

Document Requirement Guide

MARC GRAVITT, REGISTER

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REGISTER'S OFFICE**

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CHECKLIST FOR RECORDING DOCUMENTS

- ✓ Must be the **ORIGINAL** document (must have original signatures and original notary seals). The only exception is if it is a certified copy, already recorded in another County or State office.
- ✓ Needs to be for Hamilton County property.
- ✓ Three-inch margin at top right corner of the document, so the validation stamp does not cover up any pertinent information.
- ✓ Prepared by (full name and address).
- ✓ State where the document is to be sent back to. If being mailed back, include a self-addressed stamped envelope.
- ✓ Document must be dated.
- ✓ Document must be signed.
- ✓ Document must be notarized for each signature.
- ✓ Each acknowledgement must have the notary's signature, seal & expiration date.
- ✓ Who signs the document should be mentioned in the notary acknowledgement.
- ✓ If there are multiple acknowledgements, there must be a seal for each acknowledgement.
- ✓ Pages should be in numerical order. Place any exhibits after the legal description & before any riders.
- ✓ Fee should match the check total.
- ✓ Any amendments, corrected, revocation or modified documents need to state the Book & Page being amended etc.
- ✓ Certified documents cannot be altered, except to write the Grantee's name, address, send tax bills to & map parcel number in the margin.
- ✓ Book & Page reference is indexed, not instrument numbers.
- ✓ A legal description consists of a lot in a subdivision or metes & bound. It cannot be an address only.
- ✓ Documents may be refused for recording if illegible.
- ✓ Any deeds with exempt parties as grantees do not require an oath.

- ✓ The preparer of a document should not place a Social Security Number on any document to be recorded. The responsibility of placing Social Security Numbers lies with the PREPARER of the document.

MISCELLANEOUS NOTES

◆ Copy Fees:

Copies = 15¢ per page

Certified Copies = \$1.00 per page

UCC copies = \$1.00 per page

Certified UCC copies = \$2.00 per page

Emails = 15¢ per page

Local fax copies = \$1.00 per page

Long distance fax copies = \$2.00 per page

Plat copies = 15¢ per page (8 ½ x 11)

Full size Plat Copies = \$1.00 per page

Certified Plat Copies = \$5.00 per page

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

◆ Credit Card Payments:

There is a 2.39% fee, charged by the credit card company. There is a \$2.00 flat fee for debit.

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

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

A credit card transaction can be voided out without the customer being in the office but a debit card transaction can only be voided if the customer is in the office. Make sure to get their phone number on the receipt.

◆ Checks made payable to Marc Gravitt, Register of Deeds.

◆ Electronic filing is available through Simplifile at <https://simplifile.com> or CSC at <https://www.erecording.com>. (The Hamilton County Register's office does not support nor endorse these third party service providers.)

◆ All documents are subject to exceptions and/or revisions of fee & document requirements.

EXAMPLES

T.C.A. 66-22-107

T.C.A. 66-22-108

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

♦ Individual Acknowledgement:

STATE OF

COUNTY OF

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

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

(*signature*)

Notary Public

My Commission expires:

SEAL

♦ Corporate Acknowledgement:

STATE OF

COUNTY OF

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

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

(*signature*)

Notary Public

My Commission expires:

SEAL

EXAMPLES

(continued)

♦ Power of Attorney Acknowledgement:

State of _____

County of _____

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

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

(signature)

Notary Public

My commission expires: _____

SEAL

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!

STATE OF _____
COUNTY OF _____

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

(signature)
Affiant
(*see note below)

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

(signature)
Notary Public

My Commission Expires: _____
SEAL

*Per T.C.A. 67-4-409 (6)(A) The grantee, the grantee's agent, or a trustee acting for the grantee shall be required to state under oath upon the face of the instrument offered for record in the presence of the register, or before an officer authorized to administer oaths, the actual consideration or value, whichever is greater, for the transfer of a freehold estate.

The grantor may not sign as affiant, or as agent for the affiant.

♦ **Electronic certification:**

An electronic document must be certified by either a licensed attorney or the custodian of the original version of the electronic document and the signature of that person must be acknowledged by a notary public. The certification must be transmitted with the electronic document and recorded by the county register as a part of the document being registered. The certification of an electronic document must be in the following form and the text of the certification must be in no less than ten (10) point font:

I, _____, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on _____ (date of document).

Affiant Signature

Date

State of _____
County of _____

Sworn to and subscribed before me this ____ day of _____, 2____.

Notary's Signature

MY COMMISSION EXPIRES: _____

Notary's Seal (if on paper)

AFFIDAVIT (HEIRSHIP) – A01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

ALL BELOW IS REQUIRED, UNLESS FOLLOWED BY A DEED:

- ◆ 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 a prior title

TYPE OF: HEIRSHIP		
INDEX:	GRANTOR (1)	WHO SIGNS, DECEASED AND HEIRS (DO NOT key H in AP code for heir)
	GRANTEE (2)	AFFIDAVIT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

AFFIDAVIT (LOST ASSIGNMENT) – A01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the book & page reference of the Deed of Trust
- ◆ E-files require an Electronic Certification page

TYPE OF: LOST ASGMT		
INDEX:	GRANTOR (1)	EVERYONE (including who executed the Deed of Trust, who should have signed it, etc.)
	GRANTEE (2)	AFFIDAVIT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

AFFIDAVIT (IDENTITY) – A01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the book & page reference of the lien(s)
- ◆ E-files require an Electronic Certification page

TYPE OF: IDENTITY		
INDEX:	GRANTOR (1)	WHO SIGNS & EACH DIFFERENT WAY THEIR NAME MAY BE TYPED
	GRANTEE (2)	AFFIDAVIT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

AGREEMENT (BY & BETWEEN) – A02

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Determine if the document is an Agreement
It may say something like “this is an agreement to create an easement”. If it states it transfers & conveys, it would be an Easement-E01
If it is a Modification Agreement, it could be a Modification of a Deed of Trust-D06
If it is an Assumption Agreement, it could be an Assumption-A08
- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

TYPE OF: BOUNDARY, DRIVEWAY, INDEMNITY, MAINTENANCE, ETC		
INDEX:	GRANTOR (1)	EVERYONE
	GRANTEE (2)	EVERYONE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

AGREEMENT (SELLER & BUYER) – A02

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Determine if the document is an Agreement
It may say something like “this is an agreement to create an easement”. If it states it transfers & conveys, it would be an Easement-E01
If it is a Modification Agreement, it could be a Modification of a Deed of Trust-D06
If it is an Assumption Agreement, it could be an Assumption-A08
- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

TYPE OF: BOUNDARY, DRIVEWAY, INDEMNITY, MAINTENANCE, ETC		
INDEX:	GRANTOR (1)	SELLER / FIRST PARTY
	GRANTEE (2)	BUYER / SECOND PARTY

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

AGREEMENT (NOT SPECIFIED) – A02

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Determine if the document is an Agreement
It may say something like “this is an agreement to create an easement”. If it states it transfers & conveys, it would be an Easement-E01
If it is a Modification Agreement, it could be a Modification of a Deed of Trust-D06
If it is an Assumption Agreement, it could be an Assumption-A08
- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

TYPE OF: BOUNDARY, DRIVEWAY, INDEMNITY, MAINTENANCE, ETC		
INDEX:	GRANTOR (1)	EVERYONE
	GRANTEE (2)	AGREEMENT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

APPLICATION FOR GREENBELT ASSESSMENT – A03

- ◆ Assessor's Use box must be check marked to approved and be signed
- ◆ Must have return to IOM Tax Assessor (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a map parcel
- ◆ Must have an address and acreage
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

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

TYPE OF: AGRIC OR FOREST		
INDEX:	GRANTOR (1)	PROPERTY OWNER WHO SIGNS AND/OR PARTY LISTED ON LINE #1
	GRANTEE (2)	APPLICATION & # (Ex: APPLICATION 4009-21A)

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

APPOINTMENT – A04

- ◆ Determine if the document is an Appointment
If it is an Appointment of Substitute or Successor Trustee, it is indexed as an S02 or S03
- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	WHO THEY ARE APPOINTING

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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 name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ 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
- ◆ Must have the book & page of Deed of Trust
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	ASSIGNOR & WHO EXECUTED DEED OF TRUST
	GRANTEE (2)	ASSIGNEE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 5.00 for each additional reference (If it's a Corrective Assignment, do not charge for the Assignment being corrected)
(\$2.00 E-file fee if electronic filing)

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

ASSIGNMENTS OF RENTS & LEASES – A05

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ 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
- ◆ E-files require an Electronic Certification page

TYPE OF: RENTS & LEASES, RENTS OR LEASE		
INDEX:	GRANTOR (1)	ASSIGNOR
	GRANTEE (2)	ASSIGNEE / LENDER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 5.00 for each additional reference
(\$ 2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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 name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ 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
- ◆ Must have the books & pages of the Deeds of Trust
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	ASSIGNOR / UNDERSIGNED & WHO EXECUTED DEED OF TRUST
	GRANTEE (2)	ASSIGNEE / CONVEYS UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 5.00 for each additional reference

(\$ 2.00 E-file fee if electronic filing)

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

PARTIAL ASSIGNMENT – A07

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ 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
- ◆ Must have the book & page of Deed of Trust
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	ASSIGNOR & WHO EXECUTED DEED OF TRUST
	GRANTEE (2)	ASSIGNEE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 5.00 for each additional reference
(\$ 2.00 E-file fee if electronic filing)

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

ASSUMPTION – A08

(See page 57)

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a max statement if seller is released from liability (it is taxable). It can be zero if seller is not released from liability
- ◆ Must have the book & page of Deed of Trust
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	EVERYONE (INDIVIDUALS & BANK)
	GRANTEE (2)	EVERYONE (INDIVIDUALS & BANK)

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 1.00 probate fee
Mortgage amount multiplied by .00115
(\$2.00 E-file fee if electronic filing)

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



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

MEMORANDUM

TO: Register of Deeds

FROM: Office Audit & Examination

DATE: March 13, 1996

SUBJECT: Mortgage Recordation Tax & Assumption Agreements

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

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

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

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

AFFIDAVIT OF AFFIXATION – A10

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have description of the manufactured home
(ex: Manufacturer's Name, Model, Length/Width, Serial #)
- ◆ Must have the property address & legal description
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	AFFIDAVIT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

AFFIDAVIT OF AFFIXATION (DE-TITLE) – A10

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have De-Title letter from Department of Revenue
- ◆ Must have the book & page of the affixation
- ◆ E-files require an Electronic Certification page

TYPE OF: DE-TITLE		
INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	PRIOR & PRESENT OWNERS

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

AFFIDAVIT-SCRIVENERS – A11

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

(See page 61 for details)

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have grantor/grantee names that were stated on the original. If correcting grantor/grantee, it must state it both ways (incorrect/correct)
- ◆ Must have the book & page of the 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
- ◆ A Scrivener's Affidavit may not be recorded for a PLAT, if it corrects lot lines or notes that are on the previously recorded plat(s)
- ◆ E-files require an Electronic Certification page

TYPE OF: DOC TYPE BEING CORRECTED		
INDEX:	GRANTOR (1)	WHO SIGNS IT & ORIGINAL GRANTOR
	GRANTEE (2)	ORIGINAL GRANTEE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

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

(\$2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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

- ◆ Determine if the document is a Bankruptcy
If it says “Notice of Appointment of Interim Trustee”, it would be a Notice-N01
If it says “Order Granting Motion to Sell”, it would be an Order-Property-O02
- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ E-files require an Electronic Certification page

TYPE OF: DISCH		
INDEX:	GRANTOR (1)	DEBTOR
	GRANTEE (2)	COURT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

BILL OF SALE (MAX STATEMENT) – B02

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a max statement. It can be zero unless payments are being made
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	SELLER
	GRANTEE (2)	BUYER / PURCHASER

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 1.00 probate fee
Mortgage amount multiplied by .00115
(\$2.00 E-file fee if electronic filing)

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

BILL OF SALE (OATH OF VALUE) – B02

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	SELLER
	GRANTEE (2)	BUYER / PURCHASER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee

Conveyance amount multiplied by .0037

(\$2.00 E-file fee if electronic filing)

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

BOND – B03

- ◆ Must have prepared by name & address (not required on Official Statutory Bonds)
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Power of Attorney may be included
- ◆ Bond to discharge lien must have the book & page reference of the lien
- ◆ E-files require an Electronic Certification page

TYPE OF: DISALLOW OR DISCH LIEN		
INDEX:	GRANTOR (1)	PRINCIPAL, SURETY & WHO THEY ARE BOUND UNTO
	GRANTEE (2)	PRINCIPAL, SURETY & WHO THEY ARE BOUND UNTO

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

BY LAWS – B04

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS & NAME OF THE SUBDIVISION OR DEVELOPMENT
	GRANTEE (2)	BY LAWS

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

CERTIFICATE (INHERITANCE) – C02

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must be Inheritance Tax Closing Letter from Department of Revenue
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the letter
- ◆ E-files require an Electronic Certification page

TYPE OF: INHERITANCE		
INDEX:	GRANTOR (1)	TENNESSEE STATE OF
	GRANTEE (2)	ESTATE OF THE DECEASED

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

CERTIFICATE (CONSERVATORSHIP) – C02

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the date order was issued, if one is not given, index the date filed in court
- ◆ E-files require an Electronic Certification page

TYPE OF: CONSERVATORSHIP

INDEX:	GRANTOR (1)	COURT & NAME OF WARD
	GRANTEE (2)	NAME OF CONSERVATOR

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

CERTIFICATE – C02

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

TYPE OF: ACCEPTANCE OF DEED, ESTOPPEL, ETC

INDEX:	GRANTOR (1)	EVERYONE
	GRANTEE (2)	EVERYONE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

CHARTER – C03

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

- ◆ Must have Filing Acknowledgement cover letter from the Secretary of State, it is the first page.
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the Image # stated on the cover letter, stamped down the right hand side on each of the following pages consecutively
- ◆ Must have the sign date or the date from the cover letter
- ◆ E-files require an Electronic Certification page

TYPE OF: AMEND, CONV, DISLTN, MERGER, ORGANIZ, TERMIN, ETC		
INDEX:	GRANTOR (1)	NAME OF THE CORPORATION
	GRANTEE (2)	TYPE OF DOCUMENT (STATED ON 2 ND PAGE HEADING)

\$5.00 up to 5 pages & each additional page is 50¢
\$2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

CONTRACT (MAX STATEMENT) – C04

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a max statement. It can be zero unless payments are being made
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	SELLER
	GRANTEE (2)	BUYER / PURCHASER

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee

Mortgage amount multiplied by .00115

(\$2.00 E-file fee if electronic filing)

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

CONTRACT (OATH OF VALUE) – C04

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	SELLER
	GRANTEE (2)	BUYER / PURCHASER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee

Conveyance amount multiplied by .0037

(\$2.00 E-file fee if electronic filing)

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

CHILD SUPPORT LIEN – C05

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the sign date filed in court
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	OBLIGEE / LIENOR
	GRANTEE (2)	OBLIGOR / LIENEE (WHO OWES THE MONEY)

