2. ORDINANCE & ORDINANCE NUMBER – (Ex: ORDINANCE 5230) & OWNERS NAME

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

PARTNERSHIP – P01 (or P07)

There are 2 different kinds of Partnerships. They are as follows:

***P01 – LOOKS LIKE A CHARTER**

- ◆ Looks like a charter
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ Will have a letter from the Secretary of State (it goes in front)
- ◆ Must be an original
- ◆ Index execution date if given, usually on the last page (signature page)
- ◆ There is usually a unique number stamped on the cover letter. The attached pages should run in consecutive order.
 1. PARTNERS (Listed in body of document)
 2. NAME OF PARTNERSHIP

\$5.00 up to 5 pages & each additional page is 50¢

\$2.00 data processing fee

If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

***P07 – LOOKS LIKE A REGULAR DOCUMENT**

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.
 1. PARTNERS (Listed in body of document)
 2. NAME OF PARTNERSHIP

*Special instructions for Southwest Royalties Inc (A TN Limited Partnership)

In notes, must say exactly this: **SOME PARTNERS ARE BY A IN F ETC**

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

PETITION – P02

ASK-THESE CAN BE INDEXED DIFFERENT WAYS

*One example of a Petition is Book 5677 Page 156

- ◆ Usually a certified copy
- ◆ No prepared by needed
- ◆ Index execution date

1. BANKRUPTCY COURT
2. DEBTOR

OR

If it's a PROBATE FOR MUNIMENT OF TITLE:

- ◆ Must have grantees name & address, send tax bills to & a map parcel #
 1. PROBATE COURT (Ex: HAMILTON COUNTY PROBATE COURT, WALKER COUNTY GEORGIA PROBATE COURT, etc.)
 2. ESTATE OF THE DECEASED
 2. PERSON RECEIVING THE PROPERTY

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

PLAT – P05

(ALL SIGNATURES MUST BE ORIGINAL!)

- ◆ GIS must approve & sign the plat on the appropriate line. Hamilton Co. GIS department is located at the Development Resource Center 1250 Market St Suite 1010 Chattanooga. The appropriate parties must sign. The signatures that are required may vary on each plat (it may be Hamilton Co. Wastewater, Hamilton Co. Health Dept., Hamilton Co. Planning Commission, etc.).
- ◆ Plats may be recorded at GIS, or at the Register's office (Main or Satellite office)
- ◆ If the property is in Collegedale, Red Bank or Soddy Daisy, their planning commission will sign it (instead of Hamilton Co.)
- ◆ Can be more than one page (Example: Sheet 1 of 5)
- ◆ Must have **original** signatures of owners. Phone numbers of owners must be placed under every owner's signature.
- ◆ Must have original surveyors seal, signature & stamp with proper original signatures
- ◆ Must have 1 mylar & 2 copies, all with **original** signatures. Only plats with **original** signatures will be validated (including customer's copy).
- ◆ Place red stamp stating “recorded plat does not convey property” near the validation stamp
- ◆ A Scrivener's Affidavit may not be recorded for a PLAT, if it corrects lot lines or notes that are on the previously recorded plat(s).

1. NAME OF SUBDIVISION (Goes in the last name field, do not include the word SUBDIVISION) & THE OWNER(S)
2. PLAT

\$15.00 per page
\$2.00 data processing

SUBDIVISION REGULATION

Cross-reference: Subdivision, Planning Commission

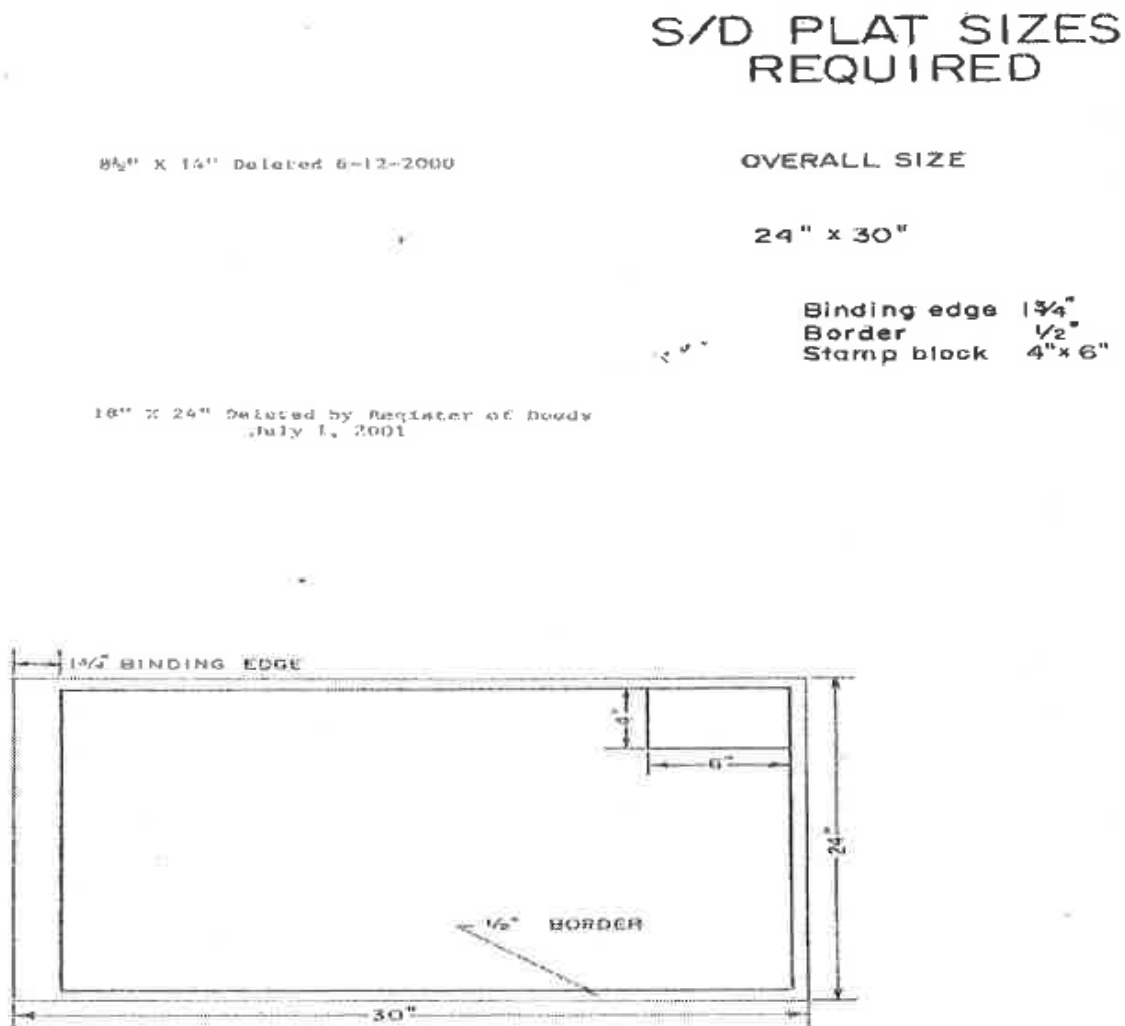
TCA: 13-4-303

In exercising the powers granted to it by this part, the Planning Commission shall adopt regulations governing the subdivision of land within the municipality.

The Hamilton County Tennessee Subdivision Regulations require that the plat size be 24" x 30" with 1 3/4" binding Edge, 1/2" Border, and 4" x 6" Stamp Block. Please see the attached Appendix 5 S/D Plat Sizes required. Please see the regulations posted at http://www.chcrpa.org/Divisions_and_Functions/Development_Services/Subdivisions/Subdivision_Regulations/Hamilton_County_subdivision_Regs/County_subdivision_Regs_UPDATED_SEPTMBER2009.

