

Training & Document Requirement Guide

PAM HURST, REGISTER

**HAMILTON COUNTY, TN
REGISTER'S OFFICE**

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STANDARD CHECKLIST FOR DOCUMENTS.....	6
MISCELLANEOUS NOTES	7
♦ Postage paid, self-addressed envelope	7
♦ Two inch margin at top of document	7
♦ Copy Fees	7
♦ Abbreviations.....	7
♦ War Records – DD214 – Discharge.....	7
♦ Approved for charges.....	8
♦ Do not require notary seals	8
♦ 1 & 2 = Grantor & Grantee	8
♦ HCRS.....	8
♦ Recording Fee Exemptions	8
♦ Plat Books & Book Types.....	9
♦ Visa/Mastercard Payments.....	9
BASIC RULES OF INDEXING	10
♦ Punctuations.....	10
♦ Signature Spelling.....	10
♦ FKA, DBA & NKA	10
♦ “Type of” List	12
♦ Indexing Legal Descriptions	15
EXAMPLES	17
♦ Individual Acknowledgement	17
♦ Corporate Acknowledgement	17
♦ Power of Attorney Acknowledgement.....	18
♦ Military Redact Acknowledgement	18
♦ Max Statement	19
♦ Preferred Oath of Value Statement	19
EXAMPLE OF DOCUMENT REJECTION LETTER	20
DEED EXAMPLES	22
CHILD SUPPORT LIEN RELEASE EXAMPLES	23
OTHER LIEN EXAMPLES	23
REGISTER SEARCH TIPS	24
MORTGAGE & TRANSFER TAX EXEMPTIONS	30
KNOWN EXEMPT & NOT EXEMPT TAX ENTITIES.....	32
DOCUMENT CODES	34
AFFIDAVIT – A01	37
♦ Lost Assignment Affidavit.....	37
♦ Affidavit of Heirship (or Inheritance)	37
AGREEMENT – A02	38
APPLICATION – A03.....	39
APPOINTMENT – A04.....	40
ASSIGNMENT OF DEED OF TRUST – A05.....	41
ASSIGNMENTS OF RENTS & LEASES – A05.....	42
BLANKET ASSIGNMENT – A06.....	43
PARTIAL ASSIGNMENT – A07	44
ASSUMPTION – A08.....	45
AFFIDAVIT OF AFFIXATION – A10.....	46
AFFIDAVIT-SCRIVENERS – A11	47
SPOTLIGHT ON CURRENT ISSUES	48

BANKRUPTCY – B01	49
BILL OF SALE – B02	50
BOND – B03	51
BY LAWS – B04	52
CANCELLATION – C01	53
CERTIFICATE – C02	54
CHARTER – C03	55
CONTRACT – C04	56
CHILD SUPPORT LIEN – C05	57
CORRECTIVE DEED – D01	58
DECLARATION – D02	59
DECREE PROPERTY – D03	60
DECREE LIEN – D04	61
DEED OF TRUST – D05	62
DEED OF TRUST AMENDMENT OR MODIFICATION - D06	63
DISCHARGE / MILITARY SEPARATION (DD214) – D07	64
MILITARY DISCHARGE COPY REQUEST	65
REGISTER’S AFFIDAVIT(Hamilton County TN)	67
DISCLAIMER – D08	68
DISMISSAL – D09	69
MASTER DEED – D10	70
MASTER’S DEED – D11	71
QUITCLAIM DEED – D12	72
R/W DEED (RIGHT OF WAY) – D13	73
TIMBER DEED – D14	74
TRUSTEE’S DEED – D15	75
VENDOR’S LIEN DEED – D16	76
ASSUMPTION DEED – D16	77
WARRANTY DEED – D17	78
REVIEW OF T.C.A. REGARDING REVOCABLE TRUSTS	79
SCRIVENERS AFFIDAVIT – DEED OF TRUST – D18	80
SPOTLIGHT ON CURRENT ISSUES	81
EASEMENT – E01	82
FEDERAL TAX LIEN – F01	83
FT NOTICE – F02	84
FT PT RELEASE – F03	85
FEDERAL TAX RELEASE – F04	86
FT WITHDRAWAL – F05	87
FT SUBORDINATION – F06	88
FIXTURE DT – F07	89
FIXTURE DT CONTINUATION – F07	90
FIXTURE RELEASE – F08	91
FIXTURE ASSIGNMENT – F09	92
FIXTURE PARTIAL RELEASE – F10	93
FIXTURE DT AMENDMENT – F11	94
GRANT – G01	95