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

CORRECTIVE DEED – D01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have reason for correction
- ◆ Must state the book & page of the document being corrected (only index this reference)
- ◆ Must have an oath of value. If increased, it should state the total amount & then state the book & page & amount where taxes were already paid. If not changing, it should match the amount on the original deed & state the book & page where taxes were paid. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to name & address
- ◆ Must have a map parcel
- ◆ Must have a legal description
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	SELLER / WHO SIGNS IT
	GRANTEE (2)	BUYER / CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee (only if taxable)

Conveyance Tax due on the increased amount of the sale, multiplied by .0037 (only if taxable)
(\$2.00 E-file fee if electronic filing)

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

DECLARATION – D02

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS & NAME OF THE SUBDIVISION OR DEVELOPMENT
	GRANTEE (2)	DECLARATION

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

DECREE PROPERTY – D03

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification is usually the last page, if not, it can have a certification stamp
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Must have an oath of value with the amount that was paid into court, if it is a decree confirming sale or a redemption. Does not require an oath of value on divorce, quiet title, etc. Oath cannot be signed by the grantor must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ Must have grantee's name & address (only if full legal description given)
- ◆ Must have send tax bills to name & address (only if full legal description given)
- ◆ Must have a map parcel (only if full legal description given)
- ◆ Need to check mark (✓) in the left margin, by the paragraph for divesting property
- ◆ E-files require an Electronic Certification page

TYPE OF: QUIET TITLE, REDEMPTION, SET ASIDE

INDEX:	GRANTOR (1)	DIVESTED OUT OF
	GRANTEE (2)	VESTED INTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee – (if taxes are collected)

Conveyance amount multiplied by .0037

(\$2.00 E-file fee if electronic filing)

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

DECREE LIEN – D04

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification is usually the last page, if not, it can have a certification stamp
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Should have the lien amount. If none listed, leave blank
- ◆ Submitter must note in upper left corner of the document the word **LIEN**
- ◆ Submitter needs to check mark (√) in the left margin, by the paragraph for the lien
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	AWARDED JUDGMENT
	GRANTEE (2)	JUDGMENT AGAINST

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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 name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a max statement. Exempt entities & Home Equity Conversions may have zero in the max statement and are tax exempt. If a THDA rider is attached to a Deed of Trust it will not be tax exempt unless the assignment is recorded simultaneously
- ◆ Must have a Trustee
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

TYPE OF: HOME EQUITY CONV, HYPOTHECATION, SUPL		
INDEX:	GRANTOR (1)	BORROWER
	GRANTEE (2)	BENEFICIARY / LENDER / PAYABLE TO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee

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

(\$2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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 name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed by borrower & lender & have a notary acknowledgement for each
- ◆ Must index the execution date. If it is 60 days (or more) past the execution date and they are increasing indebtedness, penalty fee is due. Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a max statement. If increasing indebtedness, it must be the increased amount only. If not increasing indebtedness it can state zero, but if the full loan amount is listed, state the book & page where taxes were paid. If decreasing indebtedness, state the amount it is decreasing to and the book & page where taxes were paid
- ◆ Must have book & page # of the Deed of Trust being modified or amended
- ◆ E-files require an Electronic Certification page

TYPE OF: HOME EQUITY CONV, HYPOTHECATION, SUPL

INDEX:	GRANTOR (1)	BORROWER
	GRANTEE (2)	BENEFICIARY / LENDER / PAYABLE TO

If increasing indebtedness:

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 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

\$250.00 penalty fee or double the tax – if recorded 60 days or more past the execution date
(\$2.00 E-file fee if electronic filing)

If not increasing indebtedness:

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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 81-83

- ◆ Must have original, certified copy with a seal or an electronic copy
- ◆ Instant recording – we keep a copy & give the customer the original
- ◆ If member 1 form is submitted for recording, you will also need the member 4 form, which shows type of discharge (honorable). Overlap & make 1 copy for recording
- ◆ **DD214 IS NOT VIEWABLE ON ONLINE RECORD SEARCH, VIEWABLE TO REGISTER STAFF ONLY**

INDEX:	GRANTOR (1)	UNITED STATES AIR FORCE / ARMY / COAST GUARD / MARINES / NAVY
	GRANTEE (2)	VETERAN

There is no charge for this recording

MILITARY DISCHARGE COPY REQUEST

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

T.C.A. 10-7-513

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

The record is confidential for 75 years.

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

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

Veteran's Name _____.

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

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

MILITARY DISCHARGE COPY REQUEST

(continued)

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

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

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

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

(Phone number with area code)

(required)

(Phone number with area code)

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

Date: _____

Type of documentation required that has been received:

Placed in secure file _____ (clerk should initial legibly)

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

REGISTER'S AFFIDAVIT: DD214 COPY REQUEST

Regarding Confidentiality

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

T.C.A. 10-7-513

Effective September 1, 2010 the Tennessee law changed regarding the confidentiality of the Veteran's war record, or better known as the DD214.
The record is confidential for 75 years.

Veteran's Name _____.

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

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

Spouse of Veteran _____

Child _____

Parent _____

Nearest living relative _____

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

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

Witness (type or print legibly, & sign)

(Phone Number with Area Code)

(required)

(Phone Number with Area Code)

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

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

DISCLAIMER – D08

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

TYPE OF: PARTIAL		
INDEX:	GRANTOR (1)	UNDERSIGNED
	GRANTEE (2)	ESTATE OF THE DECEASED

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

DISMISSAL – D09

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	PLAINTIFF
	GRANTEE (2)	DEFENDANT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

MASTER DEED – D10

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

TYPE OF: CORR OR SUPL		
INDEX:	GRANTOR (1)	WHO SIGNS & NAME OF THE SUBDIVISION
	GRANTEE (2)	MASTER DEED

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

MASTER'S DEED – D11

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	CLERK & MASTERS NAME & WHO THEY ARE ACTING FOR
	GRANTEE (2)	CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee – (if taxes are collected)

Conveyance amount multiplied by .0037

(\$2.00 E-file fee if electronic filing)

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

QUITCLAIM DEED – D12

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ If it has the "to have and to hold", "fee simple", "warrant and defend" or "clear, free & unencumbered" clause, then it is not a true Quitclaim. The oath would need to have an amount and be taxable
- ◆ If the grantee is into a revocable trust, it is tax exempt
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

TYPE OF: ADMINISTRATORS, BOUNDARY, EXECUTORS, ETC		
INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee – (if taxes are collected)

Conveyance amount multiplied by .0037

(\$2.00 E-file fee if electronic filing)

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

R/W DEED (RIGHT OF WAY) – D13

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ If the grantee is into a revocable trust, it is tax exempt
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee – (if taxes are collected)

Conveyance amount multiplied by .0037

(\$2.00 E-file fee if electronic filing)

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

TIMBER DEED – D14

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ If the grantee is into a revocable trust, it is tax exempt
- ◆ Must have a map parcel
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee – (if taxes are collected)

Conveyance amount multiplied by .0037

(\$2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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 name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ If the grantee is into a revocable trust, it is tax exempt
- ◆ 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 of the Deed of Trust being foreclosed on and the prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS IT & BORROWERS
	GRANTEE (2)	CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 1.00 probate fee – (if taxes are collected)
Conveyance amount multiplied by .0037
(\$2.00 E-file fee if electronic filing)

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

VENDOR'S LIEN DEED – D16

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ Must have a max statement
- ◆ If the grantee is into a revocable trust, it is tax exempt
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee – (if taxes are collected)

Conveyance amount multiplied by .0037

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

(\$2.00 E-file fee if electronic filing)

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

ASSUMPTION DEED – D16

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary Acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ Must have a max statement if seller is released from liability (it is taxable). It can be zero if seller is not released from liability
- ◆ 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 the book & page of Deed of Trust being assumed and the prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	CONVEYED UNTO

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee

Conveyance amount multiplied by .0037

Mortgage amount multiplied by .00115

(\$2.00 E-file fee if electronic filing)

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

WARRANTY DEED – D17

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

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ If the grantee is into a revocable trust, it is tax exempt
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

TYPE OF: ADMINISTRATORS, BOUNDARY, EXECUTORS, ETC		
INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 1.00 probate fee – (if taxes are collected)
Conveyance amount multiplied by .0037
(\$2.00 E-file fee if electronic filing)

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

DEED OF TRUST SCRIVENERS AFFIDAVIT – D18

(See page 96 for details)

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have grantor/grantee names that were stated on the original. If correcting grantor/grantee, it must state it both ways (incorrect/correct)
- ◆ Must have the book & page of the Deed of Trust being corrected
- ◆ Must have a legal description
- ◆ Document being corrected does not need to be attached as an exhibit
- ◆ E-files require an Electronic Certification page

TYPE OF: AMEND OR MODIF		
INDEX:	GRANTOR (1)	WHO SIGNS IT & ORIGINAL GRANTOR
	GRANTEE (2)	ORIGINAL GRANTEE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

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

(\$2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have an oath of value. It can be \$0.00. Oath cannot be signed by the grantor, must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ If the grantee is into a revocable trust, it is tax exempt
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

TYPE OF: ABANDON, BOAT SLIP, DRIVEWAY, SEWER, STORMWATER, ETC

INDEX:	GRANTOR (1)	WHO SIGNS IT
	GRANTEE (2)	CONVEYED UNTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

\$ 1.00 probate fee – (if taxes are collected)

Conveyance amount multiplied by .0037

(\$2.00 E-file fee if electronic filing)

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

FT LIEN – F01

(FEDERAL TAX LIEN)

- ◆ Must be the Internal Revenue Service form **(cannot be altered)**
- ◆ Must have return to IRS in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have a serial number
- ◆ Lien amount is the total
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	INTERNAL REVENUE SERVICE
	GRANTEE (2)	NAME OF TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

FT NOTICE – F02

(FEDERAL TAX NOTICE)

- ◆ Must be the Internal Revenue Service form **(cannot be altered)**
- ◆ Must have return to IRS in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have a serial number
- ◆ Lien amount is the total
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	INTERNAL REVENUE SERVICE
	GRANTEE (2)	NAME OF TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

FT PT RELEASE – F03

(FEDERAL TAX PARTIAL RELEASE)

- ◆ Must be the Internal Revenue Service form (**cannot be altered**)
- ◆ Must have return to IRS in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have a serial number
- ◆ Lien amount is the total
- ◆ If no book & page reference listed, **DO NOT** write it in
- ◆ If partially releasing property, a legal description is needed
- ◆ If partially releasing names, only index the party being released
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	INTERNAL REVENUE SERVICE
	GRANTEE (2)	NAME OF TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

FT RELEASE – F04

(FEDERAL TAX RELEASE)

- ◆ Must be the Internal Revenue Service form (**cannot be altered**)
- ◆ Must have return to IRS in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have a serial number
- ◆ Lien amount is the total
- ◆ Should have book & page reference listed, **DO NOT** write it in. If submitted with an instrument number only, we have to record as is
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	INTERNAL REVENUE SERVICE
	GRANTEE (2)	NAME OF TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

FT WITHDRAWAL – F05

(FEDERAL TAX WITHDRAWAL)

May say: Withdrawal of Filed Notice, Revocation of Certificate of Release

- ◆ Must be the Internal Revenue Service form (**cannot be altered**)
- ◆ Must have return to IRS in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have a serial number
- ◆ Lien amount is the total
- ◆ Should have book & page reference listed, **DO NOT** write it in. If submitted with an instrument number only, we have to record as is
- ◆ E-files require an Electronic Certification page

TYPE OF: REVOC		
INDEX:	GRANTOR (1)	INTERNAL REVENUE SERVICE
	GRANTEE (2)	NAME OF TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

FT SUBORDINATION – F06

(FEDERAL TAX SUBORDINATION)

- ◆ Must be the Internal Revenue Service form **(cannot be altered)**
- ◆ Must have return to IRS in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have a serial number
- ◆ Lien amount is the total
- ◆ Should have book & page reference listed, **DO NOT** write it in. If submitted with an instrument number only, we have to record as is
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	INTERNAL REVENUE SERVICE
	GRANTEE (2)	NAME OF TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

FIXTURE D T – F07

(If CONTINUATION is checked, see page 105)

- ◆ Must be the UCC Financing Statement form
- ◆ Must have return to name & address (not required on E-files)
- ◆ Real estate records box must be checked (may be #13 on page 2)
- ◆ Must have name & address of debtor & secured party
- ◆ Box # 15 may state a record owner – If different, index & charge for each
- ◆ Must have a max statement. It cannot be zero. If taxes were paid elsewhere (ex: Secretary of State or another County), a copy of the receipt can be attached, showing where taxes were paid or write the receipt number on the document if not attaching
- ◆ Must have a legal description (street address does not count as a legal description)
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	DEBTOR (BOX 1,2,9,10,15)
	GRANTEE (2)	SECURED PARTY (BOX 3,11)

\$13.00 fixture fee

\$ 2.00 data processing fee

\$15.00 FOR EACH DEBTOR

If tax is due: \$1.00 probate fee

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

If more than 10 pages, it is 50¢ per page for the 11th page & beyond
(\$2.00 E-file fee if electronic filing)

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

FIXTURE D T CONTINUATION – F07

- ◆ Must be the UCC Financing Statement form
- ◆ Must have return to name & address (not required on E-files)
- ◆ Continuation must be checked
- ◆ Real estate records box must be checked (may be #1b on page 1)
- ◆ Must have name of debtor & secured party
- ◆ Box # 16 may state a record owner – If different, index & charge for each
- ◆ 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
- ◆ Must have the book & page of the original fixture filing
- ◆ Must be filed within 5 years (or they will have to reinstate it). May be filed by secured party at any time within the last 8 months that the financing statement is effective
- ◆ E-files require an Electronic Certification page

TYPE OF: CONTIN		
INDEX:	GRANTOR (1)	DEBTOR (BOX 6,13,16)
	GRANTEE (2)	SECURED PARTY (BOX 9,12)

\$13.00 fixture fee

\$ 2.00 data processing fee

\$15.00 FOR EACH DEBTOR

If more than 10 pages, it is 50¢ per page for the 11th page & beyond
(\$2.00 E-file fee if electronic filing)

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

FIXTURE RELEASE – F08

- ◆ Must be the UCC Financing Statement form
- ◆ Must have return to name & address (not required on E-files)
- ◆ Real estate records box must be checked (may be #1b on page 1)
- ◆ Termination box must be checked. If box #8 (Collateral Change) is also checked, it should be rejected. It cannot be a full termination & a partial release at the same time
- ◆ Must have name of debtor & secured party
- ◆ Box # 16 may state a record owner – If different, index & charge for each
- ◆ Must have the book & page of the original fixture filing
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	SECURED PARTY (BOX 9,12)
	GRANTEE (2)	DEBTOR (BOX 6,13,16)

\$13.00 fixture fee

\$ 2.00 data processing fee

\$15.00 FOR EACH DEBTOR

If more than 10 pages, it is 50¢ per page for the 11th page & beyond
(\$2.00 E-file fee if electronic filing)