See the Plat Size Requirement Drawing Example shown below:

A-5



POWER OF ATTORNEY – P06

(If REVOCATION, see below)

(We do **NOT** record HEALTHCARE Power of Attorneys. One exception would be if the healthcare Power of Attorney is incorporated into a regular Power of Attorney document)

- ◆ Must have prepared by, return to name & address (one exception – Military POA does not require a prepared by if it has a preamble stating it's exempt from requirement of form)
- ◆ Must be acknowledged
- ◆ No book & page reference needed
- ◆ Index legal description or address (if given)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT

2. WHO THEY'RE APPOINTING & ANY SUBSTITUTES NAMES (if applicable)

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.
-

◆ Revocation of Power of Attorney

- ◆ Must meet all of the above requirements
- ◆ Must have book & page # of original Power of Attorney
- ◆ If original power of attorney wasn't filed, make note in the margin. (Ex: Original Power of Attorney not of record)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. PERSON REVOKING THE POWER OF ATTORNEY (Who signs it)

2. WHO THEY ARE REVOKING (Person(s) previously appointed as Power of Attorney)

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

QUALIFICATIONS – Q01

*One example of a Qualification is Book 4356 Page 856

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. INDIVIDUAL & BONDING COMPANY
2. QUALIFICATIONS

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

RELEASE – RO1

May say: Cancellation of Assignment

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have book & page reference of the original deed of trust. It will not be the prior title listed in the legal description.
- ◆ Register's staff must not look up the book & page number, unless the instrument # is given. If it is missing, reject the document.
- ◆ Index legal description or address (if given)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. LENDER (Who signs it)
2. WHO EXECUTED BY (Or who originally borrowed the money)

- ◆ Only index the Trustee if he signs the release
- ◆ Only index FKA (formerly known as) on grantees

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

\$5.00 for each additional reference (If it's a corrective release, do not charge for the release being corrected).

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

PARTIAL RELEASE – R03

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have legal description (An address is not a legal description)
- ◆ Must have book & page reference of the original deed of trust. It will not be the prior title listed in the legal description.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. LENDER (Who signs it)
2. WHO EXECUTED BY (Or who originally borrowed the money)

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

\$5.00 each additional reference (If it's a corrective partial release, do not charge for the partial release being corrected).

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

RESIGNATION – R04

ASK-THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

*One example of a Resignation is Book 4482 Page 180

1. WHO SIGNS IT
2. WHO RESIGNED

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

RESOLUTION – R05

- ◆ Must have certified copy from City of Chattanooga or Hamilton County
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

*One example of a Resolution is Book 5551 Page 358

1. CHATTANOOGA CITY OF (OR HAMILTON COUNTY)
2. RESOLUTION & RESOLUTION # (ex: RESOLUTION 200-2)

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

RESTRICTIONS - R06

May say: Declarations of Covenants & Restrictions
Restrictions of Subdivision

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index the legal description - (Example: lot numbers listed in body of document)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT

2. NAME OF SUBDIVISION (If there is no subdivision, index the word “RESTRICTIONS”)

* If they're granting a waiver to someone, also pick them up as a grantee (#2), and index the book & page # of restrictions

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

REVOCATION – R07

This does not apply to Revocation of Power of Attorney (see P06)

ASK-THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

*One example of a Revocation is Book 5409 Page 915

1. WHO SIGNS IT
2. WHO IS BEING REVOKED

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

RIGHT OF WAY – R08

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be “same” if there are multiple grantees at different addresses.
- ◆ Must have a map parcel #
- ◆ Must have an oath of value, it cannot be older than 6 months. Conveyed amount must be at least \$10.00. Per TN Dept of Revenue, tax & probate fee will be due on this amount. An Affiant may be one of the grantees, or an agent for the grantee (must write – as agent beside the signed name). The grantor may not sign as affiant or as agent for the affiant.
- ◆ Must have a legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. EVERYONE
2. EVERYONE

OR

1. SELLER
2. BUYER

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

DT REINSTATE – R09

May say: Released in Error
Correction of Erroneous Release
Cancellation of Release

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ No max statement needed
- ◆ Index legal description or address (if given)
- ◆ Must have TWO references (Book & Page # where it was released in error, and Book & Page # of the original deed of trust)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. EVERYONE
2. EVERYONE

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

RELEASE - TN DEPT. OF REVENUE – R10

This document must not be altered.

- ◆ No prepared by needed
- ◆ No return to name & address needed
- ◆ Must have Entity ID #
- ◆ Must have book & page reference of the original lien
- ◆ If no reference listed, DO NOT write it in.
- ◆ Index execution date

1. TENNESSEE STATE OF
2. TAXPAYER(S) NAME

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

\$5.00 for each additional reference

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

RELEASE - TN DEPT. OF LABOR – R11

This document must not be altered.

- ◆ No prepared by needed
- ◆ No return to name & address needed
- ◆ Must have Account #
- ◆ Must have book & page reference of the original lien
- ◆ If no reference listed, DO NOT write it in.
- ◆ Index execution date

1. TENNESSEE STATE OF
2. EMPLOYER'S NAME

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

\$5.00 for each additional reference

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

PARTIAL RELEASE – TN DEPT. OF REVENUE – R12

This document must not be altered.

- ◆ No prepared by needed
- ◆ No return to name & address needed
- ◆ Must have Entity ID #
- ◆ Must have book & page reference of the original lien
- ◆ If no reference listed, DO NOT write it in.
- ◆ Index execution date
- ◆ If partially releasing property, a legal description is needed
- ◆ If partially releasing names, no legal description is needed

1. TENNESSEE STATE OF
2. TAXPAYER(S) NAME

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

\$5.00 each additional reference

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

SUBORDINATION AGREEMENT – S01

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Must have book & page # of the Deed of Trust being subordinated
- ◆ Index legal description or address (if given)
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT

2. WHO EXECUTED BY (May say FROM instead of execute)

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

APPOINTMENT OF SUBSTITUTE TRUSTEE – S02

May say: Substitution of Trustee

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index Book & Page # of original Deed of Trust
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT & WHO EXECUTED THE DEED OF TRUST
2. WHO THEY'RE APPOINTING

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

APPOINTMENT OF SUCCESSOR TRUSTEE – S03

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index Book & Page # of original Deed of Trust
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT & WHO EXECUTED THE DEED OF TRUST
2. WHO THEY'RE SUBSTITUTING AS NEW TRUSTEE

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

SUPPLEMENT – S04

This does not apply to Supplemental Deed of Trust (see D05)

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

*One example of a Supplement is Book 4818 Page 604

1. BORROWER
2. LENDER

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

SURVEY – S05

TN Codes relevant TCA 13-3-402 (c), & TCA 13-4-302 (c) - 2/27/2007

A survey must be recorded at the Register's Office, not at the GIS office

If the survey is attached as an exhibit to a Deed, the document will be indexed as a Deed. The size of the survey exhibit attached to a document must be 8.5" x 11" or 8.5" x 14". Survey drawing must be on paper that is letter or legal sized. (If the original survey drawing is bigger, it must be cut uniformly into pages that are letter or legal size before submitting them for recording - the responsibility of the cut sizes lies with the surveyor).

No prepared by needed

No acknowledgement needed

Survey should be 24" x 30"

If customer needs a recorded copy of the survey, they must have 2 originals. The Register's Office will keep a file copy & return a recorded copy to the party recording the survey.

Must have ORIGINAL personal signature & seal of the licensed registered land surveyor. This can be a stamp & original signature of surveyor on older surveys.

Certification originally signed by the licensed & registered surveyor with the following wording must be on each survey:

I hereby certify that this survey is not a plat of subdivision as defined at TCA 13-4-301, is 5 acres or more, does not create any new streets or roads, requires no public utility improvements, requires no new sanitary sewer lines, & does not correct any drawing of property that has been originally subdivided within a subdivision which has a recorded plat in the Register's Office.

Must have name of current property owner

Must have map parcel #s

Must have amt of acreage involved

Must have prior title references

1. OWNER & NAME OF SURVEY
2. SURVEY

Questionable drawings that may be refused:

Any drawing which is associated with subdivided lots that have a recorded subdivision plat

Any drawing that subdivides 2 lots into parcels that are less than 5 acres

Any drawing that has a purpose of division for selling or developing

Any survey submitted for recording that is not legible

Any drawing that has no licensed registered surveyor original signature or seal

The name, address & phone number of the licensed registered surveyor must be typed on the survey submitted for recording

Plats that must follow the approval process through the planning commission etc. have the following:

- 1) division of a tract into 2 or more lots
 - 2) those lots are less than 5 acres
 - 3) the purpose of the division is for selling or developing
 - 4) re-subdivision plats are included
 - 5) new street or utility construction is required
- FEE: \$15 + \$2 (per single survey)
\$15 per pg. + \$2 (if multi-page)**

NOTICE OF STATE TAX LIEN – T01

(TAX ENFORCEMENT – DEPT. OF REVENUE)

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ No original signature needed
- ◆ Must have Entity ID #
- ◆ No book & page # needed
- ◆ Must have a “sign date” - (example: “witness my hand at Nashville TN on the 31st day of October, 2014”)