JUDGMENT PROPERTY – J01	96
JUDGMENT LIEN – J02.....	97
LEASE – L01	98
LETTERS – L02	99
LICENSE – L03	100
LIEN – L04	101
LIEN LIS PENDENS – L06	102
TAX LIEN - TN DEPT. OF LABOR & WORKFORCE – L07.....	103
MERGER – M01	104
MINERAL – M02	105
MOTION – M03	106
MILITARY REDACT – M04	107
METH LAB NOTICE – M05	108
METH LAB CERTIFICATE OF FITNESS – M06.....	109
METH LAB RELEASE – M07.....	110
NOTICE – N01	111
NOTICE OF COMPLETION – N02.....	112
OPTION – O01	113
ORDER PROPERTY – O02	114
ORDER LIEN – O03	115
ORDINANCE – O04.....	116
PARTNERSHIP – P01 (or P07).....	117
PETITION – P02.....	118
PLAT – P05.....	119
POWER OF ATTORNEY – P06.....	120
QUALIFICATIONS – Q01	121
RELEASE – R01	122
PARTIAL RELEASE – R03.....	123
RESIGNATION – R04	124
RESOLUTION – R05	125
RESTRICTIONS - R06.....	126
REVOCATION – R07	127
RIGHT OF WAY – R08	128
DT REINSTATE – R09	129
RELEASE - TN DEPT. OF REVENUE – R10	130
RELEASE - TN DEPT. OF LABOR – R11	131
PARTIAL RELEASE – TN DEPT. OF REVENUE – R12.....	132
SUBORDINATION AGREEMENT – S01	133
APPOINTMENT OF SUBSTITUTE TRUSTEE – S02	134
APPOINTMENT OF SUCCESSOR TRUSTEE – S03	135
SUPPLEMENT – S04.....	136
SURVEY – S05.....	137
NOTICE OF STATE TAX LIEN – T01	138
TRUST – T03.....	139
UCC – U01	140
UCC – U02 AMEND/CONTIN/TERMIN,ETC.	141

WAIVER – W01 142

WILL – W02 143

DISCLAIMER..... 144

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)
- ✓ Return to (Ex: MAIL, ENV, OR FILE *) - If self-addressed envelope is attached, the document mail back must match the envelope. Every document must have a return to.
 - * MAIL – If there is no return envelope enclosed
 - MAIL ENV – If a return envelope is enclosed.
 - FILE - If the “mail to” has a mail pick up box at the Register’s office

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.
- ✓ 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). An example of the document rejection letter is on page 20.

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 = .50 per page	Local fax copies = \$1.00 per page
Certified Copies = \$1.00 per page	Long distance fax copies = \$2.00 per page
UCC copies = \$1.00 per page	Plat copies = \$1.00 per page
Certified UCC copies = \$2.00 per page	Certified Plat Copies = \$5.00 per page

- ◆ Abbreviations (for mail backs only) –

Ave	Est	Pl	Chatt (Chattanooga)	IOM = Inter Office Mail
Bld	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 COLLEGE DALE
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	NEW YORK
KENTUCKY	RHODE ISLAND
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, lienee, 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).

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.

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).

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)

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
ADMINISTRATOR	D12, D17
AFDT-FIXATION	A11
AGMT	A11
AGRIC	A03
AMEND	ANY DOC TYPE EXCEPT D06 & F11
AMEND RENTS & LEASES	A05
APPLI	A11
ASGMT	A11, R01, R03
ASSESSMENTS-DUES	L04, N01, R01, R03
BOND DISCH LIEN	A11
BOUNDARY	A02, D12, E01
CANCLN	P01, P07
CHILD CARE	P06
CHILD SUPPORT	A11, R01, R03
COMMENCEMENT	N02
CONSENT	A02
CONTIN	F07, U02
CONV	C03
CORR	ANY DOC TYPE EXCEPT D06 & F11
COUNTERPART	D12, D17
DAMAGE	R01, R03
DECREE	A11, R01, R03
DEED	A11
DISCH LIEN	B03
DISLTN	C03
DISMISSAL	O03
DRIVEWAY	A02, D12, E01
ENCROACHMENT	A02, D12, E01
ESMT	A11
ESTATE	F01
EXECUTORS	D12, D17
EXTEND	O03
FOREST	A03
GRANT	A11
HAZARDOUS SUBSTANCE	A01, N01