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

FIXTURE ASSIGNMENT – F09

- ◆ Must be the UCC Financing Statement form
- ◆ Must have return to name & address (not required on E-files)
- ◆ Real estate records box must be checked (may be #1b on page 1)
- ◆ Assignment box must be checked
- ◆ Must have name of debtor & secured party
- ◆ Must have name and address of changed or added party
- ◆ Box # 16 may state a record owner – If different, index & charge for each
- ◆ 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
- ◆ Must have the book & page of the original fixture filing
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	SECURED PARTY & DEBTOR (BOX 6,9,12,13,16)
	GRANTEE (2)	CHANGED OR ADDED (BOX 7)

\$13.00 fixture fee

\$ 2.00 data processing fee

\$15.00 FOR EACH DEBTOR

If more than 10 pages, it is 50¢ per page for the 11th page & beyond
(\$2.00 E-file fee if electronic filing)

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

FIXTURE PARTIAL RELEASE – F10

- ◆ Must be the UCC Financing Statement form
- ◆ Must have return to name & address (not required on E-files)
- ◆ Real estate records box must be checked (may be #1b on page 1)
- ◆ Collateral change box must be checked, along with the delete collateral box. If box #2 (Termination) is also checked, it should be rejected. It cannot be a full termination & a partial release at the same time
- ◆ Must have name of debtor & secured party
- ◆ Box # 16 may state a record owner – If different, index & charge for each
- ◆ Must have the book & page of the original fixture filing
- ◆ Must have a legal description
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	SECURED PARTY (BOX 9,12)
	GRANTEE (2)	DEBTOR (BOX 6,13,16)

\$13.00 fixture fee

\$ 2.00 data processing fee

\$15.00 FOR EACH DEBTOR

If more than 10 pages, it is 50¢ per page for the 11th page & beyond
((\$2.00 E-file fee if electronic filing))

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

FIXTURE D T AMENDMENT – F11

- ◆ Must be the UCC Financing Statement form
- ◆ Must have return to name & address (not required on E-files)
- ◆ Real estate records box must be checked (may be #1b on page 1 or #15 on page 2)
- ◆ Must have name of debtor & secured party
- ◆ Box # 5 may be checked, if party information changed
- ◆ If box # 7 has a name changed or added, it must have an address
- ◆ Box # 15 may be checked, if page 2 is included
- ◆ Box # 16 may state a record owner – If different, index & charge for each
- ◆ Must have a max statement. If increasing indebtedness, it must be the increased amount only. If not increasing indebtedness it can state zero, but if the full loan amount is listed, state the book & page where taxes were paid. If decreasing indebtedness, state the amount it is decreasing to and the book & page where taxes were paid
- ◆ Must have the book & page of the original fixture filing
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	DEBTOR (BOX 6,7,13,16,21-25)
	GRANTEE (2)	SECURED PARTY (BOX 9,12,20)

\$13.00 fixture fee

\$ 2.00 data processing fee

\$15.00 FOR EACH DEBTOR

If tax is due: \$1.00 probate fee

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

If more than 10 pages, it is 50¢ per page for the 11th page & beyond
(\$2.00 E-file fee if electronic filing)

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

GRANT – G01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a max statement. It can be zero.
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	OWNERS
	GRANTEE (2)	GRANT FROM CITY

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

JUDGMENT PROPERTY – J01

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification is usually the last page, if not, it can have a certification stamp
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Must have an oath of value with the amount that was paid into court, if it is a decree confirming sale or a redemption. Does not require an oath of value on divorce, quiet title, etc. Oath cannot be signed by the grantor must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ Must have grantee's name & address (only if full legal description given)
- ◆ Must have send tax bills to name & address (only if full legal description given)
- ◆ Must have a map parcel (only if full legal description given)
- ◆ Need to check mark (✓) in the left margin, by the paragraph for divesting property
- ◆ E-files require an Electronic Certification page

TYPE OF: QUIET TITLE OR SET ASIDE		
INDEX:	GRANTOR (1)	DIVESTED OUT OF
	GRANTEE (2)	VESTED INTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
 \$ 2.00 data processing fee
 (\$2.00 E-file fee if electronic filing)

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

JUDGMENT LIEN – J02

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification is usually the last page, if not, it can have a certification stamp
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Should have the lien amount. If none listed, leave blank
- ◆ Submitter must note in upper left corner of the document the word **LIEN**
- ◆ Submitter needs to check mark (✓) in the left margin, by the paragraph for the lien
- ◆ E-files require an Electronic Certification page

TYPE OF: SET ASIDE		
INDEX:	GRANTOR (1)	AWARDED JUDGMENT
	GRANTEE (2)	JUDGMENT AGAINST

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

LEASE – L01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed by lessor & lessee & have a notary acknowledgement for each
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have either a max statement, OR be stamped “this is a true lease, no security interest”. The amount in the max statement can be zero, if no payments are being made
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

TYPE OF: PT TERMIN, MEMORANDUM, TERMIN		
INDEX:	GRANTOR (1)	LANDLORD / LESSOR
	GRANTEE (2)	TENANT / LESSEE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee

If tax is due: \$1.00 probate fee
Exempt \$2,000 from the max amount, and multiply by .00115

(\$2.00 E-file fee if electronic filing)

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

LETTERS – L02

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the date order was issued, if one is not given, index the date filed in court
- ◆ E-files require an Electronic Certification page

TYPE OF: CONSERVATORSHIP		
INDEX:	GRANTOR (1)	COURT
	GRANTEE (2)	WARD & CONSERVATOR

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

LICENSE – L03

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

TYPE OF: TERMIN		
INDEX:	GRANTOR (1)	LICENSOR
	GRANTEE (2)	LICENSEE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

LIEN – L04

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have lien amount
- ◆ Must have an address & legal description (sometimes not required, according to type of ie: Aircraft, Hospital)
- ◆ E-files require an Electronic Certification page

**TYPE OF: AIRCRAFT, ASSESSMENTS-DUES, ATTORNEY, HOSPITAL,
MECHANIC-MATL-LABOR, MUNICIPAL, ETC**

INDEX:	GRANTOR (1)	LIENOR / UNDERSIGNED
	GRANTEE (2)	LIENEE / LIEN AGAINST / HEREBY NOTIFY

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

LIEN LIS PENDENS – L06

- ◆ Must have prepared by name & address, unless it is a certified copy from the court
- ◆ Must have return to IOM Chancery or Circuit Court
- ◆ Must have the sign date, if one is not given, index the date filed in court
- ◆ Must state the court, Plaintiff & Defendant and Case #
- ◆ Ideally, a certified copy would be presented for recording. If it is not, it must be signed by the Court and be acknowledged
- ◆ Should have the lien amount. If none listed, leave blank
- ◆ Cannot be E-filed. Original has to be sent to the court

INDEX:	GRANTOR (1)	PLAINTIFF
	GRANTEE (2)	DEFENDANT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee

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

LIEN DEPT LABOR – L07

- ◆ Must be the Tennessee Department of Labor & Workforce form (**cannot be altered**)
- ◆ Must have return to Tennessee Dept of Labor in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have an account number (0561-188 2, key exactly as shown on the document)
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	TENNESSEE STATE OF
	GRANTEE (2)	EMPLOYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

- ◆ If it is a multi-functioning document, it is \$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 name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	COMPANIES MERGING
	GRANTEE (2)	ARTICLES OF MERGER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

MINERAL – M02

May say: Declaration of Interest

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a map parcel
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	UNDERSIGNED
	GRANTEE (2)	SURFACE OWNER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

MOTION – M03

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the date order was issued, if one is not given, index the date filed in court
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	PLAINTIFF
	GRANTEE (2)	DEFENDANT

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

MILITARY REDACT – M04

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ 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 the book & page of the original discharge
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	VETERAN & PERSON MAKING REQUEST
	GRANTEE (2)	MILITARY REDACTION

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

METH LAB NOTICE – M05

- ◆ Must be the Notice & Order of Quarantine form
- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed by the quarantine officer and have their badge number
- ◆ Must have the date the officers responded
- ◆ Must have the name of property owner
- ◆ Must have the property address
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	OWNER OF PROPERTY
	GRANTEE (2)	AGENCY GIVING NOTICE

There is no charge for this recording

METH LAB CERTIFICATE OF FITNESS – M06

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed by the certified specialist & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the name of property owner
- ◆ Must have the property address
- ◆ Must have the book & page of the original meth lab notice or state original not of record
- ◆ The Certificate of Fitness and the Release from Order of Quarantine should be filed simultaneously. They should both be stand alone documents
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	AGENCY THAT ISSUED QUARANTINE
	GRANTEE (2)	OWNER OF PROPERTY

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

METH LAB RELEASE – M07

- ◆ Must be the Release from Order of Quarantine form
- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed by the quarantine officer and have their badge number
- ◆ Must have the date the certificate of fitness was received
- ◆ Must have the name of property owner
- ◆ Must have the property address
- ◆ Must have the book & page of both the original meth lab notice & the certificate of fitness
- ◆ The Certificate of Fitness and the Release from Order of Quarantine 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 ____”
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	AGENCY THAT ISSUED QUARANTINE
	GRANTEE (2)	OWNER OF PROPERTY

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

NOTICE – N01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

TYPE OF: FORECLOSURE, HAZARDOUS SUBSTANCE, LIMITATION OF USE, ETC		
INDEX:	GRANTOR (1)	EVERYONE
	GRANTEE (2)	NOTICE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

NOTICE OF COMPLETION – N02

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the date of completion and cannot be recorded with a future date
- ◆ Must have an address **OR** legal description
- ◆ Must have the name & address of the person, firm or organization to which parties entitled to the benefits (usually section F or 6)
- ◆ E-files require an Electronic Certification page

TYPE OF: COMMENCEMENT		
INDEX:	GRANTOR (1)	LINE A / OWNER
	GRANTEE (2)	LINE B / CONTRACTOR

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

OPTION – O01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a max statement. It can be zero unless payments are being made
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	OPTIONOR / SELLER
	GRANTEE (2)	OPTIONEE / BUYER

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 1.00 probate fee
Mortgage amount multiplied by .00115
(\$2.00 E-file fee if electronic filing)

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

ORDER PROPERTY (CONVEYANCE) – O02

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification is usually the last page, if not, it can have a certification stamp
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Must have an oath of value with the amount that was paid into court, if it is an order confirming sale or a redemption. Does not require an oath of value on divorce, quiet title, etc. Oath cannot be signed by the grantor must be signed by the grantee, the grantee's agent, or a trustee acting for the grantee
- ◆ Must have grantee's name & address (only if full legal description given)
- ◆ Must have send tax bills to name & address (only if full legal description given)
- ◆ Must have a map parcel (only if full legal description given)
- ◆ Need to check mark (✓) in the left margin, by the paragraph for divesting property
- ◆ E-files require an Electronic Certification page

TYPE OF: QUIET TITLE, REDEMPTION, SET ASIDE, SUB OF ATTY, ETC

INDEX:	GRANTOR (1)	DIVESTED OUT OF
	GRANTEE (2)	VESTED INTO

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 1.00 probate fee – (if taxes are collected)
Conveyance amount multiplied by .0037
(\$2.00 E-file fee if electronic filing)

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

ORDER PROPERTY – O02 (ORDER OF PROBATE FOR MUNIMENT OF TITLE)

- ◆ Must be a certified copy from the court **(cannot be altered)**
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy or it can have a certification stamp
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Must have grantee's name & address (only if full legal description given)
- ◆ Must have send tax bills to name & address (only if full legal description given)
- ◆ Must have a map parcel (only if full legal description given)
- ◆ E-files require an Electronic Certification page

TYPE OF: MUNIMENT OF TITLE		
INDEX:	GRANTOR (1)	PROBATE COURT
	GRANTEE (2)	ESTATE OF DECEASED & WHO RECEIVES THE PROPERTY

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

ORDER LIEN – O03

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification is usually the last page, if not, it can have a certification stamp
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Should have the lien amount. If none listed, leave blank
- ◆ Submitter must note in upper left corner of the document the word **LIEN**
- ◆ Submitter needs to check mark (✓) in the left margin, by the paragraph for the lien
- ◆ E-files require an Electronic Certification page

TYPE OF: DISMISSAL, EXT, FORFEITURE, POSSESSION, RENEW, ETC

INDEX:	GRANTOR (1)	AWARDED JUDGMENT
	GRANTEE (2)	JUDGMENT AGAINST

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

ORDINANCE – 004

- ◆ Must have a Notice of Certification page from the municipality with their signature & seal
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date
- ◆ E-files require an Electronic Certification page

TYPE OF: ANNEX		
INDEX:	GRANTOR (1)	MUNICIPALITY
	GRANTEE (2)	ORDINANCE & NUMBER (EX: ORDINANCE 5230)

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

PARTNERSHIP (SECRETARY OF STATE) – P01

May say: Certificate of Limited Partnership, General Partnership,
Certificate of Cancellation of Limited Partnership

- ◆ Must have Filing Acknowledgement cover letter from the Secretary of State, it is the first page.
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the Image # stated on the cover letter, stamped down the right hand side on each of the following pages consecutively
- ◆ Must have the sign date or the date from the cover letter
- ◆ E-files require an Electronic Certification page

TYPE OF: AMEND, CANCLN, MERGER		
INDEX:	GRANTOR (1)	GENERAL PARTNERS
	GRANTEE (2)	NAME OF PARTNERSHIP

\$5.00 up to 5 pages & each additional page is 50¢
\$2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

If it is a multi-functioning document, it is \$5.00 for each ADDITIONAL function

PETITION – P02

- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to name & address
- ◆ Must have a map parcel
- ◆ E-files require an Electronic Certification page

TYPE OF: MUNIMENT OF TITLE		
INDEX:	GRANTOR (1)	PROBATE COURT
	GRANTEE (2)	ESTATE OF DECEASED & WHO RECEIVES THE PROPERTY

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

PLAT – P05

(See page 136 for Subdivision Regulations)

- ◆ Plats may be recorded at GIS or the Register's office
- ◆ Must be signed by GIS, the jurisdictional authority & the planning commission (signatures that are required may vary on each plat)
- ◆ Must have 2 copies, all with original signatures. Only plats with original signatures will be validated (including customer's copy)
- ◆ Must have original signatures of owners. Phone numbers of owners must be placed under every owner's signature
- ◆ Must have original signature & seal of surveyor.
- ◆ Place label stating "recorded plat does not transfer property ownership, deed must be recorded" near the validation stamp
- ◆ Must have a map parcel
- ◆ Must have a prior title
- ◆ Cannot be E-filed. Original 1 copy kept by Register's office. 1 copy sent to the Assessor's office