1. TENNESSEE STATE OF
2. TAXPAYER(S) NAME

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

TRUST – T03

(Establishing A Trust)

- ◆ Must have prepared by
- ◆ Must be acknowledged
- ◆ See page 83 for a review of T.C.A. regarding Revocable Trusts
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. PERSON(S) ESTABLISHING THE TRUST & THE TRUST NAME
2. ALL TRUSTEES

- ◆ If the person establishing the trust is also a trustee – they would be a 1 and a 2

\$5.00 per page (If 1 page, it's \$10.00)

\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

UCC – U01

(A new UCC)

New UCC Forms (effective 7/1/2013) can be found at http://www.tn.gov/sos/bus_svc/ucc_forms.htm

- ◆ Must be filed with the Secretary of State in Nashville, TN - (615) 741-3276.
(http://state.tn.us/sos/bus_svc/ucc_forms.htm) We may record as a courtesy at the customer's request, but only after it has been recorded at the State level. Under Revised Article 9, most UCC-1 statements are filed in a single state-wide office, such as the Secretary of State's office; there is no longer any need to file a UCC-1 in the local (county) office for collateral that is not related to real estate.
<http://www.firstam.com/content.cfm?id=3240>
- ◆ If asked to record as a courtesy, add REQUESTED TO FILE in notations, & cite full name of person with phone number (including area code). *See article below regarding the validity of this filing.
- ◆ If recording as a courtesy, it must have the Debtor, Secured Party, a list of equipment & a max statement.
- ◆ No signature, no prepared by, no acknowledgement, no book & page reference, & no legal description needed.

1. DEBTOR(S)
2. SECURED PARTY

Beginning July 1, 2001 the UCC filings were required to be centrally filed with the Secretary of State in Nashville, TN. The fixture/financing statement filings (those that affect real estate) continue to be filed with the Register's Offices. See information and forms on their web-site:

The Register may file any UCC's as a courtesy, if asked to do so.

If a UCC filing was recorded in a particular Register's Office, prior to July 1, 2001 the following could be stated:

- A termination may be filed to clear the record.
- If a continuation or amendment is sent to be filed in the Register's office because the original document was recorded there, the Register may file it as a courtesy, if asked. A new UCC citing the Book and Page & County where the original document was filed should be filed with the Secretary of State (for detailed questions, please speak with the Secretary of State's Office). Then simultaneously, a continuation or amendment may be filed there also. Any filings of continuations or amendments on regular UCC's in the local Register's office after July 1, 2001, could affect the validity of that filing.

\$13.00

\$ 2.00 data processing

\$15.00 FOR EACH DEBTOR

And...

Mortgage amount multiplied by .00115

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

UCC – U02 AMEND/CONTIN/TERMIN, ETC.

May say: Amendment, Continuation,
Corrective, Modification, or Termination

New UCC Forms (effective 7/1/2013) can be found at http://www.tn.gov/sos/bus_svc/ucc_forms.htm

- ◆ Termination must be checked. If not, it would be a U01 and must go through the Secretary of State (http://state.tn.us/sos/bus_svc/ucc.htm) in Nashville, TN - (615) 741-3276.
- ◆ Look up book & page # to be sure it was a UCC - Write the instrument # on the document, so it won't have to be looked up again while being proofed. Both the Book & Page # AND the instrument # should be on the document. (ONLY INDEX THE BOOK & PAGE # IN HCRS).
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ If TERMIN - no max statement needed.
- ◆ If AMEND, CONTIN, CORR, MODIF – Must have a max statement. It can't be zero. If increasing indebtedness, it must be the increased amount only. If not increasing indebtedness, it must be the full loan amount followed by a statement citing the book & page where taxes were paid. If decreasing indebtedness, it must be the amount it's decreasing to, followed by a statement citing the book & page where taxes were paid.
- ◆ No legal description needed

1. SECURED PARTY
2. DEBTOR(S)

- ◆ Look for "Name of Record Owner" – It could be different, & will need to be indexed & charged for.

\$13.00
\$ 2.00 data processing
\$15.00 FOR EACH DEBTOR

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

WAIVER – W01

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ Index legal description or address (if given)
- ◆ Must have a book & page reference
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. WHO SIGNS IT
2. WHO IT'S IN FAVOR OF

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

WILL – W02

- ◆ Must be a certified copy that has been through the court. We can't record it unless it's been through probate.
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ Must have a map parcel #
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address). It cannot be "same" if there are multiple grantees at different addresses.
- ◆ Index execution date if given, otherwise index date of notary acknowledgement.

1. DECEASED (Person who drew up the will)
2. WILL

\$5.00 per page (If 1 page, it's \$10.00)
\$2.00 data processing fee

- ◆ If it's a multi-functioning document, it's \$5.00 for each ADDITIONAL function.

FREQUENTLY ASKED QUESTIONS

Answers to frequently asked questions are on the following pages. If you are unable to find the answer to your question, feel free to contact

our office at:

(423) 209-6560

or

register@hamiltontn.gov

FREQUENTLY ASKED QUESTIONS

ABANDONED, UNKEPT OR UNSAFE PROPERTY -

It is always best to contact the owner, but if you know the owner has moved and left no forwarding address, then one would contact the lender of the mortgage. The Register's Office has mortgage information recorded and will be glad to look for that under the current owner's name(s) since they purchased the property. If one cannot reach the mortgage company from the recorded information (rarely has telephone numbers on the mortgages), then the party may contact the following departments.

- City Property – Please call 311, ask for Neighborhood Services, please have the owner's name(s), address of the property and report the problem and the caller should leave a current phone number for a return call. This department also files liens against the property owner(s) for the cost of the work. Chattanooga Neighborhood Services telephone number is (423) 643-7300.

- County Property – Please call Walter Johnson with the Environmental Health Department at (423) 209-7782, Public Works at (423) 209-7800, or the County Highway Department at (423) 855-6100.

AFFIDAVIT OF HEIRSHIP -

TCA: 30-2-712

An Affidavit of Heirship may be recorded when the sole heir or heirs at law desire to place an instrument of record declaring the party who is deceased and, by operation of the law, naming the current owners of the property. Many times the owner of the real estate may die intestate. A title company or attorney will prepare this type of document. This filing will require the tax bill information be placed on the document to have tax notices sent to the current owner. It is recommended that a legal address, description, map & parcel, preparer's name & address, and name and address of party to return the document all be included in the instrument so the Assessor may change the assessment page. When the deceased party is 55 + years old, it is always a good idea to ask the attorney or title company preparing your Affidavit if you should complete the TennCare Release form as set out in TCA 71-5-116(c)(1). Sometimes, a title company cannot insure title to a property unless they have a TennCare Clearance Letter for those properties.

APOSTILLES & AUTHENTICATION SERVICES -

Please contact the Tennessee Secretary of State's Office at (615) 741-0536 with questions. One may also visit the website at http://tn.gov/sos/bus_svc/apostilles.htm.

An apostille or an authentication is a document that certifies the authenticity of the signature, seal and position of the official who has executed, issued or certified a copy of a public document. It allows a public document issued in one country to be recognized as valid in another country. An apostille is a certification form set out in a treaty called the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (1961).

The document must be notarized by a notary public. The document bearing the notary's signature must then be verified by the county clerk. All of the documents should be submitted to the Secretary of State's Office by mail or in person.

FREQUENTLY ASKED QUESTIONS

(continued)

ASSESSOR OF PROPERTY -

The office is located at 6135 Heritage Park Drive, Chattanooga, TN 37416. The telephone number is (423) 209-7300. The website is located at <http://assessor.hamiltontn.gov/PropertyInquiry/InquiryHome/PropertySearch.aspx>.

ATTORNEY-CITY/COUNTY -

- City of Chattanooga-The office is located at 100 E. 11th St. #200, Chattanooga, TN 37402-4288. The telephone number is (423) 643-8250. The City Attorney is Wade Hinton.
- Hamilton County-The office is located at 625 Georgia Ave, Rm 204, Chattanooga, TN 37402. The telephone number is (423) 209-6150. The website is located at <http://www.hamiltontn.gov/countyattorney/>. The County Attorney is Rheubin Taylor.

BACK TAX INFORMATION -

- City of Chattanooga-The office is located at 101 E 11th St, Ste 100, Chattanooga, TN 37402. The telephone number is (423) 643-7262. The website is located at http://www.chattanooga.gov/Finance/66_Treasury.htm.
- Hamilton County-The office is located at 625 Georgia Ave, Rm 210, Chattanooga, TN 37402. The telephone number is (423) 209-7270. The website is located at <http://www.hamiltontn.gov/trustee/default.aspx>. The Trustee's Satellite Office does not collect back taxes.