BASIC RULES OF INDEXING

(continued)

<u>TYPE OF</u>	<u>DOC TYPE MOST COMMONLY USED WITH</u>
HEIRSHIP	A01
HOME ASSIST PROG	R06
HOME EQUITY CONV	D05, D06
IDENTITY	A01
INDEMNITY	A02
INHERITANCE	A01
INTENT TO DISSOLVE	C03
JDGMT	A11, R01, R03
JOINDER	R06
LANDLORD	A02
LEASE	A11
LENDER	A02
LIEN	A11
LIEU OF FORECLOSURE	D12, D17
LIS PENDENS	R01, R03
LOST ASGMT	A01
LOST DEED	A01
LOST DT	A01
MAINTENANCE	A02
MASTER DEED	A11
MASTER FORM	D05
MECHANIC-MAT'L-LABOR	L04, R01, R03
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
ORDER	A11, R01, R03
ORGANIZ	C03
PLAT	A11
POSSESSION	O03
POWER OF ATTORNEY	A11
PRENUPTIAL	A02
PT REL	A11
PT REVOC	F05
QUIET TITLE	D03, J01, O02
QUITCLAIM DEED	A11

BASIC RULES OF INDEXING

(continued)

<u>TYPE OF</u>	<u>DOC TYPE MOST COMMONLY USED WITH</u>
RATIF	R06
REFILE	ANY DOC TYPE (STOPPED REFILING 1/2008)
REGULATORY	A02
REINSTATE	D05
RELEASE	A11
RENEW	O03
RENTAL	D05
RENTS	A05
RENTS & LEASES	A05
RESCIND	A01
RESIGNATION	P06
RESTATE	C03
RESTRS	A11
REVOC	P06
REVOC TRUST	D12, D17
REZONING	
RT OF 1 ST REFUSAL	A02
SCRIVENERS	A11, D18
SEWER	E01
SHERIFF	D12, D17
STORMWATER	E01
SUB OF COLLATERAL	D06, F07
SUB TR	A11
SUBORD	A11
SUC TR	A11
SUPL	D05, D10
SURVIVORSHIP	A01
TERMIN	E01, L01, U02
TRUST	A11
TRUSTEES DEED	A11
USE	A02
VARIANCE	R06
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 in the description field as far as it will let you type. When you get to the end of the field & would have more units to list, enter....at the end. ie: Un 627, 628, 640-646, 800, 803-805....

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.

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

*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 bargainer, 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

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

(signature)
Notary Public

My Commission Expires: _____

SEAL

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.

Instrument must be dated.

Name & address of Grantee must be set out (Deeds, Easements, Decrees – any document conveying property).

Name & address of person or firm who should receive tax bills (any document conveying property).

Missing map parcel number (Need on all documents conveying property). The easiest way to get this information is to call the Hamilton County Tax Assessor's Office at (423) 209-7300.

Missing legal 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.)

On assignments, releases, and amended or modified instruments, give the book & page of the source document.

Documents cannot be refiled per T.C.A. 66-24-101(A)(27). A Scrivener's Affidavit must be prepared. Please see <http://register.hamiltontn.gov> Document Requirement Guide – A11 or D18.

Missing signature of proper parties.

Each signature must be notarized.

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 or Individual.

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.

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

Missing Oath of Value. The text of the oath is:

State of _____

County of _____

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

The oath needs to state the State of & County of, be dated, signed by the affiant, signed by the notary and state the notary's expiration date with their seal.

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

Deed of Trust Amendment/Modification is short \$2.30.

Deed of Trust Amend/Modification is short \$250.00 penalty fee per TN Code 67-4-409(B)(8) & 67-4-409 (B)(12)

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

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.

DEED EXAMPLES

Deed with Life Estate – GI 6075-600

QuitClaim Deed Reserving Life Estate – GI 6464-716

QuitClaim Deed Reserving Life Estate with stipulation (example: as long as she doesn't remarry or doesn't cease to occupy the property as her primary residence) – GI 5701-754

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 and 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 before the conversion to Banner (how to look them up on microfilm) & how they are searched today.