TYPE OF: CORR		
INDEX:	GRANTOR (1)	SUBDIVISION & OWNERS
	GRANTEE (2)	PLAT

\$15.00 per page
\$ 2.00 data processing fee

SUBDIVISION REGULATIONS

Cross-reference: Subdivision, Planning Commission

TCA: 13-4-303

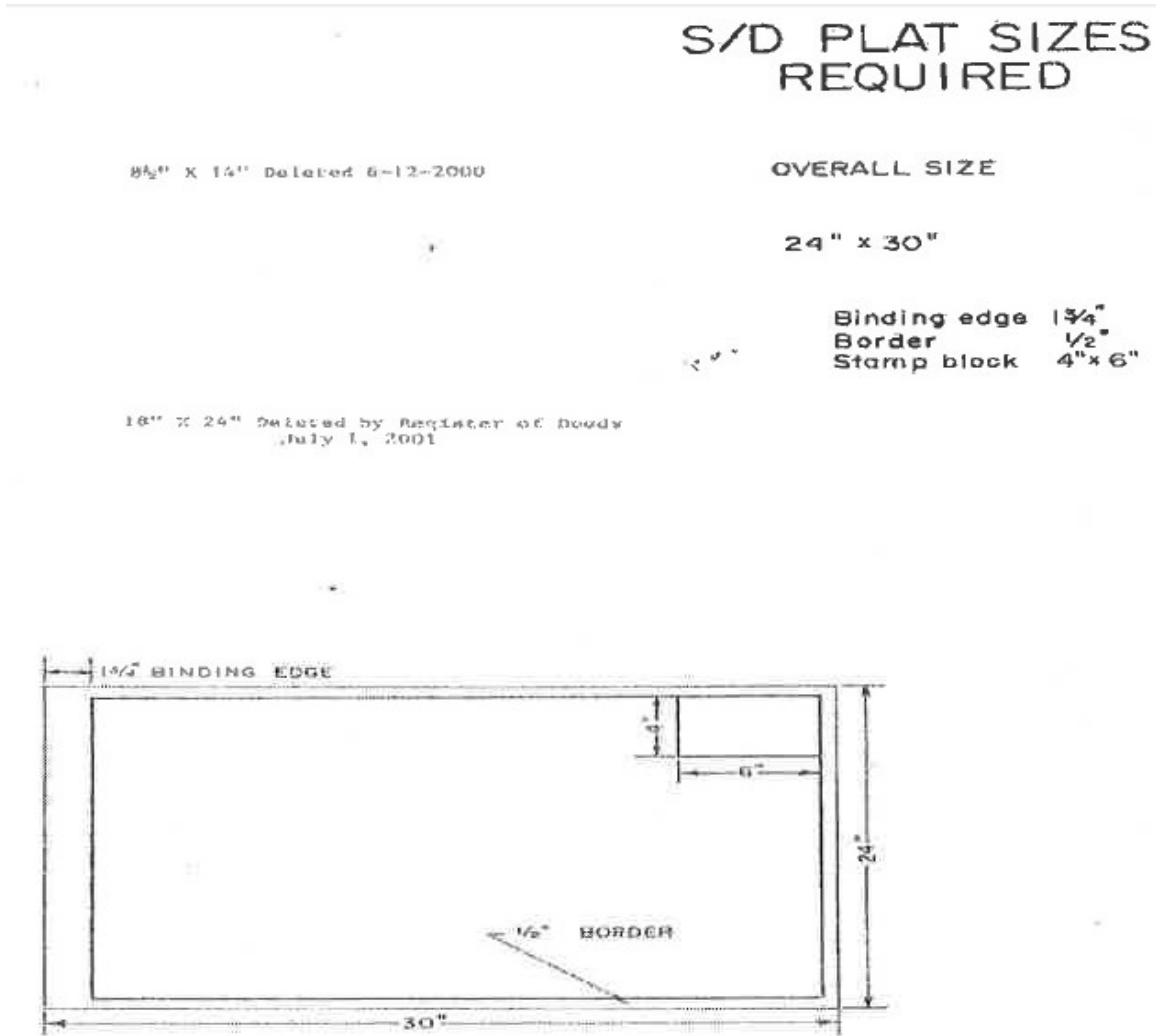
In exercising the powers granted to it by this part, the Planning Commission shall adopt regulations governing the subdivision of land within the municipality.

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

http://www.chcrpa.org/Divisions_and_Functions/Development_Services/Subdivisions/Subdivision_Regulations/Hamilton_County_subdivision_Regs/County_subdivision_Regs_UPDATED_SEPTMBER2009.

See the Plat Size Requirement Drawing Example shown below:

A-5



POWER OF ATTORNEY – P06

(We normally **DO NOT** record Healthcare Power of Attorneys, if asked we will)

- ◆ Must have prepared by name & address, except a Military POA
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ If a revocation it must have the book & page of the original power of attorney or state original not of record
- ◆ E-files require an Electronic Certification page

TYPE OF: HEALTHCARE, RESIGNATION, REVOC		
INDEX:	GRANTOR (1)	UNDERSIGNED / PRINCIPAL
	GRANTEE (2)	APPOINTED ATTORNEY & SUCCESSORS

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

PARTNERSHIP – P07

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

TYPE OF: AMEND OR CANCLN		
INDEX:	GRANTOR (1)	GENERAL PARTNERS
	GRANTEE (2)	NAME OF PARTNERSHIP

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

QUALIFICATIONS – Q01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	UNDERSIGNED / BONDING CO
	GRANTEE (2)	QUALIFICATIONS

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

RELEASE – RO1

May say: Cancellation, Deed of Release, Full Release of Lien, Trust Deed Release, Satisfaction of Deed of Trust

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the book & page of the original document being released
- ◆ Type of will be indexed for any document other than a Deed of Trust
- ◆ **DO NOT** index FKA (formerly known as) on grantors
- ◆ E-files require an Electronic Certification page

TYPE OF: AFDT, ASGMT, DAMAGE, LIEN, LIS PENDENS, ORDER, ETC

INDEX:	GRANTOR (1)	UNDERSIGNED / LIENHOLDER
	GRANTEE (2)	ORIGINAL BORROWER / LIEN AGAINST

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

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

(\$2.00 E-file fee if electronic filing)

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

PARTIAL RELEASE – R03

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the book & page of the original document being released
- ◆ Type of will be indexed for any document other than a Deed of Trust
- ◆ Must have a legal description
- ◆ **Do not** index FKA (formerly known as) on grantors
- ◆ E-files require an Electronic Certification page

TYPE OF: AFDT, ASGMT, DAMAGE, LIEN, LIS PENDENS, ORDER, ETC

INDEX:	GRANTOR (1)	UNDERSIGNED / LIENHOLDER
	GRANTEE (2)	ORIGINAL BORROWER / LIEN AGAINST

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

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

(\$2.00 E-file fee if electronic filing)

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

RESIGNATION – R04

THESE CAN BE INDEXED DIFFERENT WAYS

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	UNDERSIGNED
	GRANTEE (2)	WHO RESIGNED

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

RESOLUTION – R05

- ◆ Must have a Notice of Certification page from the municipality with their signature & seal
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date
- ◆ E-files require an Electronic Certification page

TYPE OF: ANNEX		
INDEX:	GRANTOR (1)	MUNICIPALITY
	GRANTEE (2)	RESOLUTION & NUMBER (EX: RESOLUTION 5230)

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

RESTRICTIONS - R06

May say: Declarations of Covenants & Restrictions, Restrictions of Subdivision, Restrictive Covenants

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary Acknowledgements
- ◆ Should have a legal description
- ◆ If a waiver, it must have the book & page of the original restrictions or state original not of record
- ◆ E-files require an Electronic Certification page

TYPE OF: HOME ASSIST PROG, JOINDER, USE, VARIANCE, WAIVER, ETC		
INDEX:	GRANTOR (1)	UNDERSIGNED
	GRANTEE (2)	NAME OF SUBDIVISION
		IF NO SUBDIVISION, THE WORD RESTRICTIONS
		IF A WAIVER, THE HOMEOWNER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

REVOCATION – R07

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

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	UNDERSIGNED
	GRANTEE (2)	REVOCATION

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

RIGHT OF WAY – R08

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ 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 a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	UNDERSIGNED
	GRANTEE (2)	CITY / COUNTY

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

D T REINSTATE – R09

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

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have two references, book & page where it was released in error & the original deed of trust)
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	EVERYONE
	GRANTEE (2)	EVERYONE

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

RELEASE-REVENUE – R10

- ◆ Must be the Tennessee Department of Revenue form (**cannot be altered**)
- ◆ Must have return to Tennessee Dept of Revenue in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have the entity ID number (if **-***2446 is listed, key as XX-XXX-2446)
- ◆ Must have the book & page of the original lien, **DO NOT** write it in. If submitted with an instrument number only, reject it
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	TENNESSEE STATE OF
	GRANTEE (2)	TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 5.00 for each additional reference
(\$2.00 E-file fee if electronic filing)

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

RELEASE - LABOR – R11

- ◆ Must be the Tennessee Department of Labor & Workforce form (**cannot be altered**)
- ◆ Must have return to Tennessee Dept of Labor in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have an account number (0561-188 2, key exactly as shown on the document)
- ◆ Must have the book & page of the original lien, **DO NOT** write it in. If submitted with an instrument number only, reject it
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	TENNESSEE STATE OF
	GRANTEE (2)	EMPLOYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 5.00 for each additional reference
(\$2.00 E-file fee if electronic filing)

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

PARTIAL RELEASE REVENUE – R12

- ◆ Must be the Tennessee Department of Revenue form (**cannot be altered**)
- ◆ Must have return to Tennessee Dept of Revenue in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have the entity ID number (if **-*2446 is listed, key as XX-XXX-2446)
- ◆ Must have the book & page of the original lien, **DO NOT** write it in. If submitted with an instrument number only, reject it
- ◆ If partially releasing property, a legal description is needed
- ◆ If partially releasing names, only index the party being released
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	TENNESSEE STATE OF
	GRANTEE (2)	TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
\$ 5.00 for each additional reference
(\$2.00 E-file fee if electronic filing)

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

SUBORDINATION AGREEMENT – S01

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the book & page of Deed of Trust being subordinated
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	UNDERSIGNED
	GRANTEE (2)	WHO EXECUTED DEED OF TRUST

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

SUBSTITUTE TRUSTEE – S02

May say: Appointment of Substitute Trustee

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the book & page of Deed of Trust
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	UNDERSIGNED & WHO EXECUTED THE DEED OF TRUST
	GRANTEE (2)	TRUSTEE BEING APPOINTED

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

SUCCESSOR TRUSTEE – S03

May say: Appointment of Successor Trustee

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the book & page of Deed of Trust
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	UNDERSIGNED & WHO EXECUTED THE DEED OF TRUST
	GRANTEE (2)	TRUSTEE BEING APPOINTED

\$10.00 for 1 or 2 pages, \$5.00 for each additional page

\$ 2.00 data processing fee

(\$2.00 E-file fee if electronic filing)

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

SURVEY – S05

(See page 155 for questionable surveys)

- ◆ Must be recorded at the Register's Office, not at the GIS office
- ◆ Survey should be 24" x 30"
- ◆ If the customer needs a recorded copy of the survey, they must have 2 originals. The Register's office will keep 1 copy & return a recorded copy
- ◆ Must have original signature & seal of surveyor
- ◆ Must have the survey company name, along with their address & phone number
- ◆ Must have the Certification of Survey:

"I hereby certify that this survey is not a plat of subdivision as defined at TCA 13-4-301, is 5 acres or more, does not create any new streets or roads, requires no public utility improvements, required 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 the amount of acreage involved
- ◆ Must have a map parcel
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	OWNER & NAME OF SURVEY
	GRANTEE (2)	SURVEY

\$15.00 per page
\$ 2.00 data processing fee

Surveys 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

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

TAX ENFORCEMENT – T01

(NOTICE OF STATE TAX LIEN)

- ◆ Must be the Tennessee Department of Revenue form **(cannot be altered)**
- ◆ Must have return to Tennessee Dept of Revenue in the computer only (not required on E-files)
- ◆ Must have the sign date
- ◆ Must have the entity ID number (if **-***2446 is listed, key as XX-XXX-2446)
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	TENNESSEE STATE OF
	GRANTEE (2)	TAXPAYER

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

TRUST – T03

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	TRUSTOR / SETTLOR & TRUST NAME
	GRANTEE (2)	ALL TRUSTEES

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

TIMBER REMOVAL PERMIT – T04

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a map parcel
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	PROPERTY OWNER
	GRANTEE (2)	CONTRACTOR

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

TAX SALE REPORT – T05

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have a map parcel
- ◆ Must have a legal description
- ◆ Must have a prior title
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	PRIOR OWNER / DEFENDANT / LIENHOLDER / OTHER DEFENDANT
	GRANTEE (2)	PURCHASER / SUCCESSFUL BIDDER

There is no charge for this recording

UCC (TAX DUE) – U01

- ◆ Must be filed with the Secretary of State. We may record as a courtesy at the customer's request, but only after it has been recorded at the State level.
- ◆ Must be the UCC Financing Statement form
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have name & address of debtor & secured party
- ◆ Must have the collateral listed
- ◆ Box # 15 may state a record owner – If different, index & charge for each
- ◆ Must have a max statement. It cannot be zero. If taxes were paid with the Secretary of State, a copy of the receipt can be attached showing where taxes were paid or have the recording stamp
- ◆ E-files require an Electronic Certification page

INDEX:	GRANTOR (1)	DEBTOR (BOX 1,2,9,11,15)
	GRANTEE (2)	SECURED PARTY (BOX 3,12)

\$13.00 fixture fee

\$ 2.00 data processing fee

\$15.00 FOR EACH DEBTOR

If tax is due: \$1.00 probate fee

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

If more than 10 pages, it is 50¢ per page for the 11th page & beyond
(\$2.00 E-file fee if electronic filing)

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

UCC (NO TAX DUE) – U02

- ◆ Must be the UCC Financing Statement Amendment form
- ◆ Must have return to name & address (not required on E-files)
- ◆ Termination, Assignment, Continuation or Amendment box must be checked.
- ◆ Must have name of debtor & secured party
- ◆ Box # 16 may state a record owner – If different, index & charge for each
- ◆ If an Amend or Contin it must have a max statement. It cannot be zero. If taxes were paid with the Secretary of State, a copy of the receipt can be attached showing where taxes were paid or have the recording stamp
- ◆ Must have the book & page of the original UCC filing. Look up the book & page to be sure it was a UCC, if the book falls within the range of 4970-8468
- ◆ E-files require an Electronic Certification page

TYPE OF: AMEND, ASGMT, CONTIN, TERMIN		
INDEX:	GRANTOR (1)	SEE FIXTURE AMEND, ASGMT OR REL
	GRANTEE (2)	SEE FIXTURE AMEND, ASGMT OR REL

\$13.00 fixture fee

\$ 2.00 data processing fee

\$15.00 FOR EACH DEBTOR

If tax is due: \$1.00 probate fee

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

If more than 10 pages, it is 50¢ per page for the 11th page & beyond
(\$2.00 E-file fee if electronic filing)

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

WAIVER – W01

(does not apply to waiver of restrictions)

- ◆ Must have prepared by name & address
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must be signed & have a notary acknowledgement
- ◆ Must have the sign date, if one is not given, index the earliest date from the notary acknowledgements
- ◆ Must have the book & page of the original document
- ◆ E-files require an Electronic Certification page

TYPE OF: LANDLORD, RT OF 1ST OFFER, RT OF 1ST REFUSAL		
INDEX:	GRANTOR (1)	UNDERSIGNED / LIENHOLDER
	GRANTEE (2)	WHO IT IS IN FAVOR

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

WILL – W02

- ◆ Wills cannot be recorded until they have been through probate court
- ◆ Must be a certified copy from the court (**cannot be altered**)
- ◆ The certification page will be attached as the last page if it states the foregoing pages. It will be the first page if it states the attached copy
- ◆ Must have return to name & address (not required on E-files)
- ◆ Must have the sign date of the judge, if one is not given, index the date filed in court
- ◆ Must have grantee's name & address
- ◆ Must have send tax bills to name & address
- ◆ Must have a map parcel
- ◆ E-files require an Electronic Certification page

TYPE OF: MUNIMENT OF TITLE		
INDEX:	GRANTOR (1)	NAME OF DECEASED
	GRANTEE (2)	WILL

\$10.00 for 1 or 2 pages, \$5.00 for each additional page
\$ 2.00 data processing fee
(\$2.00 E-file fee if electronic filing)

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

FREQUENTLY ASKED QUESTIONS

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

office at:

(423) 209-6560

or

register@hamiltontn.gov

FREQUENTLY ASKED QUESTIONS

ABANDONED, UNKEPT OR UNSAFE PROPERTY –

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

- City Property – Please call 311, ask for Neighborhood Services, please have the owner's name(s), address of the property and report the problem and the caller should leave a current phone number for a return call. This department also files liens against the property owner(s) for the cost of the work. Chattanooga Neighborhood Services telephone number is (423) 756-6201.
- County Property – Please call the Environmental Health Department at (423) 209-8119, Public Works at (423) 209-7800, or the County Highway Department at (423) 855-6100.