BACK TAX SEARCH -

The Register's Office does not perform title searches. Our employees are not trained, certified, licensed or bonded to perform a complete, thorough title search. You may contact the attorney or title company of your choice to inquire about an attorney's title opinion or to have a complete title search on property. A list of local title attorneys and companies is available at your request. One should verify with the title company the charges associated with a title search. The Register's Office will search for information on the property for the current owner's history of the property, if requested. This current owner search would not be a complete title search and may not reveal all liens on the property. The Back Tax Attorney requires a Public Record Search for each Back Tax Property prior to the Back Tax Sale. One may contact the City of Chattanooga Back Tax Attorney, Ken Fritz, at (423) 757-5191 or Hamilton County Back Tax Attorney, James Davey, at (423) 209-7288 for answers to outstanding lien questions.

FREQUENTLY ASKED QUESTIONS

(continued)

BIRTH CERTIFICATE -

The State of Tennessee's Vital Records Office website is located at <http://health.state.tn.us/vr/> and the telephone number is (615) 741-1763.

The Hamilton County Health Department also has some of these records. The office is located at 921 E 3rd St, Chattanooga, TN 37403. The telephone number is (423) 209-8025. The website is located at <http://health.hamiltontn.org/AdminServices/VitalRecord.aspx>.

BUILDING & ZONING -

- City of Chattanooga-The office is located at 1250 Market St, Ste 1000, Chattanooga, TN 37402. The telephone number is (423) 643-5800. The website is located at http://www.chattanooga.gov/Public_Works/70_LandDevelopmentOffice.htm.
- Hamilton County-The office is located at 1250 Market St, Ste 1020, Chattanooga TN 37402. The telephone number is (423) 209-7860. The website is located at <http://www.hamiltontn.gov/Inspect/>

BUSINESS LICENSE -

A business license may be obtained from the Hamilton County Clerk's Office. The office is located at 625 Georgia Ave, Rm 201, Chattanooga, TN 37402. The telephone number is (423) 209-6500. The website is located at <http://www.countyclerkanytime.com/business.htm>.

CEMETERY -

Tennessee laws make no provision for most cemeteries. There are very few cemeteries filed in Hamilton County TN records. Those that are were generally recorded before 1969. One would Grantee the word Cemeteries under the Corporate Index Section to look for these recorded before 7/1/1969. After that date the name of the cemetery may be run in the computer system. When a cemetery is located by a church, typically the church would probably keep the burial records.

The TN Dept of Commerce & Insurance regulates for-profit cemeteries. The telephone number is (615) 741-5062. The website is located at <http://www.state.tn.us/commerce/boards/funeral/index.shtml> for information and frequently asked questions.

Also one may check with the Tennessee State Library & Archives. The telephone number is (615) 741-2764. The website is located at <http://www.state.tn.us/tsla/history/guides/guide12.htm>.

FREQUENTLY ASKED QUESTIONS

(continued)

CHANGING AND INITIALLING AN ORIGINAL DOCUMENT BEFORE RECORDING -

Only the Grantor(s) or Signatory(ies) on the original document may make changes or add information to the unrecorded document. All changes or added information on the document must be initialled by all the Grantor(s) or Signatory(ies).

The preparer of the original document should be contacted regarding changes or corrections on the original documents.

COMBINE MULTIPLE MAP AND PARCELS INTO ONE PARCEL -

Please contact the Assessor of Property's Office to inquire about combining several parcels of land into one parcel. Many times property owners inquire about this so they may receive one tax bill.

Multiple parcels may have references to the same deed or multiple property deeds on different dates.

The Assessor will show the deed references (multiple or other) under the deed references section on the combined assessment information page.

A new deed is not required to combine parcels with multiple deed references.

The Assessor's Office is located at 6135 Heritage Park Dr, Chattanooga, TN 37416. The telephone number is (423) 209-7300. The website is located at <http://www.hamiltontn.gov/assessor>.

COMPUTER PROBLEMS FOR REMOTE ACCESS CUSTOMERS -

When a remote access customer is having a problem viewing an image or with the computer program in general, please contact Bobby Deberry with the Register's Office at (423) 209-6587 or email bobbyd@hamiltontn.gov.

COPIES OF INSTRUMENTS -

The Register's Office will be glad to mail any requested copies of deeds or documents. The proper procedure is for one to call the office at (423) 209-6560. Upon request, the information clerk will look up the deed and report the number of pages in the instrument. One would then send a request for the specific book and page and enclose the payment by check or money order in the amount of 15¢ per page. Please include your telephone number and a self-addressed stamped envelope so that the copies can be returned to you. Please send the request to Marc Gravitt, Register, P O Box 1639, Chattanooga, TN 37401.

An emailed copy is the same as a regular copy listed above. The Register's Office may email information in the computer system. There is a limited number of pages a document can have to be emailed due to the bandwidth.

A fax or email from microfilm copy charge is \$1.00 per page local. \$2.00 per page for a fax long distance.

One may pay for any type copy request with a VISA or MasterCard by calling the office and giving the account numbers to a recording clerk.

FREQUENTLY ASKED QUESTIONS

(continued)

CREDIT BUREAU INFORMATION -

Equifax, P O Box 740241, Atlanta, GA 30374-0241, (800) 685-1111, www.equifax.com,
Experian, P O Box 949, Allen, TX 75013-0949, (888) 397-3742, www.experian.com,
Trans Union, P O Box 390, Springfield, PA 19064-0390, (800) 916-8800, www.transunion.com/consumer.

DEATH CERTIFICATE -

The State of Tennessee's Vital Records Office website is located at <http://health.state.tn.us/vr/> and the telephone number is (615) 741-1763.

The Hamilton County Health Department also has some of these records. The office is located at 921 E 3rd St, Chattanooga, TN 37403. The telephone number is (423) 209-8025. The website is located at <http://health.hamiltontn.org/AdminServices/VitalRecord.aspx>.

DEED – NEED TO CHANGE OWNERSHIP OF THE PROPERTY -

A new original deed must be prepared to convey ownership of real estate. The Register's Office does not have blank document forms and does not prepare legal documents. A title company or attorney should prepare any new deed. A list of local title attorneys and companies is available at your request. Always record the deed in the Register's Office as soon as possible. It is always a good idea to discuss with the preparer of the deed what you are trying to accomplish and let them help you decide what kind of deed that you need, as well as, the correct way to state the transfer of property in the grantee clause.

DEFAULT JUDGMENT -

A judgment would be ordered in Sessions Court – Civil Division. The office is located 600 Market St # 111, Chattanooga, TN - (423) 209-7630. Nancy Masterson, Chief Deputy, would be a good contact. If she is unavailable, then one would ask for a clerk who is familiar and works closely with Default Judgments. The Session's Civil Court will have Default Judgment forms available to complete. An attorney can help with questions pertaining to the form, the length of validity of the lien etc. All the costs and information should be properly stated on the form.

Once the judgment is ordered and signed by a Hamilton County Session's Court Judge, then a certified copy of the judgment may be placed of record in the Register's Office.

The Court of General Sessions, Civil Division is a court of limited jurisdiction. A person may represent himself without an attorney. A corporation filing suit must have an attorney.

The following cases may be filed in Sessions Court on a Civil Warrant. These suits may not exceed \$25,000.00. Suits above this amount must be filed in Circuit Court.

- Open accounts
- Contracts
- Notes
- Damages

There is detailed court information posted at this Civil Sessions Court link - <http://www.hamiltontn.gov/courts/sessions/SessionsCivil.aspx>

FREQUENTLY ASKED QUESTIONS

(continued)

DIVORCE RECORDS -

Divorce records may be obtained at one of the following locations:

Hamilton County Circuit Court Clerk, 625 Georgia Ave, Rm 500, Chattanooga, TN 37402. The telephone number is (423) 209-6700.

Hamilton County Chancery Court, 625 Georgia Ave, Rm 300, Chattanooga, TN 37402. The telephone number is (423) 209-6600.

State of Tennessee's Vital Records telephone number is (615) 741-1763. The website is located at <http://health.state.tn.us/vr/>.