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

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

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.

REGISTER SEARCH TIPS

(continued)

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. (ex: Department of Housing & Urban Development, Secretary of Housing & Urban Development, Rural Housing Service)

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	Banner Indexing System 11/3/1997 forward
Asgmt-who executed D T was in legal	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	Banner Indexing System 11/3/1997 forward
D T-grantee was Trustee	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.

REGISTER SEARCH TIPS

(continued)

Subdivision Plats

6/8/1998 We began listing owners name as a grantor.

12/16/2002 We began using prior titles & parcels.

Book P0 = Converted plats

Book P1 = 8.5 x 14

Book P2 = 18 x 24

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)

Restrs Waiver 7/20/1994 we started indexing who the waiver was granted to.

Change in indexing 2/5/2008

From the undersigned

To “name of subdivision”. If there is no subdivision, index the word “restrictions”.

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 it has been recorded at the State level first,
then they can request to record here.

We still file UCC terminations.

D T fixture filings are on UCC forms and are still recorded.

REGISTER SEARCH TIPS

(continued)

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. nmh = no middle name
12. New overage check policy implemented on 3/15/2004
13. Codes with a 50 or higher are converted data
(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
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 is a stamp equivalent to?

We believe the tax stamps were worth \$1.10 per thousand on older documents.

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.

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

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.

1/17/2008 Stopped accepting Refiles, replaced by a Scrivener's Affidavit

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

REGISTER SEARCH TIPS

(continued)

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. Some Military Discharges may have been redacted (at the Veteran's request).

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

REGISTER SEARCH TIPS

(continued)

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.

A11-Scriveners Affidavit

D18-D T Scriveners Affidavit

On 5/17/2007 we stated they:

Must be headed scriveners affidavit-(doc type)

Must have grantor & grantee of original document.

Must state book & page reference

Must state type of document being recorded

(ex: warranty deed, quitclaim deed etc)

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

HCRS-indexing system from 10/1/2007 forward.

The first book & page in this new system for plat is P3 87-161.

The first book & page in this new system for documents is GI 8482-946 & was labeled instrument #2007100100075. The computer department did not reset it correctly.

Noted by: Vickie Schroyer, Register Deputy Clerk
10/18/2007

MORTGAGE & TRANSFER TAX EXEMPTIONS

(See pages 31-32 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.
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.
4. Farm Credit Services: NOT exempt from the mortgage tax when the entity is the secured party and the debtor is not exempt. Also, we have not found an exemption from the mortgage tax when the entity is the debtor or from the transfer tax when the entity is the grantee.
5. 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.
6. 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.
7. 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.
8. 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).
9. Production credit associations having federal stock: 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.
10. Sallie Mae – See #4
11. 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.

MORTGAGE & TRANSFER TAX EXEMPTIONS

(See pages 31-32 for specific examples)

(continued)

12. 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.
13. 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
14. 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):

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

County Growth Plans are exempt from filing fees. 6-58-104(C)(2)

Distributors Insurance Co

Eastside Utility District

Electric Power Board

Federal Government (look up additional for departments specified)

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)

Mental Health Facility - when the secured party is not the Tennessee Local Development Authority

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

Resolution Trust Corp

KNOWN EXEMPT & NOT EXEMPT TAX ENTITIES

(continued)

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*.

Federal Home Loan Mortgage Corp

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)
- 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)

DOCUMENT CODES

(continued)

F01 FT LIEN - (GI 6460-332)
F02 FT NOTICE - (GI 6170-241)
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)
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 7041-223)
P07 PARTNERSHIP (GENERAL) - (GI 6117-699)
Q01 QUALIFICATIONS - (GI 4356-856)
R01 RELEASE - (GI 6473-770)
R03 PARTIAL RELEASE - (GI 6472-312)

DOCUMENT CODES

(continued)