AFFIDAVIT OF HEIRSHIP –

TCA: 30-2-712 An Affidavit of Heirship may be recorded when the sole heir or heirs at law desire to place an instrument of record declaring the party who is deceased and, by operation of the law, naming the current owners of the property. Many times the owner of the real estate may die intestate. A title company or attorney will prepare this type of document. This filing will require the tax bill information be placed on the document to have tax notices sent to the current owner. It is recommended that a legal address, description, map & parcel, preparer's name & address, and name and address of party to return the document all be included in the instrument so the Assessor may change the assessment page. When the deceased party is 55 + years old, it is always a good idea to ask the attorney or title company preparing your Affidavit if you should complete the TennCare Release form as set out in TCA 71-5-116(c)(1). Sometimes, a title company cannot insure title to a property unless they have a TennCare Clearance Letter for those properties.

APOSTILLES & AUTHENTICATION SERVICES –

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

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

The document must be notarized by a notary public. The document bearing the notary's signature must then be verified by the county clerk. All of the documents should be submitted to the Secretary of State's Office by mail or in person. The Register would sign the document certification in front of the notary in the County Clerk's Office where they notarize the signature. Then the party delivers the certified copy and the notary acknowledgment to the TN Secretary of State for the authentication.

ASSESSOR OF PROPERTY -

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

ATTORNEY-CITY/COUNTY -

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

FREQUENTLY ASKED QUESTIONS

(continued)

BACK TAX INFORMATION -

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

BACK TAX SEARCH -

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

BIRTH CERTIFICATE -

The State of Tennessee's Vital Records Office website is located at <https://www.tn.gov/health/health-program-areas/vital-records.html> and the telephone number is (615) 741-1763.

The Hamilton County Health Department also has some of these records. The office is located at 921 E 3rd St, Chattanooga, TN 37403. The telephone number is (423) 209-8000. The website is located at <http://health.hamiltontn.org>.

BUILDING & ZONING -

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

BUSINESS LICENSE -

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

CEMETERY -

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

The TN Dept of Commerce & Insurance regulates for-profit cemeteries. The telephone number is (615) 741-2241. The website is located at <https://sos.tn.gov/products/tsla/commerce-insurance> for information and frequently asked questions.

FREQUENTLY ASKED QUESTIONS

(continued)

Also one may check with the Tennessee State Library & Archives. The telephone number is (615) 741-2764. The website is located at <https://sos.tn.gov/products/tsla/cemetery-and-funeral-home-records-tennessee-state-library-and-archives>.

CHANGING AND INITIALLING AN ORIGINAL DOCUMENT BEFORE RECORDING -

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

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

COMBINE MULTIPLE MAP AND PARCELS INTO ONE PARCEL -

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

Multiple parcels may have references to the same deed or multiple property deeds on different dates.

The Assessor will show the deed references (multiple or other) under the deed references section on the combined assessment information page.

A new deed is not required to combine parcels with multiple deed references.

The Assessor's Office is located at 6135 Heritage Park Dr, Chattanooga, TN 37416. The telephone number is (423) 209-7300. The website is located at <http://assessor.hamiltontn.gov>.

COMPUTER PROBLEMS FOR REMOTE ACCESS CUSTOMERS -

When a remote access customer is having a problem viewing an image or with the computer program in general, please contact Bobby Deberry with the Register's Office at (423) 209-6587 or email bobbyd@hamiltontn.gov.

COPIES OF INSTRUMENTS -

The Register's Office will be glad to mail any requested copies of deeds or documents. The proper procedure is for one to call the office at (423) 209-6560. Upon request, the information clerk will look up the deed and report the number of pages in the instrument. One would then send a request for the specific book and page and enclose the payment by check or money order in the amount of 15¢ per page. Please include your telephone number and a self-addressed stamped envelope so that the copies can be returned to you. Please send the request to Marc Gravitt, Register, 625 Georgia Ave, Room 400, Chattanooga, TN 37402.

An emailed copy is the same as a regular copy listed above. The Register's Office may email information in the computer system. There is a limited number of pages a document can have to be emailed due to the bandwidth.

A fax or email from microfilm copy charge is \$1.00 per page local. \$2.00 per page for a fax long distance.

One may pay for any type copy request with a VISA or MasterCard by calling the office and giving the account numbers to a recording clerk.

CREDIT BUREAU INFORMATION -

Equifax, P O Box 740241, Atlanta, GA 30374-0241, (800) 685-1111, www.equifax.com,
Experian, P O Box 949, Allen, TX 75013-0949, (888) 397-3742, www.experian.com,
Trans Union, P O Box 390, Springfield, PA 19064-0390, (800) 916-8800, www.transunion.com/consumer.

FREQUENTLY ASKED QUESTIONS

(continued)

DEATH CERTIFICATE -

The State of Tennessee's Vital Records Office website is located at <https://www.tn.gov/health/health-program-areas/vital-records.html> and the telephone number is (615) 741-1763.

The Hamilton County Health Department also has some of these records. The office is located at 921 E 3rd St, Chattanooga, TN 37403. The telephone number is (423) 209-8000. The website is located at <http://health.hamiltontn.org>.

DEED – NEED TO CHANGE OWNERSHIP OF THE PROPERTY -

A new original deed must be prepared to convey ownership of real estate. The Register's Office does not have blank document forms and does not prepare legal documents. A title company or attorney should prepare any new deed. A list of local title attorneys and companies is available at your request. Always record the deed in the Register's Office as soon as possible. It is always a good idea to discuss with the preparer of the deed what you are trying to accomplish and let them help you decide what kind of deed that you need, as well as, the correct way to state the transfer of property in the grantee clause.

DEFAULT JUDGMENT -

A judgment would be ordered in Sessions Court – Civil Division. The office is located 600 Market St 111, Chattanooga, TN - (423) 209-7630. Nancy Masterson, Chief Deputy, would be a good contact. If she is unavailable, then one would ask for a clerk who is familiar and works closely with Default Judgments. The Session's Civil Court will have Default Judgment forms available to complete. An attorney can help with questions pertaining to the form, the length of validity of the lien etc. All the costs and information should be properly stated on the form.

Once the judgment is ordered and signed by a Hamilton County Session's Court Judge, then a certified copy of the judgment may be placed of record in the Register's Office.

The Court of General Sessions, Civil Division is a court of limited jurisdiction. A person may represent himself without an attorney. A corporation filing suit must have an attorney.

The following cases may be filed in Sessions Court on a Civil Warrant. These suits may not exceed \$25,000.00. Suits above this amount must be filed in Circuit Court.

- Open accounts
- Contracts
- Notes
- Damages

There is detailed court information posted at this Civil Sessions Court link - <http://www.hamiltontn.gov/courts/sessions/SessionsCivil.aspx>

DIVORCE RECORDS -

Divorce records may be obtained at one of the following locations:

Hamilton County Circuit Court Clerk, 625 Georgia Ave, Rm 500, Chattanooga, TN 37402. The telephone number is (423) 209-6700.

Hamilton County Chancery Court, 625 Georgia Ave, Rm 300, Chattanooga, TN 37402. The telephone number is (423) 209-6600.

State of Tennessee's Vital Records telephone number is (615) 741-1763. The website is located at <https://www.tn.gov/health/health-program-areas/vital-records.html>.

FREQUENTLY ASKED QUESTIONS

(continued)

DIVORCED - NEED TO GET EX SPOUSE OFF OF THE DEED AND TAX NOTICE -

Documentation needs to be filed in the Register's Office. A certified copy of the Divorce Decree, a Quitclaim executed by the ex spouse, or a Quitclaim Deed executed by the Clerk of Court (power as granted in the Divorce Decree) into the spouse named as the owner in the Divorce Decree. A local title company or attorney (the attorney who represented the vested spouse in the divorce should know) would be able to advise you.

In order for the Divorce Decree to serve as a deed it must state exactly that "the property is divested out of one spouse (named and spelled correctly) and vested in the other spouse (named and spelled correctly). The legal description must be cited in the decree, not just an address of the property."

If the Decree states all of the above, but still calls for a Quitclaim Deed from the ex spouse or calls for the Clerk of Court to execute a Quitclaim Deed, then a certified copy of the Decree recorded will not be enough to vest title.

Title companies issuing title insurance for lenders and future new owners of the property will also check to see that all the Divorce Decree court costs are paid. They will also check to see that no lien or money is owed or cited in the Divorce Decree to the other spouse as to the real property.

If a certified copy of the Divorce Decree is sufficient to vest title, the margin of the certified copy must state the Grantee Name and Address, Send Tax Notices To Name and Address, and the Map Group and Parcel Number. Then the Assessor will pick up the owner change and the Trustee's Tax Notice will go to the correct owner and address.

In some Divorce Decrees the judge declares that both parties (ex spouses) own the property until it can be listed and sold. In this case, a Certified Copy of the Final Decree may be recorded to give public notice that both parties still own the property.

Please speak with a title company or attorney for detailed questions on this subject or your particular divorce so that you know exactly what needs to be filed in the Register's Office following a divorce.

EASEMENTS -

The Register's Office does not perform title searches. In order to find all of the easements on a certain property, one would have to perform a title search. If you have a title policy on the property in question, refer to Schedule "B" for reference to any easements that apply to the property. We will be glad to view a copy of your recorded deed and report the book and page of any easements as mentioned in the deed.

EMAIL OR FAX A DOCUMENT FOR PROOFING OF RECORDING REQUIREMENTS -

Please email (register@hamiltontn.gov) or fax (423-209-6561) a document that needs to be checked for errors prior to mailing or delivering the document to the Register's Office for recordation. Put to the attention of the recording department. Please include your email address, phone number and extension, and contact name with the fax.

FORECLOSURE HELP -

Tennessee Property - KEEPMYHOMETENNESSEE.COM -

City of Chattanooga residents - please contact Chattanooga Neighborhood Enterprises Inc at (423) 756-6201.

Federal Help: HUD OFFERS FORECLOSURE HELP SUGGESTIONS AT -
https://www.hud.gov/topics/avoiding_foreclosure.

FREQUENTLY ASKED QUESTIONS

(continued)

FORECLOSURE LIST - THE REGISTER'S OFFICE DOES NOT HAVE ONE -

Tennessee is a non-judicial foreclosure state. The Deed of Trust (mortgage) names a Trustee that has the power to sell if the loan is defaulted. Those sales are advertised in the legal notice section of newspapers (Times Free Press, Chattanooga or Hamilton County Herald) typically for three weeks before the sale. Many of the notices have the telephone number listed of the Trustee (Trustee will auction the property at the west side – Walnut Street side - of the courthouse steps). The Register's Office has no list of foreclosure properties before they are sold. After the sale the Trustee's Deed is recorded in the Register's Office. If one has the book and page of a document that they would like to receive a copy via email please contact our office.

GIS -

- City of Chattanooga-The office is located at 1250 Market Street, DRC, Chattanooga, TN 37402. The telephone number is (423) 643-6311. The website is located at <http://www.chattanooga.gov/public-works/gis-mapping/gis-maps>.

- Hamilton County-The office is located at 1250 Market St., Suite 1010, Chattanooga, TN 37402. The telephone number is (423) 209-7760. The website is located at <http://gis.hamiltontn.gov/>.

HABENDUM CLAUSE "TO HAVE AND TO HOLD WARRANT & DEFEND OR IN FEE SIMPLE" IN A QUITCLAIM DEED MAKES IT A WARRANTY DEED -

The Register's Office collects conveyance and mortgage tax on Deeds for the Tennessee Department of Revenue or TDR. The rules of collection are determined by the TDR.

Many times a deed (Deed in Lieu of Foreclosure, Trustee's Deed, Quitclaim Deed) may use the quitclaim language and also the habendum clause (to have and to hold and in fee simple language) in the same deed. This document would not be considered a "true Quitclaim Deed." The oath in the non-true Quitclaim Deed should reflect the value of the property and conveyance tax should be paid on that amount.

The "true Quitclaim Deed" - one without an Habendum Clause may state the consideration (what was actually given for the property) in the oath. If the amount of consideration is zero, then conveyance tax would not be charged. The Habendum Clause may be stricken and the change initialled by the grantor(s) or signatory(ies).

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

A true Quitclaim Deed cannot cite the habendum clause to be considered a "true Quitclaim Deed." The preparer of the instrument should try to include the Quitclaim Deed title in the name of the document. An example of this may be a Quitclaim Deed In Lieu of Foreclosure or Quitclaim Trustee's Deed etc. The amount of the consideration for the property should be reflected in the oath of value. If zero dollars was sworn to in the oath of value, then no tax would be due to the TDR.

If the Quitclaim Deed had mortgage assumption language within the instrument - the TDR rules require the amount remaining on the debt to be reflected in the oath of value and tax should be paid on that amount. Any consideration paid over the mortgage assumption amount would additionally need to be stated in the oath of value and tax paid on the total amount (remaining debt on the assumed loan and the consideration amount that makes the consideration greater than the assumed mortgage debt).

If you have additional questions, please contact an attorney.