DIVORCED - NEED TO GET EX SPOUSE OFF OF THE DEED AND TAX NOTICE -

Documentation needs to be filed in the Register's Office. A certified copy of the Divorce Decree, a Quitclaim executed by the ex spouse, or a Quitclaim Deed executed by the Clerk of Court (power as granted in the Divorce Decree) into the spouse named as the owner in the Divorce Decree. A local title company or attorney (the attorney who represented the vested spouse in the divorce should know) would be able to advise you.

In order for the Divorce Decree to serve as a deed it must state exactly that "the property is divested out of one spouse (named and spelled correctly) and vested in the other spouse (named and spelled correctly). The legal description must be cited in the decree, not just an address of the property."

If the Decree states all of the above, but still calls for a Quitclaim Deed from the ex spouse or calls for the Clerk of Court to execute a Quitclaim Deed, then a certified copy of the Decree recorded will not be enough to vest title.

Title companies issuing title insurance for lenders and future new owners of the property will also check to see that all the Divorce Decree court costs are paid. They will also check to see that no lien or money is owed or cited in the Divorce Decree to the other spouse as to the real property.

If a certified copy of the Divorce Decree is sufficient to vest title, the margin of the certified copy must state the Grantee Name and Address, Send Tax Notices To Name and Address, and the Map Group and Parcel Number. Then the Assessor will pick up the owner change and the Trustee's Tax Notice will go to the correct owner and address.

In some Divorce Decrees the judge declares that both parties (ex spouses) own the property until it can be listed and sold. In this case, a Certified Copy of the Final Decree may be recorded to give public notice that both parties still own the property.

Please speak with a title company or attorney for detailed questions on this subject or your particular divorce so that you know exactly what needs to be filed in the Register's Office following a divorce.

FREQUENTLY ASKED QUESTIONS

(continued)

EASEMENTS -

The Register's Office does not perform title searches. In order to find all of the easements on a certain property, one would have to perform a title search. If you have a title policy on the property in question, refer to Schedule "B" for reference to any easements that apply to the property. We will be glad to view a copy of your recorded deed and report the book and page of any easements as mentioned in the deed.

EMAIL OR FAX A DOCUMENT FOR PROOFING OF RECORDING REQUIREMENTS -

Please email (register@hamiltontn.gov) or fax (423-209-6561) a document that needs to be checked for errors prior to mailing or delivering the document to the Register's Office for recordation. Put to the attention of the recording department. Please include your email address, phone number and extension, and contact name with the fax.

FORECLOSURE HELP -

Tennessee Property - KEEPMYHOMETENNESSEE.COM -

City of Chattanooga residents - please contact Chattanooga Neighborhood Enterprises Inc at (423) 756-3851.

Federal Help: HUD OFFERS FORECLOSURE HELP SUGGESTIONS AT -
http://portal.hud.gov/hudportal/HUD?src=/topics/avoiding_foreclosure.

FORECLOSURE LIST - THE REGISTER'S OFFICE DOES NOT HAVE ONE -

Tennessee is a non-judicial foreclosure state. The Deed of Trust (mortgage) names a Trustee that has the power to sell if the loan is defaulted. Those sales are advertised in the legal notice section of newspapers (Times Free Press, Chattanooga or Hamilton County Herald) typically for three weeks before the sale. Many of the notices have the telephone number listed of the Trustee (Trustee will auction the property at the west side – Walnut Street side - of the courthouse steps). The Register's Office has no list of foreclosure properties before they are sold. After the sale the Trustee's Deed is recorded in the Register's Office. If one has the book and page of a document that they would like to receive a copy via email please contact our office.

FREQUENTLY ASKED QUESTIONS

(continued)

GIS -

- City of Chattanooga-The office is located at 1250 Market Street, DRC, Chattanooga, TN 37402. The telephone number is (423) 643-6033. The website is located at http://www.chattanooga.gov/General_Government/62_GISMaps.htm.

- Hamilton County-The office is located at 1250 Market St., Suite 1010, Chattanooga, TN 37402. The telephone number is (423) 209-7760. The website is located at <http://gis.hamiltontn.gov/>.

HABENDUM CLAUSE "TO HAVE AND TO HOLD IN FEE SIMPLE" IN A QUITCLAIM DEED MAKES IT A WARRANTY DEED -

The Register's Office collects conveyance and mortgage tax on Deeds for the Tennessee Department of Revenue or TDR. The rules of collection are determined by the TDR.

Many times a deed (Deed in Lieu of Foreclosure, Trustee's Deed, Quitclaim Deed) may use the quitclaim language and also the habendum clause (to have and to hold and in fee simple language) in the same deed. This document would not be considered a "true Quitclaim Deed." The oath in the non-true Quitclaim Deed should reflect the value of the property and conveyance tax should be paid on that amount.

The "true Quitclaim Deed" - one without an Habendum Clause may state the consideration (what was actually given for the property) in the oath. If the amount of consideration is zero, then conveyance tax would not be charged. The Habendum Clause may be stricken and the change initialled by the grantor(s) or signatory(ies).

Only the grantor(s) or signatory(ies) on the original document may make changes or add information to the unrecorded document. All changes or added information on the document must be initialled by all the grantor(s) or signatory(ies).

A true Quitclaim Deed cannot cite the habendum clause to be considered a "true Quitclaim Deed." The preparer of the instrument should try to include the Quitclaim Deed title in the name of the document. An example of this may be a Quitclaim Deed In Lieu of Foreclosure or Quitclaim Trustee's Deed etc. The amount of the consideration for the property should be reflected in the oath of value. If zero dollars was sworn to in the oath of value, then no tax would be due to the TDR.

If the Quitclaim Deed had mortgage assumption language within the instrument - the TDR rules require the amount remaining on the debt to be reflected in the oath of value and tax should be paid on that amount. Any consideration paid over the mortgage assumption amount would additionally need to be stated in the oath of value and tax paid on the total amount (remaining debt on the assumed loan and the consideration amount that makes the consideration greater than the assumed mortgage debt).

If you have additional questions, please contact an attorney.

FREQUENTLY ASKED QUESTIONS

(continued)

INTERPRETER -

The customer may use the public telephone in our office to set up an account with the Language Line. The telephone number is (800) 752-6096 and the web address is languageline.com. The typical set up requires a sign up form, receive a pin instantly, then dial the toll-free number and enter the PIN, connect with an interpreter or translator for the chosen language. According to the website the customer can set up within 2-3 minutes and be on the phone with an interpreter within seconds. There are no minimum charges and is billed by the minute to any major credit card. Then our office may speak to the interpreter that the customer connected with on the public telephone. The charge to the customer is approximately \$3.95 per minute so please try to condense the conversation to only finding the solution to the customer's problem

One other possible solution is to call Gladys Pineda-Loher, Manager of International Business Development at Chattanooga State at (423) 697-3204. She can try to connect the customer with International Ambassadors who can volunteer or charge a minimum fee for the interpretation. She has recruited a group of 175 individuals from 45 countries that speak 26 languages.

IRS LIEN RELEASE – FEDERAL TAX LIEN RELEASE -

The IRS lien has a release notation on each lien filed which states the following: IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e) this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a). In order for the IRS lien to be considered released by the Credit Bureau, Land Title Company Underwriters etc. an original Federal Tax Lien Release document must be filed in the county where the lien was filed which states the correct Book and Page of the original lien. A fax or emailed copy sent to record is not acceptable for filing. Generally, the IRS will mail several releases and federal tax liens weekly from their offices to our office. The Register's Office always mails the original release back to the IRS. The customer who brings the original IRS lien in for filing should ask for a copy of the recorded release. Then the customer is responsible for reporting the release to the Credit Bureau, Title Companies etc. so that the Federal Tax Lien may be cleared from those records.

LABOR & MATERIALMEN'S LIEN -

T.C.A: 66-11-102, 66-11-146, 66-11-145 - The Tennessee law governing Labor and Materialmen's Liens is found at Tennessee Code Annotated 66-11-101 et seq. It is a good idea to have a copy of this section of the code handy when dealing with the issues and various notices associated with perfecting these types of liens. The Tennessee courts have consistently held that Labor and Materialmen's Liens are all together statutory; therefore strict compliance with the requirements of the statutes is necessary in order for there to be a proper, enforceable lien. What may appear to be a minor deviation from the statutory requirements may result in the denial of the lien.

Therefore, it is pertinent that a contractor or subcontractor consult with an attorney or a title company attorney for discussion of details of the law and the process they should take to perfect a lien.

A Default Judgment may be another option for a suit of non-payment that does not exceed \$25,000. An attorney should answer all questions pertaining to this type Judgment. Please see the Default Judgment section for additional information.