R04 RESIGNATION - (GI 4482-180)
R05 RESOLUTION - (GI 5551-358)
R06 RESTRICTIONS - (GI 6468-837)
R07 REVOCATION - (GI 5409-915)
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 legal description or address (if given)
- ◆ No book & page reference needed (unless it's a lost assignment affidavit)
- ◆ No max statement needed
- ◆ "Type of" will be Amend, Corr, Hazardous Substance, Heirship, Identity, Inheritance, Lost Asgmt, Lost Deed, Lost DT, Modif, Rescind, Survivorship, etc.
- ◆ 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 grantee's name & address
- ◆ Must have send tax bills to: (name & address)
- ◆ Must have a legal description
- ◆ 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
- ◆ “Type of” will be Amend, Boundary, Consent, Corr, Driveway, Encroachment, Indemnity, Landlord, Lender, Maintenance, Modif, Negative Pledge, Prenuptial, Regulatory, Rt of 1st Refusal, Use, etc.
- ◆ If it says it's an agreement by & between several people, it would be...
 1. EVERYONE
 2. EVERYONE

OR

- ◆ If the document mentions a buyer & seller, it would be...
 1. SELLER
 2. BUYER
- ◆ 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 #
- ◆ 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
- ◆ "Type of" will be Agric, Amend, Corr, Forest, Modif, etc.
- ◆ 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
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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.
- ◆ “Type of” will be Amend, Amend Rents & Leases, Corr, Modif, Rents, Rents & Leases, etc.

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

ASSIGNMENTS OF RENTS & LEASES – A05

*One example is Book 8511 Page 949

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ No legal description needed
- ◆ No book & page reference required - index Deed of Trust reference if given
- ◆ 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.
- ◆ “Type of” will be Amend, Amend Rents & Leases, Corr, Leases, Modif, Rents, Rents & Leases, etc.

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

- ◆ 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.
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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.
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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

- ◆ 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)
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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.

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
- ◆ "Type of" will be Amend, Corr, Modif, etc.
- ◆ Must be acknowledged

1. WHO SIGNS IT
2. AFFIDAVIT

\$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 48 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
- ◆ Document being corrected does not need to be attached as an exhibit
- ◆ “Type of” will be the type of document being corrected

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 reference

- ◆ 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...

♦ “Type of” will be Amend, Corr, Modif, etc.

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 #
 - ◆ “Type of” will be Amend, Corr, Modif, etc.
 - 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
- ◆ “Type of” will be Amend, Corr, Disch Lien, Modif, etc.

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

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 they're amending.
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

*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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

* 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

- ◆ 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, 12/12/2007, 8:01:18 AM at top of document).
- ◆ 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.
- ◆ “Type of” will be Amend, Conv, Corr, Disltn, Intent to Dissolve, Merger, Modif, Organiz, Restate, Termin, etc.

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

*It will be one of the following:

Charter
Articles of Termination
Articles of Organization
Articles of Merger
Articles of Dissolution
Charter Amendment

\$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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

*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.
- ◆ Must have a map parcel #
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address)
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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.
- ◆ 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)
- ◆ No acknowledgement needed
- ◆ Must have prior title
- ◆ "Type of" will be Amend, Corr, Modif, Quiet Title, etc.

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
- ◆ 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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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

- ◆ 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
- ◆ “Type of” will be Amend, Corr, Home Equity Conv, Master Form, Modif, Reinstate, Rental, Supl, etc.

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.
- ◆ "Type of" will be Corr, Home Equity Conv, Sub of Collateral, etc.
 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 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 65-67

- ◆ 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
- ◆ “Type of” will be Amend, Corr, Modif, etc.
 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.
- ◆ **LET THEM READ THIS BEFORE RECORDING THE DOCUMENT**

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

(Hamilton County TN Register's Office)

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 and 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

(Hamilton County TN Register's Office)

(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, required to date, initial, and 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.

PH 9/1/2010

REGISTER'S AFFIDAVIT(Hamilton County TN) Regarding Confidentiality for DD214 Copy Request

(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 (current & not estranged) _____

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: _____

PH 9/1/2010

DISCLAIMER – D08

- ◆ Must have prepared by, return to name & address
- ◆ Must be acknowledged
- ◆ “Type of” will be Amend, Corr, Modif, etc.

*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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

*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
- ◆ “Type of” will be Amend, Corr, Modif, Supl, etc.