FREQUENTLY ASKED QUESTIONS

(continued)

INTERPRETER -

The customer may use the public telephone in our office to set up an account with the Language Line. The telephone number is (800) 752-6096 and the web address is language.com. The typical set up requires a sign up form, receive a pin instantly, then dial the toll-free number and enter the PIN, connect with an interpreter or translator for the chosen language. According to the website the customer can set up within 2-3 minutes and be on the phone with an interpreter within seconds. There are no minimum charges and is billed by the minute to any major credit card. Then our office may speak to the interpreter that the customer connected with on the public telephone. The charge to the customer is approximately \$3.95 per minute so please try to condense the conversation to only finding the solution to the customer's problem. County Clerk Employee, Ms. Raley at 423-209-6534, also speaks Spanish.

One other possible solution is to call Gladys Pineda-Loher, Manager of International Business Development at Chattanooga State at (423) 697-3204. She can try to connect the customer with International Ambassadors who can volunteer or charge a minimum fee for the interpretation. She has recruited a group of 175 individuals from 45 countries that speak 26 languages.

IRS LIEN RELEASE – FEDERAL TAX LIEN RELEASE -

The IRS lien has a release notation on each lien filed which states the following: IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e) this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a). An IRS release may be filed in our office and is prepared by the Internal Revenue Service. A fax or emailed copy sent to record is not acceptable for filing. Generally, the IRS will mail several releases and federal tax liens weekly from their offices to our office. The Register's Office always mails the original release back to the IRS. The customer who brings the original IRS lien release in for filing should ask for a copy of the recorded release. Please see <https://www.irs.gov/businesses/small-businesses-self-employed/understanding-a-federal-tax-lien> for more information. The filed lien usually cites the IRS Lien Department telephone number. One may try 800-829-3903 or 800-913-6050 when there is no telephone number cited on the IRS lien.

LABOR & MATERIALMEN'S LIEN -

T.C.A: 66-11-102, 66-11-146, 66-11-145 - The Tennessee law governing Labor and Materialmen's Liens is found at Tennessee Code Annotated 66-11-101 et seq. It is a good idea to have a copy of this section of the code handy when dealing with the issues and various notices associated with perfecting these types of liens. The Tennessee courts have consistently held that Labor and Materialmen's Liens are altogether statutory; therefore strict compliance with the requirements of the statutes is necessary in order for there to be a proper, enforceable lien. What may appear to be a minor deviation from the statutory requirements may result in the denial of the lien.

Therefore, it is pertinent that a contractor or subcontractor consult with an attorney or a title company attorney for discussion of details of the law and the process they should take to perfect a lien.

A Default Judgment may be another option for a suit of non-payment that does not exceed \$25,000. An attorney should answer all questions pertaining to this type Judgment. Please see the Default Judgment section for additional information.

LAND GRANTS -

The land grants are located at the Tennessee State Library & Archives. The telephone number is (615) 741-2764. The address for the TSLA is Research Department, 403 Seventh Avenue North, Nashville TN 37243-0312. The land grant link is located at <https://sos.tn.gov/products/tsla/ordering-land-grants>.

FREQUENTLY ASKED QUESTIONS

(continued)

LEGAL AID NUMBERS -

If one is on a fixed income there are pro bono attorneys available through legal aid. Please contact Southeast Tennessee Legal Services, a non-profit, public interest law firm at (423) 756-0128. Their website is located at www.selegal.org.

One may also call Legal Aid of East Tennessee at (423) 756-4013. The website is located at www.laet.org. Anyone with a legal problem may call and speak with the intake coordinator at Legal Aid of East Tennessee which is extension 101. All callers are initially screened for income. To be eligible for services the caller must fall within 125% of the federal poverty level and either be a United States citizen or a documented alien.

LIEN LIS PENDENS -

Please see TCA 20-3-101 for Abstract of Lien Lis Pendens information.

In order for a Lien Lis Pendens to be filed in the Register's Office a certified copy of the Lien Lis Pendens must be presented to the Register's Office for recording.

Sometimes, the attorney files the Lien Lis Pendens in the court, and following, a certified copy is obtained and filed in the Register's Office; othertimes, the Lien Lis Pendens is certified by the clerk of the particular court, filed in the Register's Office, then returned to the appropriate court for filing with the case.

Please review the Training Guide Link pg. 107 for Lien Lis Penden information.

<http://register.hamiltontn.gov/RegisterHome/Home.aspx>

LIENS - PLANNED UNIT OR HORIZONTAL UNIT -

LIENS OF ASSESSMENT ARE FILED IN THE REGISTER'S OFFICE. Please see the following examples: (1) the Master Deed in Book 5488, Page 886 pgs. 13, 14

9 common expenses, and a recorded Lien of Assessment in Book 9823, Page 442 of the Register's Office.

66-27-102(a) (10) "Master Deed" or "Master Lease" means the deed or lease recording the property of the horizontal property regime. A declaration will be recorded in the case where private elements are involved; the declaration shall include the covenants, conditions, restrictions and bylaws of the townhouse corporation;

66-27-103 (b) All planned unit developments shall require a declaration, bylaws, a plat showing private and common elements, a townhouse corporation, charter and an attorney's opinion.

66-27-112 (4) (bylaws dictate the manner of collecting from the co-owners for the payment of the common expenses)

LIENS ON PROPERTY -

Liens on a property could be Deeds of Trust, Judgments, Orders, IRS Liens, TN Dept of Revenue Liens, etc. One would ask a title company to search the property for a 30 or 50 year range search to reveal all the potential liens on a property. This involves a title search. The Register's Office will be glad to search the history of the current owner from the date they took title to the property to present date to verify what legal instruments are filed for their names. However, a complete title search must be made by an attorney or title professional. Please see the title search information paragraph also.

FREQUENTLY ASKED QUESTIONS

(continued)

LOT OF RECORD - TERM USED BY PLANNING COMMISSION - BUILDING PERMIT SECTION -

This means the Planning Commission needs proof that the property was a lot in a subdivision prior to June of 1961. They need copies of the deed and a large format copy of the subdivision plat (dated before June 1961) to prove a "lot of record." The date has to do with a grandfather clause regarding building permits. When the owner of the property owns only parts of original lots, the Planning Commission needs proof that the partial lot was sold before June 1961.

Please contact the Building Permit Department at (423) 209-7860 or for city of chattanooga property please call 423-643-5809 & 423-643-5810 for additional information. Please ask the customer what person in planning referred them to us. If you need to clarify any information please call that contact in Planning.

MARRIAGE RECORDS -

The State of Tennessee's Vital Records Office has public records for those married in Tennessee. The telephone number is (615) 741-1763. The website is located at <https://www.tn.gov/health/health-program-areas/vital-records.html>.

The Hamilton County Clerk's Office issues marriage licenses for those married in Hamilton County Tennessee. The telephone number is (423) 209-6500. The website is located at <http://www.countyclerkanytime.com/marriage/>.

METH LAB: NOTICE, CERTIFICATE OF FITNESS, RELEASE FROM QUARANTINE -

T.C.A.-68-212-507, 68-212-508, 68-212-509

A Notice of Meth Lab can be recorded by a local law enforcement agency. A certified industrial hygienist (or other person or entity approved by the TDEC commissioner) shall issue and file the Certificate of Fitness in a form such as the one set out in the statute. A Release from Order of Quarantine may be recorded after the Certificate of Fitness has been filed.

MILITARY DISCHARGE-DD214 -

Many times the DD214 is recorded in the Register's Office of the county where the veteran resides. If it isn't recorded in the Register's Office, then the veteran may obtain a copy of his/her DD214 at one of the following: War Records Division, Department of the Military, P O Box 41502, Nashville, TN 37204-1502. The telephone number is (615) 313-2664 or (615) 313-2666, fax number (615) 313-2688.

Tennessee Department of Veterans' Services, 5726 Marlin Rd Ste 513, Chattanooga, TN 37411. The telephone number is 423-634-7126.

MINERAL INTEREST -

TCA 66-5-108 - "Mineral Interest" - Means the interest which is created by an instrument, transferring either by grant, assignment, or reservation, or otherwise, an interest of any kind, in coal, oil, gas, and other minerals.

"Statement of Claim" - Means a document or instrument to be filed by the owner of a mineral interest in real property to make claim to that mineral interest.

"Abandoned Mineral Interest" - Any person who will succeed to the ownership of any mineral interest upon the lapse thereof may commence such lapse by filing, with the clerk and master of the county in which the mineral interest is located, a complaint of claim of abandoned mineral interest. A form is prescribed in the code.

FREQUENTLY ASKED QUESTIONS

(continued)

A separate mineral interest book is kept in the Register's Office, but all of the indexes in that book were keyed into the computer data in 1987. When one searches for a mineral interest, a title search is done on the property. The owner of the property who sold the mineral interest will be in the mineral interest book and the computer system. An example would be the current owner looked up his name in the mineral interest book and in the computer system for a mineral interest in his name. He didn't find one because the owner of the property in 1970 sold the interest and it will be indexed in his name.

If the current owner purchased a title policy at the time he took title to the property, that policy under Schedule "B" should list all exceptions by book and page where they were recorded in the Register's Office for restrictions, easements, mineral rights etc. that relate to the property. If a customer does not know if he purchased a title policy, the clerk should look up the current deed and refer the customer to the preparer of the deed for them to inquire as to whether they purchased a title policy. If they did, they may request a copy from that title company to view Schedule "B" as described above.

The Register's Office will look for a mineral interest book and page set out on the current owner's deed. A title company would need to be contacted to perform a complete title search to look for a mineral interest that the current owner's deed does not refer to.

MOBILE HOMES -

Mobile homes that are attached to the land would have a recorded document titled an Affidavit of Affixation in the Register's Office. A Deed of Trust (mortgage) could be filed in the Register's Office for the affixed mobile home and the property.

Generally, Affidavits of Affixation are required to be filed by lenders. It is not necessarily something the owner must do.

The Affidavit of Affixation form is prescribed in the Tennessee Code T.C.A. 55-3-128. If one opts to sell the mobile home and detach the mobile home from the land then the owner of the property and mobile home would need to detitle (remove the mobile home that has been affixed to the land from the land) and may contact the Tennessee Department of Revenue at (888) 871-3171 option 1. The detitle process is described on the State of Tennessee's website located at <https://www.tn.gov/revenue/title-and-registration/forms.html>.

Mobile home owners must also own the land where the mobile home is located for an Affidavit of Affixation to be filed in the Register's Office.

A mobile home owner should call or visit the Clerk's Office located at Room 101 Courthouse Chattanooga TN 37402 or call (423) 209-6500 and ask for the Clerk that specializes in mobile home information. One may also visit the website at <http://www.countyclerkanytime.com/>. If the mobile home was never affixed or is no longer affixed to the real property (detitled) please call the Clerk's Office for help with the following:

- Lost the mobile home title and need a VIN number
- Detitled a mobile home from the Affidavit of Affixation through the Tennessee Department of Revenue process as described above and then need to reapply for a title to the mobile home.
- Need to verify if there is a lien on a mobile home
- Transfer a mobile home title

MORTGAGE PAID OFF & NEED YOUR PROPERTY DEED -

A mortgage is named a Deed of Trust in Tennessee. The Deed to your property is generally named a Warranty or Quitclaim Deed. It is returned to you either by the attorney, title company, or our office a few days after you purchase the property. You may have it secured in a lock box or in your personal files. Your Deed of Trust (mortgage) is held by the mortgage company until you pay the loan in full. At that time the mortgage company is responsible for preparation of a Release document which releases the book and page of the recorded Deed of Trust. The Release is recorded by the mortgage company in our office. When the mortgage company receives the

FREQUENTLY ASKED QUESTIONS

(continued)

recorded Release back, they typically mail you the original mortgage papers with the recorded Release. One should not worry about the original mortgage papers not being returned, the main thing is that the document named a Release has been filed by them in your behalf. The mortgage company does not ever keep your Warranty or Quitclaim Deed, just your Deed of Trust (mortgage).

If one cannot find the original Warranty or Quitclaim Deed in their personal files, then one may request a copy from our office to be emailed or mailed to them. The most important factor is that the Warranty or Quitclaim Deed was filed in our office. The recorded copy in our office becomes the official record in the Register's Office.

Once the Release is recorded, we will be glad to email you a copy of the document if you have not received the Release from your mortgage company.

NEWSPAPER - TIMESFREEPRESS - REAL ESTATE SALES REPORT ERROR -

The Map & Parcel numbers on deeds are not verified to be correct by the company. This sometimes results in false reporting by the company & newspaper that a particular property has been sold, when it has not. Additionally, the reported information may reflect the incorrect amount of the consideration. If a Hamilton County Tennessee property owner would like a retraction of the false sales report or other reported information, please contact Mr. Mark Jones at the Timesfreepress newspaper at (423) 757-6505 or email the request to mjones@timesfreepress.com. Mr. Jones should be contacted when an owner has a request to keep the transfer from being reported in the newspaper. Chattanooga.com reports this information and John Wilson may be contacted at news.chattanooga.com and the telephone number is 423-266-2325. All records in the Register's Office are open to the public, excepting military discharges, as prescribed by Tennessee law in T.C.A 10-7-503.

OATH OF VALUE -

TCA - 67-4-409(a)

On a true Quitclaim Deed the oath reflects an amount of what was given for the property.

On a Warranty Deed the oath reflects the consideration amount, what was given, or the value of the property, whichever is greater.

The preparer of the deed generally has the oath completed when the document is submitted for recording.

The oath's sworn statement must be signed by the affiant which is the buyer or an agent of the buyer. The affiant cannot be the grantor.

The Register's Office has no authority or responsibility to prove an oath of value statement.

The Register's Office does collect conveyance tax on deeds for the Tennessee Department of Revenue.

The making under oath of any false statement known to be false regarding the consideration or value of property transferred shall be punishable as perjury.

ORDINANCE-CITY OF CHATTANOOGA -

Municipal powers (laws) are established by ordinances, which are enacted into law by City Council. Please contact the Chattanooga City Council at 423-643-7170 for questions regarding ordinances. The web address is <http://www.chattanooga.gov/city-council/clerk-of-the-city-council>.

FREQUENTLY ASKED QUESTIONS

(continued)

PLANNING COMMISSION -

Building Permits, Subdivision Regulations, Zoning, & Forms etc.:

- Planning Commission-The telephone number is (423) 643-5902 for Subdivision Regulations, Zoning etc. The website is located at <https://chcrpa.org/>.

- City of Chattanooga-Building Inspection-The telephone number is (423) 643-5800. The website is located at <http://www.chattanooga.gov/economic-community-development/land-development-office>.

- Hamilton County-Building Inspection-The telephone number is (423) 209-7860. The website is located at <http://www.hamiltontn.gov/Inspect/>.

PLAT SUBDIVISION APPROVAL PROCESS -

Please contact Brian Shults with the Regional Planning Agency at (423) 643-5937 for questions regarding the plat approval process. His email address is shults_b@chattanooga.gov.

PREPARING A DEED, MORTGAGE, RELEASE, ETC. -

The Register's Office does not have blank document forms and does not prepare legal documents. One should have all legal documents prepared by an attorney or title company. One should verify the charge for preparation of the instrument with the title company. Once prepared correctly, the documents should be recorded immediately in the Register's Office. It is always a good idea to discuss with the preparer of the document what you are trying to accomplish and let them help you decide what kind of document that you actually need, as well as the correct way to state the grantor(s) and grantee(s) within that document.