FREQUENTLY ASKED QUESTIONS

(continued)

LAND GRANTS -

The land grants are located at the Tennessee State Library & Archives. The telephone number is (615) 741-2764. The address for the TSLA is Research Department, 403 Seventh Avenue North, Nashville TN 37243-0312. The land grant link is located at http://www.tennessee.gov/tsla/history/mailstat.htm#Land_Grants.

LEGAL AID NUMBERS -

If one is on a fixed income there are pro bono attorneys available through legal aid.

Please contact Southeast Tennessee Legal Services, a non-profit, public interest law firm at (423) 756-0128. Their website is located at www.selegal.org.

One may also call Legal Aid of East Tennessee at (423) 756-4013. The website is located at www.laet.org. Anyone with a legal problem may call and speak with the intake coordinator at Legal Aid of East Tennessee which is extension 101. All callers are initially screened for income. To be eligible for services the caller must fall within 125% of the federal poverty level and either be a United States citizen or a documented alien.

LIEN LIS PENDENS -

Please see TCA 20-3-101 for Abstract of Lien Lis Pendens information.

In order for a Lien Lis Pendens to be filed in the Register's Office a certified copy of the Lien Lis Pendens must be presented to the Register's Office for recording.

Sometimes, the attorney files the Lien Lis Pendens in the court, and following, a certified copy is obtained and filed in the Register's Office; other times, the Lien Lis Pendens is certified by the clerk of the particular court, filed in the Register's Office, then returned to the appropriate court for filing with the case.

Please review the Training Guide Link pg. 107 for Lien Lis Penden information.
<http://register.hamiltontn.gov/RegisterHome/Home.aspx>

LIENS - PLANNED UNIT OR HORIZONTAL UNIT -

LIENS OF ASSESSMENT ARE FILED IN THE REGISTER'S OFFICE. Please see the following examples: (1) the Master Deed in Book 5488, Page 886 pgs. 13, 14 # 9 common expenses, and a recorded Lien of Assessment in Book 9823, Page 442 of the Register's Office.

66-27-102(a) (1) (10) "Master Deed" or "Master Lease" means the deed or lease recording the property of the horizontal property regime. A declaration will be recorded in the case where private elements are involved; the declaration shall include the covenants, conditions, restrictions and bylaws of the townhouse corporation;

66-27-103 (b) All planned unit developments shall require a declaration, bylaws, a plat showing private and common elements, a townhouse corporation, charter and an attorney's opinion.

66-27-112 (4) (bylaws dictate the manner of collecting from the co-owners for the payment of the common expenses)

FREQUENTLY ASKED QUESTIONS

(continued)

LIENS ON PROPERTY -

Liens on a property could be Deeds of Trust, Judgments, Orders, IRS Liens, TN Dept of Revenue Liens, etc. One would ask a title company to search the property for a 30 or 50 year range search to reveal all the potential liens on a property. This involves a title search. The Register's Office will be glad to search the history of the current owner from the date they took title to the property to present date to verify what legal instruments are filed for their names. However, a complete title search must be made by an attorney or title professional. Please see the title search information paragraph also.

LOT OF RECORD - TERM USED BY PLANNING COMMISSION - BUILDING PERMIT SECTION -

This means the Planning Commission needs proof, with the deed prior to Feb 1972, that the property was a lot in a subdivision. They need a copy of that deed and a large format copy of the plat of the subdivision. Once the deed dated prior to 1972 is found describing the lot or lots in a subdivision - then there is no more property history search needed. Then one would need to make the copies as previously stated for the customer. The date has to do with a grandfather clause regarding building permits.

Please contact the Building Permit Department at (423) 209-7860 for additional information.

MARRIAGE RECORDS -

The State of Tennessee's Vital Records Office has public records for those married in Tennessee. The telephone number is (615) 741-1763. The website is located at <http://health.state.tn.us/vr/>.

The Hamilton County Clerk's Office issues marriage licenses for those married in Hamilton County Tennessee. The telephone number is (423) 209-6500. The website is located at <http://www.countyclerkanytime.com/marriage/default.htm>.

METH LAB: NOTICE, CERTIFICATE OF FITNESS, RELEASE FROM QUARANTINE -

T.C.A.-68-212-507, 68-212-508, 68-212-509

Please see the information posted at <http://www.hamiltontn.gov/register/images/methlabnotice.pdf> - bottom left hand side of the page.

A Notice of Meth Lab can be recorded by a local law enforcement agency.

A certified industrial hygienist (or other person or entity approved by the TDEC commissioner) shall issue and file the Certificate of Fitness in a form such as the one set out in the statute.

A Release from Order of Quarantine may be recorded after the Certificate of Fitness has been filed.

FREQUENTLY ASKED QUESTIONS

(continued)

MILITARY DISCHARGE-DD214 -

Many times the DD214 is recorded in the Register's Office of the county where the veteran resides. If it isn't recorded in the Register's Office, then the veteran may obtain a copy of his/her DD214 at one of the following: War Records Division, Department of the Military, P O Box 41502, Nashville, TN 37204-1502. The telephone number is (615) 313-2664 or (615) 313-2666, fax number (615) 313-2688.

Veteran's Office (Don), State Office Building, 540 McCallie Ave, Chattanooga, TN 37402. The telephone number is (423) 634-6488, fax (423) 634-6842.

MINERAL INTEREST -

TCA 66-5-108 - "Mineral Interest" - Means the interest which is created by an instrument, transferring either by grant, assignment, or reservation, or otherwise, an interest of any kind, in coal, oil, gas, and other minerals.

"Statement of Claim" - Means a document or instrument to be filed by the owner of a mineral interest in real property to make claim to that mineral interest.

"Abandoned Mineral Interest" - Any person who will succeed to the ownership of any mineral interest upon the lapse thereof may commence such lapse by filing, with the clerk and master of the county in which the mineral interest is located, a complaint of claim of abandoned mineral interest. A form is prescribed in the code.

A separate mineral interest book is kept in the Register's Office, but all of the indexes in that book were keyed into the computer data in 1987. When one searches for a mineral interest, a title search is done on the property. The owner of the property who sold the mineral interest will be in the mineral interest book and the computer system. An example would be the current owner looked up his name in the mineral interest book and in the computer system for a mineral interest in his name. He didn't find one because the owner of the property in 1970 sold the interest and it will be indexed in his name.

If the current owner purchased a title policy at the time he took title to the property, that policy under Schedule "B" should list all exceptions by book and page where they were recorded in the Register's Office for restrictions, easements, mineral rights etc. that relate to the property. If a customer does not know if he purchased a title policy, the clerk should look up the current deed and refer the customer to the preparer of the deed for them to inquire as to whether they purchased a title policy. If they did, they may request a copy from that title company to view Schedule "B" as described above.

The Register's Office will look for a mineral interest book and page set out on the current owner's deed. A title company would need to be contacted to perform a complete title search to look for a mineral interest that the current owner's deed does not refer to.

FREQUENTLY ASKED QUESTIONS

(continued)

MOBILE HOMES -

Mobile homes that are attached to the land would have a recorded document titled an Affidavit of Affixation in the Register's Office. A Deed of Trust (mortgage) could be filed in the Register's Office for the affixed mobile home and the property.

Generally, Affidavits of Affixation are required to be filed by lenders. It is not necessarily something the owner must do.

The Affidavit of Affixation form is prescribed in the Tennessee Code T.C.A. 55-3-138 and just became law in 2003. If one opts to sell the mobile home and detach the mobile home from the land then the owner of the property and mobile home would need to detitle (remove the mobile home that has been affixed to the land from the land) and may contact the Tennessee Department of Revenue at (888) 871-3171 option 1. The detitle process is described on the State of Tennessee's website located at <http://www.tn.gov/revenue/vehicle/generalinfo/mobilehomes.htm>.

Mobile home owners must also own the land where the mobile home is located for an Affidavit of Affixation to be filed in the Register's Office.