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.
- ◆ 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)
- ◆ Must have a map parcel #
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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, it cannot be older than 6 months. The oath should reflect the consideration amount, if there was an amount paid for the property. If it's going into a revocable trust, it does not require an oath.
- ◆ 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)
- ◆ "Type of" will be Administrator, Amend, Boundary, Corr, Counterpart, Driveway, Encroachment, Executors, Lieu of Foreclosure, Mineral, Modif, Revoc Trust, Sheriff, etc.
- ◆ 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)
- ◆ 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.
- ◆ 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 #
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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.
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ Must have a map parcel #
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to: (name & address)
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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)
- ◆ 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.
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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)
- ◆ 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 #.
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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)
- ◆ 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 #.
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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 79 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)
- ◆ 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.
- ◆ 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 79.
- ◆ "Type of" will be Administrator, Amend, Corr, Counterpart, Executors, Lieu of Foreclosure, Mineral, Modif, Revoc Trust, Sheriff, etc.

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 81 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
- ◆ Document being corrected does not need to be attached as an exhibit
- ◆ “Type of” will be Amend, Corr, Modif, Scriveners, etc.

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 reference

- ◆ 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)
- ◆ 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).
- ◆ Must have a legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ 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.
- ◆ “Type of” will be Abandon, Abandon & Relocation, Amend, Boundary, Corr, Driveway, Encroachment, Modif, Sewer, Stormwater, Termin, Water Line, etc.

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
- ◆ “Type of” will be Amend, Corr, Estate, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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)

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ If no book & page reference listed, DO NOT write it in. This document must not be altered.
- ◆ If partially releasing property, a legal description is needed
If partially releasing names, no legal description is needed
- ◆ Must have a serial number
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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

- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ If no book & page reference listed, DO NOT write it in. This document must not be altered.
- ◆ If partially releasing property, a legal description is needed
If partially releasing names, no legal description is needed
- ◆ Must have a serial number
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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 WITHDRAWAL – F05

(FEDERAL TAX WITHDRAWAL)

May say: FT REVOCATION

*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. This document must not be altered.
- ◆ If partially releasing property, a legal description is needed
If partially releasing names, no legal description is needed
- ◆ Must have a serial number
- ◆ “Type of” will be Amend, Corr, Modif, PT Revoc, etc.

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)

*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. This document must not be altered.
- ◆ If partially releasing property, a legal description is needed
If partially releasing names, no legal description is needed
- ◆ Must have a serial number
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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 90)

- ◆ 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)
- ◆ "Type of" will be Corr, Modif, etc.

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

- ◆ 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
- ◆ "Type of" will be Contin
- ◆ 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

- ◆ 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
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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

- ◆ 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
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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

- ◆ 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
- ◆ Must have a legal description
- ◆ No max statement needed
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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

- ◆ 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
- ◆ "Type of" will be Sub of Collateral, etc.

3. DEBTOR

4. 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 #
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ If they're divesting property, must have grantees name & address, send tax bills to, & map parcel #
- ◆ "Type of" will be Amend, Corr, Modif, Quiet Title, etc.

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
- ◆ Submitter must note in upper left corner of the document the word LIEN
- ◆ Submitter must put a checkmark by the paragraph that tells what the document is being recorded for.
- ◆ Must index the “sign date” (execution date)
- ◆ Check the first page to see who the judgment is in favor of...
- ◆ “Type of” will be Amend, Corr, Modif, etc.

1. WHO JUDGMENT IS IN FAVOR OF
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.
- ◆ 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 #
- ◆ “Type of” will be Amend, Corr, Modif, Termin, etc.

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

\$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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, Municipal, etc.

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 23 for Lien Examples)

- ◆ Must have prepared by, return to name & address
 - ◆ Must be acknowledged (unless it's from the U. S. Attorney's office)
 - ◆ Execution date must be indexed
 - ◆ Must have Lien Amount
 - ◆ Must have description of services rendered
 - ◆ Must have address & legal description of the property
 - ◆ "Type of" will be Amend, Assessments-Dues, Corr, Mechanic-Mat'l-Labor, Modif, Municipal, Withdrawal, etc.
 - ◆ 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).
 - 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.
-
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

- ◆ Must have prepared by, return to name & address
- ◆ Must be signed by the court with Plaintiff & Defendant referenced, Court and Court 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
- ◆ Execution date must be indexed
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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, 2010”)
- ◆ “Mail to” will be – TN Dept. of Labor & Workforce
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ 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 #
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ 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.
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ 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.
- ◆ 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 ____”.
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Assessments-Dues, Corr, Hazardous Substance, Modif, etc.