Recording of all legal documents is subject to that document's meeting all legal requirements and to the payment of applicable fees. A Training & Document Requirement Guide is posted to help legal entities know filing requirements and fee costs for a certain document type. Please view the guide on the website <http://register.hamiltontn.gov/Documents/DocumentRequirements.pdf>.

A list of local title attorneys and companies is available at your request.

QUITCLAIM DEED TRUE - PLEASE SEE HABENDUM CLAUSE -

Please see Habendum Clause.

REAL PROPERTY -

The City of Chattanooga's General Services Real Property Division is responsible for acquiring property for commercial projects, selling of surplus property, leasing land or buildings, maintaining city owned back-tax properties and keeping all of the city real estate records.

- The office is located at 274 E 10th St, Chattanooga, TN 37402. The coordinator is Gail Hart and the telephone number is (423) 643-7502. The website is located at <http://www.chattanooga.gov/general-services>.

The Hamilton County real property department oversees the annual Back Tax Sales, County Road List and Hamilton County owned Historical Property Information.

- The office is located at 123 E 7th St, 4th Fl Mayfield Annex, Chattanooga, TN 37402. Contact Paul Parker (director) or Chuck Teasley (road list) and the telephone number is (423) 209-6444. The website is located at <http://www.hamiltontn.gov/realproperty/>.

FREQUENTLY ASKED QUESTIONS

(continued)

RELEASE OF DEED OF TRUST -

When one pays off a Deed of Trust (mortgage), it is the responsibility of the mortgage holder to release the Deed of Trust. Tennessee Code 66-25-102 recites the penalty for failure of the mortgage holder to release the instrument promptly.

Many times when a mortgage company sends a Release for a borrower, the company requests the Release to be mailed back to the mortgage company. Then the company generally forwards the recorded Release to the customer with the originally signed mortgage papers. Please contact the mortgage company or holder of the mortgage (party that you make your payments to) if you recently paid off a loan and have questions about the release of your mortgage. The Register's Office can look to see if the mortgage has been released.

Once the Release is recorded, we will be glad to email you a copy of the document if you have not received the Release from the mortgage company.

RELEASE OF LIEN -

When one pays a lien debt in full; it is the responsibility of the holder of the debt to file a Release for the recorded lien in the Register's Office. Tennessee Code 66-25-102 recites the penalty for failure of the holder of any debt to release the instrument promptly. If the originally filed Release is asked to be returned to the holder of the debt, it is the responsibility of the debt holder to forward the recorded Release to the party that has been released. If the original has not been received we will be glad to email a recorded copy.

RELEASE-PENALTY FOR FAILURE TO RELEASE -

Cross-reference: Release of Lien

TCA: 66-25-102

If the holder of any debt secured by real property situated in this state fails to enter a proper release of record after having been fully paid or satisfied within forty-five (45) days from the receipt of a written request from the party making such payment, including, but not limited to , the maker, the mortgagor, the purchaser of the property covered by such instrument or any closing agent or attorney who has collected and transmitted funds for such payment, the holder of the debt shall forfeit to the party making such request the sum of one hundred dollars (\$100).

If the indebtedness is not released within the aforesaid forty-five-day period, the party having requested the release shall again request the release and, if after thirty (30) days from the second request, the indebtedness has not been released, the holder shall forfeit to the party making the request a sum not to exceed one thousand dollars (\$1000).

In the event suit is instituted to collect either or both of the forfeitures, the holder shall also be liable to the party instituting suit for all reasonable expenses, attorney fees, and the court costs incurred in the action.

REMOTE ACCESS -

Account setup-\$50 per month free copies, except for those that are in microfilm and not scanned into the system.

Please send an electronic application to our office via the link posted on this website-
<http://www.hamiltontn.gov/register/>. There is an electronic access application link located about mid page. Once we receive your application and payment - we will set up your account, assign passwords, and send all of this information, with the instructions, to your email address. One may call the Register's Office and give us the credit card information over the telephone for faster access to the system. It is possible for us to automatically charge your credit card each month with your written permission.

FREQUENTLY ASKED QUESTIONS

(continued)

Please only list those people in your office who will actually use the system on the application. It is important that if a person does use the remote access system that they have their own individual password. If two users try to use the same password it will disconnect one of the users. Government entities will not be charged, but will still need to complete the electronic application. When an employee or user leaves your firm, please call and have the person removed from your account. Please direct any additional questions to our office at (423) 209-6560.

REMOTE ACCESS TECHNICAL PROBLEMS -

Please contact Bobby Deberry with the Register's Office at (423) 209-6587 if you have problems viewing images or data or email bobbyd@hamiltontn.gov.

REMOVE A RECORD -

T. C. A. - 8-13-108 (a) (7) The records filed in the Register's Office should be preserved as permanent records.

The recorded documents may never be removed from record.

RESTRICTIONS ON PROPERTY -

The Register's Office does not perform title searches. In order to find all of the restrictions on a certain property, one would have to perform a title search. If one has a title policy on the property in question, please refer to Schedule "B" exceptions list for reference to any restrictions that apply to the property. The Register's Office will be glad to view a copy of your recorded deed and report the book and page of any restrictions mentioned on the current deed. Otherwise, a title search by a title company may be needed to report any history of restrictions on one's property.

REVERSE MORTGAGE OR HOME EQUITY CONVERSION ACT -

The Home Equity Conversion Mortgage (HECM) is FHA's reverse mortgage program, which enables you to withdraw some of the equity in your home. The HECM is a safe plan that can give older Americans greater financial security. Many seniors use it to supplement Social Security, meet unexpected medical expenses, make home improvements and more. You can receive additional free information about reverse mortgages in general by contacting the National Council on Aging at (800) 510-0301.

A "frequently asked questions weblink" is posted at:

<http://www.reversemortgage.org/GetHelp/MostFrequentlyAskedQuestions.aspx>

Reverse Mortgage Facts link is located at <https://www.ncoa.org/economic-security/home-equity/reverse-mortgages/reverse-mortgage-facts/>

ROAD SPECS -

- City of Chattanooga-Call Eddie Tate in Pavement Management at (423) 643-6192 to inquire about road specs that have to be done in order for a road to be accepted as a city road or street.

- Hamilton County-Call Mike Hendrix in Engineering at (423) 209-7830 to inquire about road specs that have to be done in order for a road to be accepted as a county road.

ROADS LIST -

- City of Chattanooga-Contact Mickey park in the Technical Information Department at (423) 643-6033 for the Street & Road List.

- Hamilton County-Contact Chuck Teasley in the Real Property Office at (423) 209-6444 for the County Road List.

FREQUENTLY ASKED QUESTIONS

(continued)

SECRETARY OF STATE IN TENNESSEE -

Please visit the website at <http://www.sos.tn.gov> or call (615) 741-2286.

- Apostilles & Authentications (615) 741-0536
- Corporate Certification (615) 741-6488
- Business Filings & Information (615) 741-2286
- Motor Vehicle Temporary Liens (615) 741-0529
- Notaries (615) 741-2650 | Frequently Asked Questions
- Trademarks (615) 741-0531
- Summons (615) 741-1799
- Uniform Commercial Code (UCC) (615) 741-3276
- Workers' Compensation Exemption Registrations (615) 741-0526

SOVEREIGN DOCUMENTS -

THE TENNESSEE CODE DOES ALLOW SOVEREIGN DOCUMENTS TO BE RECORDED. THE REGISTER'S OFFICE DOES NOT RECORD SOVEREIGN DOCUMENTS. THE SUBMITTER MAY POSSIBLY RECORD THEM IN FEDERAL COURT.

In Tennessee law (the Register's Offices are based on Tennessee statutes) the sovereign documents are deemed fictitious. Many are written in a nonsensical language. These documents are considered a form of "paper terrorism."

THE REGISTER'S OFFICE HAS BEEN INSTRUCTED TO INFORM THE CRIMINAL DIVISION OF THE INTERNAL REVENUE SERVICE when IRS forms are attempted to be filed with the sovereign documents. The IRS only records IRS related documents and all of those recorded documents are solely returned to the IRS.

THE U. S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION has a division that oversees the sovereign movement. They have asked to be notified when the sovereign documents are attempted to be recorded in the Register's Office.

Homeland Security is also interested in the parties that attempt to record sovereign documents.

SPOUSE DECEASED - WHAT SHOULD ONE DO TO GET THE NAME OFF THE DEED? -

The death certificate of the deceased spouse should be taken to the Assessor of Property's Office for the Assessor's information and tax notice information to be updated. The Assessor's telephone number is (423) 209-7300 for questions regarding the death certificate and tax notice changes.

An actual deed is not typically placed of record after a spouse is deceased - only the information is changed with the Assessor's office as stated in the first paragraph. At a future time when the living spouse decides to sell the property or borrow money on the property - then the conveying deed or the mortgage will usually state what happened to the deceased spouse in a shortened affidavit notation on the document. The affidavit on the deed or mortgage may require specific language regarding the history of the marriage relationship such as dates, and also acknowledgement regarding claims to that person's estate. An attorney or local title company should be able to help you with any document questions regarding your deceased spouse.

There are other document options such as an Affidavit of Heirship etc. that you may want to discuss with an attorney or title company. The Register's Office has no blank forms and does not prepare documents. We do have a list of local attorneys and title companies that we can email or fax upon request.

SURVEY STAKE OR MONUMENT REMOVAL - VANDALISM -

Please see an attorney for questions regarding this subject. The Tennessee Code that addresses this subject is T.C.A. 39-14-408.

FREQUENTLY ASKED QUESTIONS

(continued)

TAX INFORMATION -

- City of Chattanooga-The office is located at 101 E. 11th Street, City Hall, Rm 100, Chattanooga, TN 37402.

Please contact the City Treasurer's Office at (423) 643-7262. The website is located at

<http://www.chattanooga.gov/finance/treasury-division/property-tax>.

- Hamilton County-The office is located at 625 Georgia Ave, Rm 210, Chattanooga, TN 37402. Please call the Trustee's Office at (423) 209-7270. The website is located at <http://www.hamiltontn.gov/trustee/>. The Trustee's Satellite Office is located at 6125 Preservation Drive, Chattanooga TN 37416 and the telephone number is (423) 209-7799.

TENNESSEE DEPARTMENT OF REVENUE REFUND FORMS -

One may access the forms posted at

<https://www.tn.gov/content/dam/tn/revenue/documents/forms/general/f0102401.pdf>. The telephone number for conveyance and mortgage tax which are considered a miscellaneous tax is 615-532-6426. The fax number is 615-532-6396.

TN Dept. of Revenue information required for this type refund is a copy of the check, document, Claim for Refund Form, and Report of Debts form.

The mailing address for the TN Dept. of Revenue is State of Tennessee c/o Misc Tax Refund Dept., Andrew Jackson State Office Bldg, 500 Deaderick Street, Nashville, TN 37242

TENNESSEE STATE LIBRARY & ARCHIVES -

Please see Land Grant Information.

TENNESSEE VALLEY AUTHORITY -

Water Levels - Please call (865) 632-2859 TVA Maps - <https://maps.tva.com> or 800-MAPS-TVA - Peggy Cooper Real Estate, GIS, and Land Records TVA - Tom Dixon, TVA Attorney - 423-751-7730

TITLE SEARCH -

The Register's Office does not perform title searches. Our employees are not trained, certified, licensed or bonded to perform a complete thorough title search. You may contact the attorney or title company of your choice to inquire about an attorney's title opinion or to have a complete title search on property. A list of local title attorneys and companies is available at your request. One should verify with the title company the charges associated with a title search.

WILLS -

The Clerk & Master oversees the probation of wills, petitions for intestate administration etc. The office is located at 625 Georgia Ave, Rm 300, Chattanooga, TN 37402. The telephone number is (423) 209-6615. The website is located at <http://www.hamiltontn.gov/courts/ClerkMaster/Default.aspx>.

In order to record a will in the Register's Office – the person must be deceased, the will probated by the court and proven to be true, and a certified copy obtained from the Clerk & Master's Office of the order of the proven will. That certified copy may then be recorded in the Register's Office. A will may not be recorded as long as the party who wrote the will is still living. The will must have been probated and proven in probate court to be true, after death.

ESCROW TERMS & PHRASES

Terms and Phrases is Lawyers Title's Glossary of definitions, meanings, and descriptions of significance for some of our industry's most often used terms and phrases.

<https://ltic.com/escrowterms.aspx>

ABA Number -- Originated by the American Bankers Association, it is the number (usually in the upper right-hand portion of the check) which identifies the bank upon which the check is drawn.

Abstract of Judgment -- A summary of the essential provisions of a court judgment, which when recorded in the county recorder's office, creates a lien upon the property of the defendant in that county, both presently owned or after acquired.

Abutting Owner -- One whose land is contiguous to (abuts) a public right of way.

Acceleration Clause -- Clause used in an installment note and mortgage (or deed of trust), which gives the lender the right to demand payment in full upon the happening of a certain event, such as failure to pay an installment by a certain date, change of ownership without the lender's consent, destruction of the property, or other event which endangers the security of the loan.

Access Right -- A right to ingress and egress to and from one's property. May be express or implied.

Accommodation Recording -- The recording of documents with the county recorder by a title insurance company, without liability (no insurance) on the part of the company, but merely as a convenience to a customer.

Acknowledgement -- A written declaration by a person executing an instrument, given before an officer authorized to give an oath (usually a notary public), stating that the execution is of his own volition.

Action to Quiet Title -- A court action to establish ownership to real property. Although technically not an action to remove a cloud on title, the two actions are usually referred to as "Quiet Title" actions.

Adjudication -- A judgment or decision by a court.

Adjustable Mortgage Loans (AML\'92S) -- Mortgage loans under which the interest rate is periodically adjusted to more closely coincide with current rates. The amounts and times of adjustment are agreed to at the inception of the loan. Also called: Adjustable Rate Loans, Adjustable Rate Mortgages (ARM\'92s), Flexible Rate Loans, and Variable Rate Loans.

Administrator -- A person given authority by a proper court to manage and distribute the estate of a deceased person when there is no will.

Adverse Possession -- A method of acquiring title by possession under certain conditions. Generally, possession must be actual, under claim of right, open, continuous, notorious, exclusive and hostile (knowingly against the rights of the owner). Exact time (years) of possession and specific requirements (such as payment of property taxes) vary with the statutes of each state.

Affidavit -- A written statement or declaration, sworn to before an officer who has authority to administer an oath.

Affirmative Easement -- An easement described from the benefited estate (dominant tenement). Also called a parcel 2 easement. The same easement described from the burdened estate (servient tenement) would be a negative easement.

After Acquired Title -- Legal doctrine by which property automatically vests in a grantee when the grantor acquires title to the property after the deed has been executed and delivered.

Agency -- One who is authorized to act for or represent another (principal), usually in business matters. Authority may be expressed or implied.

Alias -- Latin for (otherwise) commonly meaning that a person is known by more than one name. In some states, indicated by the letters AKA (Also Known Aliases).