A mobile home owner should call or visit the Clerk's Office located at Room 201 Courthouse Chattanooga TN 37402 or call (423) 209-6500 and ask for the Clerk that specializes in mobile home information. One may also visit the website at <http://www.countyclerkanytime.com/>. If the mobile home was never affixed or is no longer affixed to the real property (detitled) please call the Clerk's Office for help with the following:

- Lost the mobile home title and need a VIN number
- Detitled a mobile home from the Affidavit of Affixation through the Tennessee Department of Revenue process as described above and then need to reapply for a title to the mobile home.
- Need to verify if there is a lien on a mobile home
- Transfer a mobile home title

MORTGAGE PAID OFF & NEED YOUR PROPERTY DEED -

A mortgage is named a Deed of Trust in Tennessee. The Deed to your property is generally named a Warranty or Quitclaim Deed. It is returned to you either by the attorney, title company, or our office a few days after you purchase the property. You may have it secured in a lock box or in your personal files. Your Deed of Trust (mortgage) is held by the mortgage company until you pay the loan in full. At that time the mortgage company is responsible for preparation of a Release document which releases the book and page of the recorded Deed of Trust. The Release is recorded by the mortgage company in our office. When the mortgage company receives the recorded Release back, they typically mail you the original mortgage papers with the recorded Release. One should not worry about the original mortgage papers not being returned, the main thing is that the document named a Release has been filed by them in your behalf. The mortgage company does not ever keep your Warranty or Quitclaim Deed, just your Deed of Trust (mortgage).

If one cannot find the original Warranty or Quitclaim Deed in their personal files, then one may request a copy from our office to be emailed or mailed to them. The most important factor is that the Warranty or Quitclaim Deed was filed in our office. The recorded copy in our office becomes the official record in the Register's Office.

Once the Release is recorded, we will be glad to email you a copy of the document if you have not received the Release from your mortgage company.

FREQUENTLY ASKED QUESTIONS

(continued)

NEWSPAPER - TIMESFREEPRESS - REAL ESTATE SALES REPORT ERROR -

The newspaper buys the real estate sales data from ANOTHER SOURCE, not the Register's Office. The Map & Parcel numbers on deeds are not verified to be correct by the company. This sometimes results in false reporting by the company & newspaper that a particular property has been sold, when it has not. Additionally, the reported information may reflect the incorrect amount of the consideration. If a Hamilton County Tennessee property owner would like a retraction of the false sales report or other reported information, please contact Mr. Mark Jones at the Timesfreepress newspaper at (423) 757-6505 or email the request to mjones@timesfreepress.com. Mr. Jones should be contacted when an owner has a request to keep the transfer from being reported in the newspaper. Recording information in the Register's Office is open to the public as prescribed by Tennessee law in T.C.A 10-7-503.

OATH OF VALUE -

TCA - 67-4-409(a)

On a true Quitclaim Deed the oath reflects an amount of what was given for the property.

On a Warranty Deed the oath reflects the consideration amount, what was given, or the value of the property, whichever is greater.

The preparer of the deed generally has the oath completed when the document is submitted for recording.

The oath's sworn statement must be signed by the affiant who is the buyer or an agent of the buyer. The affiant cannot be the grantor.

The Register's Office has no authority or responsibility to prove an oath of value statement.

The Register's Office does collect conveyance tax on deeds for the Tennessee Department of Revenue. TDR requires the Register's Office to report Warranty Deeds that have less than \$5,000 in the oath to them.

The making under oath of any false statement known to be false regarding the consideration or value of property transferred shall be punishable as perjury.

PLANNING COMMISSION -

Building Permits, Subdivision Regulations, Zoning, & Forms etc.:

- City of Chattanooga-The telephone number is (423) 643-5800. The website is located at http://www.chattanooga.gov/Public_Works/70_4778.htm.

- Hamilton County-The telephone number is (423) 209-7860. The website is located at <http://www.hamiltontn.gov/Inspect/>.

FREQUENTLY ASKED QUESTIONS

(continued)

PLAT SUBDIVISION APPROVAL PROCESS -

Please contact Bryan Shults with the Regional Planning Agency at (423) 643-5937 for questions regarding the plat approval process. His email address is shults_b@chattanooga.gov.

PREPARING A DEED, MORTGAGE, RELEASE, ETC. -

The Register's Office does not have blank document forms and does not prepare legal documents. One should have all legal documents prepared by an attorney or title company. One should verify the charge for preparation of the instrument with the title company. Once prepared correctly, the documents should be recorded immediately in the Register's Office. It is always a good idea to discuss with the preparer of the document what you are trying to accomplish and let them help you decide what kind of document that you actually need, as well as the correct way to state the grantor(s) and grantee(s) within that document.

Recording of all legal documents is subject to that document's meeting all legal requirements and to the payment of applicable fees. A Training & Document Requirement Guide is posted to help legal entities know filing requirements and fee costs for a certain document type. Please view the guide on the website <http://register.hamiltontn.gov/Documents/DocumentRequirements.pdf>.

A list of local title attorneys and companies is available at your request.

QUITCLAIM DEED TRUE - PLEASE SEE HABENDUM CLAUSE -

Please see Habendum Clause.

REAL PROPERTY -

The City of Chattanooga's General Services Real Property Division is responsible for acquiring property for commercial projects, selling of surplus property, leasing land or buildings, maintaining city owned back-tax properties and keeping all of the city real estate records.

- The office is located at 274 E 10th St, Chattanooga, TN 37402. The coordinator is Gail Hart and the telephone number is (423) 643-7502. The website is located at <http://www.chattanooga.gov/general-services>.

The Hamilton County real property department oversees the annual Back Tax Sales, County Road List and Hamilton County owned Historical Property Information.

- The office is located at 123 E 7th St, 4th Fl Mayfield Annex, Chattanooga, TN 37402. Contact Paul Parker (director) or Chuck Teasley (road list) and the telephone number is (423) 209-6444. The website is located at <http://www.hamiltontn.gov/realproperty/>.

FREQUENTLY ASKED QUESTIONS

(continued)

RELEASE OF DEED OF TRUST -

When one pays off a Deed of Trust (mortgage), it is the responsibility of the mortgage holder to release the Deed of Trust. Tennessee Code 66-25-102 recites the penalty for failure of the mortgage holder to release the instrument promptly.

Many times when a mortgage company sends a Release for a borrower, the company requests the Release to be mailed back to the mortgage company. Then the company generally forwards the recorded Release to the customer with the originally signed mortgage papers. Please contact the mortgage company or holder of the mortgage (party that you make your payments to) if you recently paid off a loan and have questions about the release of your mortgage. The Register's Office can look to see if the mortgage has been released.

Once the Release is recorded, we will be glad to email you a copy of the document if you have not received the Release from the mortgage company.

RELEASE OF LIEN -

When one pays a lien debt in full; it is the responsibility of the holder of the debt to file a Release for the recorded lien in the Register's Office. Tennessee Code 66-25-102 recites the penalty for failure of the holder of any debt to release the instrument promptly. If the originally filed Release is asked to be returned to the holder of the debt, it is the responsibility of the debt holder to forward the recorded Release to the party that has been released. If the original has not been received we will be glad to email a recorded copy.

RELEASE-PENALTY FOR FAILURE TO RELEASE -

Cross-reference: Release of Lien

TCA: 66-25-102, 8-21-1001

If the holder of any debt secured by real property situated in this state fails to enter a proper release of record after having been fully paid or satisfied within forty-five (45) days from the receipt of a written request from the party making such payment, including, but not limited to , the maker, the mortgagor, the purchaser of the property covered by such instrument or any closing agent or attorney who has collected and transmitted funds for such payment, the holder of the debt shall forfeit to the party making such request the sum of one hundred dollars (\$100).

If the indebtedness is not released within the foretasted forty-five-day period, the party having requested the release shall again request the release and, if after thirty (30) days from the second request, the indebtedness has not been released, the holder shall forfeit to the party making the request a sum not to exceed one thousand dollars (\$1000).

In the event suit is instituted to collect either or both of the forfeitures, the holder shall also be liable to the party instituting suit for all reasonable expenses, attorney fees, and the court costs incurred in the action.

FREQUENTLY ASKED QUESTIONS

(continued)

REMOTE ACCESS -

Account setup-\$50 per month free copies, except for those that are in microfilm and not scanned into the system.

Please send an electronic application to our office via the link posted on this website- <http://www.hamiltontn.gov/register/>. There is an electronic access application link located about mid page. Once we receive your application and payment - we will set up your account, assign passwords, and send all of this information, with the instructions, to your email address. One may call the Register's Office and give us the credit card information over the telephone for faster access to the system. It is possible for us to automatically charge your credit card each month with your written permission.

Please only list those people in your office who will actually use the system on the application. It is important that if a person does use the remote access system that they have their own individual password. If two users try to use the same password it will disconnect one of the users. Government entities will not be charged, but will still need to complete the electronic application. When an employee or user leaves your firm, please call and have the person removed from your account. Please direct any additional questions to our office at (423) 209-6560.