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 03/09/2010 (It must be past the date of completion)
- ◆ “Type of” will be Amend, Commencement, Corr, Modif, etc.

1. FROM A (On document)
2. TO B (On document)

\$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 #
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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 – 002

- ◆ Must have certified copy from the court
- ◆ No prepared by needed
- ◆ No acknowledgement needed
- ◆ 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
- ◆ If they're divesting property, must have grantees name & address, send tax bills to & a map parcel #
- ◆ "Type of" will be Amend, Corr, Modif, Muniment of Title, Quiet Title, etc.

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

OR

- ◆ If it's a **PROBATE FOR MUNIMENT OF TITLE**, it will be indexed as:
 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
- ◆ No prepared by
- ◆ No acknowledgement needed
- ◆ No legal description needed
- ◆ No book & page reference needed
- ◆ “Type of” will be Amend, Corr, Dismissal, Extend, Modif, Possession, Renew, etc.

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
- ◆ Must have send tax bills to: (name & address)
- ◆ Must have a map parcel #
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
 - ◆ “Type of” will be Amend, Cancln, Corr, Modif, etc.
 - ◆ 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
- ◆ “Type of” will be Amend, Cancln, Corr, Modif, etc.
 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
- ◆ “Type of” will be Amend, Corr, Modif, Muniment of Title, etc.

1. BANKRUPTCY COURT
2. DEBTOR

\$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 One Stop Shop 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
- ◆ "Type of" will be Amend, Corr, Modif, etc.
- ◆ If it's a REVISED PLAT, skip "type of"

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

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
- ◆ Index legal description or address (if given)
- ◆ "Type of" will be Amend, Child Care, Corr, Modif, Resignation, etc.

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)
- ◆ "Type of" will be Amend, Corr, Modif, Revoc, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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)
- ◆ "Type of" will be Amend, Asgmt, Assessments-Dues, Child Support, Corr, Damage, Decree, Jdgmt, Lis Pendens, Mechanic-Mat'l-Labor, Modif, Municipal, Order, etc.

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 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.
- ◆ “Type of” will be Amend, Asgmt, Assessments-Dues, Child Support, Corr, Damage, Decree, Jdgmt, Lis Pendens, Mechanic-Mat’l-Labor, Modif, Municipal, Order, etc.

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 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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

*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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

*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)
- ◆ “Type of” will be Amend, Corr, Home Assist Prog, Joinder, Modif, Ratif, Variance, Waiver, etc.

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)

\$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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

*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)
- ◆ 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.
- ◆ Must have a legal description
- ◆ Must have prior title reference stating the type of document, along with the book & page #
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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)
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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

- ◆ 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. This document must not be altered.
- ◆ Must index the “sign date” (execution date)
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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

- ◆ 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. This document must not be altered.
- ◆ Must index the “sign date” (execution date)
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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

- ◆ 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. This document must not be altered.
- ◆ Must index the “sign date” (execution date)
- ◆ If partially releasing property, a legal description is needed
If partially releasing names, no legal description is needed
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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)
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

*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

(Bad example: 8416-701)

No prepared by needed

No acknowledgement needed

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).

Must have ORIGINAL personal signature & seal of the licensed registered land surveyor

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, 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

1. OWNER & NAME OF SURVEY
2. SURVEY

Must have prior title references

“Type of” will be Amend, Corr, Modif, etc.

If it's a REVISED survey, skip "type of"

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, 2007”)
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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 79 for a review of T.C.A. regarding Revocable Trusts
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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)

- ◆ Must be filed with the Secretary of State (http://state.tn.us/sos/bus_svc/ucc.htm) in Nashville, TN - (615) 741-3276. 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.
 - ◆ 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.
- ◆ "Type of" will be Amend, Corr, Modif, etc.
 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
Termination

- ◆ 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)
- ◆ "Type of" will be Amend, Contin, Corr, Modif, Termin, etc.
- ◆ 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
- ◆ “Type of” will be Amend, Corr, Modif, etc.

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
- ◆ "Type of" will be Amend, Corr, Modif, etc.

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.

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.

**PAM HURST, REGISTER
HAMILTON COUNTY GOVERNMENT
CHATTANOOGA TN
423-209-6560
www.hamiltontn.gov/register**