REMOTE ACCESS TECHNICAL PROBLEMS -

Please contact Bobby Deberry with the Register's Office at (423) 209-6587 if you have problems viewing images or data or email bobbyd@hamiltontn.gov.

REMOVE A RECORD -

T. C. A. - 8-13-108 (a) (7) The records filed in the Register's Office should be preserved as permanent records.

The recorded documents may never be removed from record.

RESTRICTIONS ON PROPERTY -

The Register's Office does not perform title searches. In order to find all of the restrictions on a certain property, one would have to perform a title search. If one has a title policy on the property in question, please refer to Schedule "B" exceptions list for reference to any restrictions that apply to the property. The Register's Office will be glad to view a copy of your recorded deed and report the book and page of any restrictions mentioned on the current deed. Otherwise, a title search by a title company may be needed to report any history of restrictions on one's property.

FREQUENTLY ASKED QUESTIONS

(continued)

REVERSE MORTGAGE OR HOME EQUITY CONVERSION ACT -

The Home Equity Conversion Mortgage (HECM) is FHA's reverse mortgage program, which enables you to withdraw some of the equity in your home. The HECM is a safe plan that can give older Americans greater financial security. Many seniors use it to supplement Social Security, meet unexpected medical expenses, make home improvements and more. You can receive additional free information about reverse mortgages in general by contacting the National Council on Aging at (800) 510-0301.

A "frequently asked questions weblink" is posted at:
<http://www.reversemortgage.org/GetHelp/MostFrequentlyAskedQuestions.aspx>

A Reverse Mortgage Guide link is located at http://www.ncoa.org/news-ncoa-publications/publications/ncoa_reverse_mortgage_booklet_073109.pdf

ROAD SPECS -

- City of Chattanooga-Call Eddie Tate in Pavement Management at (423) 643-6192 to inquire about road specs that have to be done in order for a road to be accepted as a city road or street.
- Hamilton County-Call Mike Hendrix in Engineering at (423) 209-7830 to inquire about road specs that have to be done in order for a road to be accepted as a county road.

ROADS LIST -

- City of Chattanooga-Contact Debbie Mikel in the Technical Information Department at (423) 643-6033 for the Street & Road List.
- Hamilton County-Contact Chuck Teasley in the Real Property Office at (423) 209-6444 for the County Road List.

SECRETARY OF STATE IN TENNESSEE -

Please visit the website at <http://www.tn.gov/sos/> or call (615) 741-2286.

- Apostilles & Authentications (615) 741-0536
- Corporate Certification (615) 741-6488
- Corporate Filing (615) 741-4535
- Corporate Information (615) 741-2286
- Motor Vehicle Temporary Liens (615) 741-0529
- Notaries (615) 741-2650 | Frequently Asked Questions
- Trademarks (615) 741-0531
- Summons (615) 741-1799
- Uniform Commercial Code (UCC) (615) 741-3276
- Workers' Compensation Exemption Registrations (615) 741-0526

FREQUENTLY ASKED QUESTIONS

(continued)

SOVEREIGN DOCUMENTS -

THE TENNESSEE CODE DOES ALLOW SOVEREIGN DOCUMENTS TO BE RECORDED. THE REGISTER'S OFFICE DOES NOT RECORD SOVEREIGN DOCUMENTS. THE SUBMITTER MAY POSSIBLY RECORD THEM IN FEDERAL COURT.

In Tennessee law (the Register's Offices are based on Tennessee statutes) the sovereign documents are deemed fictitious. Many are written in a nonsensical language. These documents are considered a form of "paper terrorism."

THE REGISTER'S OFFICE HAS BEEN INSTRUCTED TO INFORM THE CRIMINAL DIVISION OF THE INTERNAL REVENUE SERVICE when IRS forms are attempted to be filed with the sovereign documents. The IRS only records IRS related documents and all of those recorded documents are solely returned to the IRS.

THE U. S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION has a division that oversees the sovereign movement. They have asked to be notified when the sovereign documents are attempted to be recorded in the Register's Office.

Homeland Security is also interested in the parties that attempt to record sovereign documents.

SPOUSE DECEASED - WHAT SHOULD ONE DO TO GET THE NAME OFF THE DEED? -

The death certificate of the deceased spouse should be taken to the Assessor of Property's Office for the Assessor's information and tax notice information to be updated. The Assessor's telephone number is (423) 209-7300 for questions regarding the death certificate and tax notice changes.

An actual deed is not typically placed of record after a spouse is deceased - only the information is changed with the Assessor's office as stated in the first paragraph. At a future time when the living spouse decides to sell the property or borrow money on the property - then the conveying deed or the mortgage will usually state what happened to the deceased spouse in a shortened affidavit notation on the document. The affidavit on the deed or mortgage may require specific language regarding the history of the marriage relationship such as dates, and also acknowledgement regarding claims to that person's estate. An attorney or local title company should be able to help you with any document questions regarding your deceased spouse.

There are other document options such as an Affidavit of Heirship etc. that you may want to discuss with an attorney or title company. The Register's Office has no blank forms and does not prepare documents. We do have a list of local attorneys and title companies that we can email or fax upon request.

SURVEY STAKE OR MONUMENT REMOVAL - VANDALISM -

Please see an attorney for questions regarding this subject. The Tennessee Code that addresses this subject is T.C.A. 39-14-408.

FREQUENTLY ASKED QUESTIONS

(continued)

TAX INFORMATION -

- City of Chattanooga-The office is located at 101 E. 11th Street, City Hall, Rm 100, Chattanooga, TN 37402. Please contact the City Treasurer's Office, Gail P. Keown, Treasurer, at (423) 757-5191. The website is located at http://www.chattanooga.gov/Finance/66_Treasury.htm.

- Hamilton County-The office is located at 625 Georgia Ave, Rm 210, Chattanooga, TN 37402. Please call the Trustee's Office at (423) 209-7270. The website is located at <http://www.hamiltontn.gov/trustee/default.aspx>. The Trustee's Satellite Office is located at 6125 Preservation Drive, Chattanooga TN 37416 and the telephone number is (423) 893-3575.

TENNESSEE DEPARTMENT OF REVENUE REFUND FORMS -

One may access the form posted at <http://www.tn.gov/revenue/forms/sales/f1403301.pdf>. There is additional information at the end of the refund form regarding phone numbers, contacts etc.

TENNESSEE STATE LIBRARY & ARCHIVES -

Please see Land Grant Information.

TITLE SEARCH -

The Register's Office does not perform title searches. Our employees are not trained, certified, licensed or bonded to perform a complete thorough title search. You may contact the attorney or title company of your choice to inquire about an attorney's title opinion or to have a complete title search on property. A list of local title attorneys and companies is available at your request. One should verify with the title company the charges associated with a title search.

WILLS -

The Clerk & Master oversees the probation of wills, petitions for intestate administration etc. The office is located at 625 Georgia Ave, Rm 300, Chattanooga, TN 37402. The telephone number is (423) 209-6615. The website is located at <http://www.hamiltontn.gov/courts/ClerkMaster/Default.aspx>.

In order to record a will in the Register's Office – the person must be deceased, the will probated by the court and proven to be true, and a certified copy obtained from the Clerk & Master's Office of the order of the proven will. That certified copy may then be recorded in the Register's Office. A will may not be recorded as long as the party who wrote the will is still living. The will must have been probated and proven in probate court to be true, after death.

ACKNOWLEDGEMENTS

The information was provided by:

Marc Gravitt, Register
Carrie Millard, Chief Deputy
Vickie Schroyer, Deputy Clerk

Compilation & Layout by:

Debbie Skelton

2003
2007 revision
2010 revision
2015 revision

DISCLAIMER

The intent of this manual is solely to be used as a training tool. Any company or person is welcome to use this manual as a guide for checking documents. Please note that the original documents presented for recording would be subject to a Register's recording clerk checking those documents.

It is always wise to have a licensed Tennessee attorney prepare any real estate documents that will be filed in the Hamilton County Register's office.

The Register's office may not prepare documents or perform title searches, as we are neither bonded or licensed attorneys.

It is our hope that this guide will help you avoid rejected documents, by reflecting the proper information required for documents to be recorded.

**MARC GRAVITT, REGISTER
HAMILTON COUNTY GOVERNMENT
CHATTANOOGA TN
423-209-6560
www.hamiltontn.gov/register**