Alienation Clause -- A type of acceleration clause, calling for a debt under a mortgage or deed of trust to be due in its entirety upon transfer of ownership of the secured property. Also called a "due-on-transfer" clause.

A.L.T.A.(American Land Title Association) -- An organization, composed of title insurance companies, which has adopted certain insurance policy forms to standardize coverage on a national basis.

Amendment -- A change, either to correct an error or to alter a part of an agreement without changing the principal idea or essence.

American Institute of Real Estate Appraisers -- A trade organization designed to establish standards of competence in the appraisal industry. The designation MAI (competent by the institute's standards to appraise all types of real property) and RM (one to four family residences) are prestigious and heavily relied upon by the real estate industry, lenders, governments, and others who utilize appraisers.

Amortization -- Payment of debt in regular, periodic installments of principal and interest, as opposed to interest only payments.

Amortization Schedule -- A schedule showing each payment of a loan to be amortized and breaking down the payment applied to principal and the amount applied to interest.

Amortize -- To reduce debt by regular payments of both principal and interest, as opposed to interest only payments.

Anchor Tenant -- The most reliable, and usually the largest, tenant in a shopping center. The strength of the anchor tenant greatly affects the availability of financing for the shopping center. The term may also be used to describe a tenant in an office building, industrial park, etc.

Annexation -- Permanently affixing to real property, such as city adding additional land to increase its size.

Appel Loan (Accelerating Payoff Progressive Equity Loan) -- A residential property loan which calls for a payment increase over the first six years. Level payments are made for the remaining years and the loan paid off during the 15th year. There is no prepayment penalty and P.M.I. is required.

Appraisal -- An opinion of value based upon a factual analysis. Legally, an estimation of value by two disinterested persons of suitable qualifications.

Appraiser -- One who is trained and educated in the methods of determining the value of property through analysis of various factors which determine said value.

Appropriation -- The private taking and use of public property, such as water from a river or lake. Not to be confused with condemnation or expropriation.

Appurtenance -- Something belonging to something else, either attached or not, such as a barn to a house or an easement to land. The appurtenance is part of the property and passes with it upon sale or other transfer.

Arbitrary Map -- A map drawn by a title company to be used in locating property in areas where legal descriptions are difficult and complex. Areas are arbitrarily subdivided, usually by ownership at a given time, into lots which are numbered. Recorded documents are then posted to these arbitrary lots by the same "arb" number.

Arbitration Clause -- A clause in a lease calling for the decision of a third party (arbiter) regarding disputes over future rents based on negotiation. Also used in construction contracts, disputes between brokers, etc.

Articles of Incorporation -- Documentation filled with the state which sets forth general information about a corporation. More specific rules of the corporation would be contained in the by-laws.

"As Is" Condition -- Premises accepted by a buyer or tenant in the condition existing at the time of the sale or lease, including all physical defects.

Assessed Value -- Value placed upon property for property tax purposes by the tax assessor.

Assessment -- (1) The estimating of value of property for tax purposes. (2) A levy against property in addition to general taxes. Usually for improvements such as streets, sewers, etc.

Assessment District -- An area, the boundaries of which are set for tax assessment purposes only; these boundaries may cross city boundaries.

Backup Offer -- A secondary offer to buy property, used in case the first (primary) offer fails. A backup offer is especially useful when the primary offer contains difficult contingencies.

Balloon Note -- A note calling for periodic payments which are insufficient to fully amortize the face amount of the note prior to maturity, so that a principal sum known as the "balloon" is due at maturity.

Balloon Payment -- The final payment (balance due) of a balloon note.

Bankruptcy -- Proceedings under federal bankruptcy statutes to relieve a debtor (bankrupt) from insurmountable debt. The bankrupt's property is distributed by the court to the creditors as full satisfaction of the debts, in accordance with certain priorities and exemptions. Voluntary bankruptcy is petitioned by the debtor; involuntary by the creditors.

Base Map -- A map having background information, such as state, county, or city boundaries, upon which more detailed data is plotted.

Beneficial Estate -- An estate, the right of possession of which has been postponed, such as a devise under a will. More commonly, an estate, the legal ownership of which has not yet vested, as under a land contract. An equitable estate.

Beneficial Interest -- The equitable, rather than legal ownership of property such as under a land contract.

Beneficiary -- (1) One for whose benefit trust is created. (2) In states in which deeds of trust are commonly used instead of mortgages, the lender (mortgagee) is called the beneficiary.

Beneficiary's Demand -- Written instructions by a beneficiary under a deed of trust stating and demanding the amount necessary for issuance of a reconveyance, whether a full or partial amount.

Beneficiary's Statement -- A statement by a lender under a deed of trust, setting forth the pertinent information necessary to assume said deed of trust, such as the unpaid balance, monthly payment, and interest rate.

Bequeath -- To give personal property by will.

Bequest -- Personal property left by will.

Bill of Sale -- An instrument by which one transfer personal property.

Binder -- A report issued by a title insurance company setting forth the condition of title to certain property as of certain date, and also setting forth conditions which, if satisfied, will cause a policy of title insurance to be issued. Also called a commitment. A policy of title insurance (used primarily by investors) calling for a reduced rate for a future policy if the property is sold within a specified period.

Blanket Mortgage -- (1) A mortgage covering more than one property of the mortgagor, such as a mortgage all the lots of a builder in a subdivision. (2) A mortgage covering all real property of the mortgagor, both present and future. When used in this meaning, it is also called a general mortgage.

Board of Equalization -- State board charged with the duty to equitable uniformity to the various local property tax assessments.

Boot -- Something given in addition to. Generally used in exchange to refer to something given other than the major properties to be exchanged, in order to equalize value.

Broker, Real Estate -- One who is licensed by the state to carry on the business of dealing in real estate. A broker may receive a commission for his or her part in bringing together a buyer and a seller, landlord and tenant, or parties to an exchange.

Bulk Sale -- A transfer in bulk, not in the ordinary course of business, of all or substantially all of the inventory and fixtures of a business.

Business Opportunity -- The sale of a business (may or may not include the sale of real estate). Some states require a real estate license for these sales even when real estate is not involved. The Uniform Commercial Code, state statutes, and special laws for alcoholic beverage licenses (when applicable) should be studied by the business opportunities broker.

By-Laws - Rules and regulations, adopted by an association or corporation, which govern its activities.

Cal-Vet Loans -- Real estate loans available to armed forces from California, at low interest rates.

Cancellation Clause -- A clause in a lease or other contract, setting forth the conditions under which each party may cancel or terminate the agreement. The conditions may be as simple as giving notice or complex and require payment by the party desiring to cancel.

Caravan -- An inspection of newly listed properties, either by the entire sales staff of an office or by sales personnel from more than one office in conjunction with a multiple listing group. Generally conducted on a regular basis.

Cashier's Check -- A check drawn by a bank on itself rather than on an account of a depositor. A cashier's check is generally acceptable to close a sale without waiting for the check to clear.

Caveat Emptor -- "Let Him Beware" Legal maximum stating that the buyer takes the risk regarding the quality or conditions of the item purchased, unless protected by warranty or there is misrepresentation. Currently, consumer protection laws have placed more responsibility for disclosure on the seller and broker.

CC&R's (Covenants, Conditions, and Restrictions) -- A term used in some areas to describe the restrictive limitations which may be placed on property. In other areas, simply called restrictions.

Certificate of Deposit (C.D.) -- A specific sum of money deposited into a savings institution for a specified time period and bearing a higher rate of interest than a passbook account if left to maturity. Does not have withdrawal privileges, as does a passbook account. Also called a time certificate deposit (T.C.D.).

Certificate of Eligibility -- A certificate obtained by a veteran from a Veteran's Administration office which states that the veteran is eligible for a V.A. insured loan. There is a list of requirements (when and how long the veteran served, type of discharge, etc.) which also may be obtained from the V.A. office.

Certificate of Occupancy -- A certificate issued by a local building department to a building renovator, stating that the building is in proper condition to be occupied.

Certificate of Sale -- Certificate issued to the buyer at a judicial sale (such as a tax sale), which will entitle the buyer to a deed upon confirmation of the sale by the court or if the land is not redeemed within a specified time.

Certificate of Title -- In areas where attorneys examine abstracts or chains of title, a written opinion, executed by the examining attorney, stating that the title is vested as stated in the abstract.

Certified Check -- A personal check drawn by an individual, which is certified (guaranteed) to be good. The bank holds the funds to pay the certified check and will not pay any other checks drawn on the account if such payments would impede payment of the certified check. The bank also will not honor a stop payment on a certified check.

Chain of Title -- The chronological order of conveyance of a parcel of land, from the original owner (usually the government to the present owner).

Chains and Links -- Measurements. In real estate measurements (surveying) a chain is 66" long or 100 links, each link being 7.92". The measurement may change when used in fields other than surveying.

Chattel -- Personal property.

Cistern -- A tank used for storing rainwater for use in areas where there is no water brought to the property by plumbing.

Closing -- (1) In real estate sales, the final procedure in which documents are executed and/or recorded, and the sale (or loan) is completed. (2) A selling term in which the client or customer is asked to agree to the sale or purchase and sign the contract. (3) The final call in a metes and bounds legal description which "closes" the boundaries of the property.

Closing Costs -- Expenses incidental to the sale of real estate, such as loan fees, title fees, appraisal fees, etc.

Closing Statement -- The statement that lists the financial settlement between buyer and seller, also the costs each must pay. A separate statement for buyer and seller is sometimes prepared.

Cloud on Title -- An invalid encumbrance on real property, which, if valid, would affect the rights of the owner. For example: A sells lot 1, tract 1, to B. The deed is mistakenly drawn to read lot 2, tract 1. A cloud is created on lot 2 by the recording of the erroneous deed. The cloud may be removed by quitclaim deed, or, if necessary, by court action.

Cluster Housing -- Building houses close together with little yard space and a large common area, rather than each house having a large yard. The density is usually greater in the cluster project.

Codicil -- An addition to a will, which modifies the will by adding to it, subtracting from it, or clarifying it.

Color of Title -- That which gives the appearance of good title, but actually contains some defect. For example: a conveyance given without the grantor having good title.

Commercial Property -- Property, which is zoned "commercial" (for business use). Property such as stores, restaurants, etc., falling between residential and industrial.

Commission -- An amount, usually as a percentage, paid to an agent (real estate broker) as compensation for his services. The amount to a real estate broker is generally a percentage of the sale price or total rental.

Commitment -- (1) Title insurance term for the preliminary report issued before the actual policy. Said report shows the condition of title and the steps necessary to complete the transfer of title as contemplated by buyer and seller. (2) A written promise to make or insure a loan for a specified amount and on specified terms.

Commitment Fee -- A fee paid for a loan commitment.

Common Area -- The area owned in common by the owners of condominiums or planned unit development homes in subdivision.

Community Property -- Property owned in common by a husband and wife, which was not required as a separate property. A classification of property peculiar to certain states.

Comparable -- Properties used as comparisons to determine the value of a specified property.

Compensatory Damages -- Damages to cover a loss or injury or nothing more.

Conditional Commitment -- A loan commitment given before a borrower (buyer) is obtained and subject to approval of the buyer by the lender.

Conditional Sales Contract -- A sale in which the title to property or goods remains with the seller until the purchaser has fulfilled the terms of the contract, usually payment in full.

Condominium -- A structure of two or more units, the interior space of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units. The size of each unit is measured from the interior surfaces (exclusive of paint or other finishes) of the exterior walls, floors, and ceiling. The balance of property is called the common area.

Construction Loan -- Short term financing of real estate construction. Generally followed by a long term financing called a "take out", issued upon completion of improvements.

Constructive Notice -- Notice given by publishing in a newspaper, recording, or other method which legally notifies the parties involved, but may not actually notify them.

Contiguous -- Near or close to, whether actually touching or not. Generally refers to actual touching or bordering on.

Contingency -- Commonly, the dependence upon a stated event, which must occur before a contract, is binding. For example: the sale of a house, contingent upon the buyer obtaining financing.

Contact of Sale -- In some areas of the country, synonymous with land contract. In some areas, synonymous with purchase agreement.

Conventional Loan -- A mortgage or deed of trust not obtained under a government-insured program, (such as F.H.A. or V.A.).

Conveyance -- Transfer of title to land. Includes most instruments by which an interest in real estate is created, mortgaged, or assigned.

Corporation -- A general term encompassing any group of people "incorporating" by following certain statutory procedures. Most common type of corporation is a private one formed to carry on a business.

Co-Trustee -- One who shares the duty if trustee with one or more other trustees.

Counter Offer -- An offer (instead of acceptance) in response to an offer. For example: A offers to buy B's house for X dollars. B, in response offers to sell to A at a higher price. B's offer to A is a counter offer.

County Records -- Public recorded documents by which notice is given of changes to title, liens, and other matters reflecting real estate.

Courtesy to Brokers -- Willingness of a seller to pay a commission to any broker supplying a suitable buyer; or the willingness of a listed broker to share the commission with any broker supplying a suitable buyer.

Creditor's Position -- (1) The portion of the value of property, which is mortgaged, rather than the equity. (2) The portion of the value of property upon which a first mortgage could be obtained.

Credit Report -- A report on the past ability of a loan applicant to pay installment payments. Several national and local companies make such reports.

Custodian - (1) One who is entrusted with the care and keeping of real or personal property. (2) A janitor.

Custody -- The care and keeping of property (real and personal). For example: An escrow agent has custody of documents and funds until closing.

Custom Builder -- One who builds for a specific owner, designing the building to suit said owner's need, rather than building and then looking for a buyer.

DBA (Doing Business As) -- An identification of the owner or owners of a business and the business name. Not a partnership or corporation.

Declaration of Restrictions - A set of restrictions filed by a subscriber to cover an entire tract or subdivision.

Declaratory Judgment -- A determination by a court as to the legal rights of the plaintiff, with no order for relief. The judgment is binding on future litigation.

Deed -- Actually, any one of many conveyance or financing instruments, but generally a conveyance instrument, given to pass fee title to property upon sale.

Deed in Lieu -- A deed from the owner (debtor) to a lender to prevent foreclosure. There are usually statutory provisions as to fairness of value and absence of coercion, which must be recited on the deed.

Deed in Lieu of Foreclosure -- A deed given by an owner/borrower to a lender to prevent the lender from beginning foreclosure proceedings. The validity of the deed depends to some degree on "fairness" under the circumstances, and adequacy of consideration, which will be considered.

Deed of Trust -- An instrument used in many states in place of a mortgage. Property is transferred to a trustee by a borrower (trustor), in favor of the lender (beneficiary), and reconveyed upon payment in full.

Deed Restrictions -- Limitations on the use of property placed in conveyance deed by the grantor, which bind all future owners.

Defective Title -- (1) Title to a negotiable instrument obtained by fraud. (2) Title to real property, which lacks some of the elements necessary to transfer good title.

Defendant -- The person against whom a civil or criminal action is brought.

Delayed Reconveyance -- A reconveyance of a deed of trust which is issued and recorded after transfer of title and issuance of title insurance (not showing the deed of trust). Usually occurs when the lender is in another state and will not issue the reconveyance paid in full.

Demand -- (1) The quantity of goods that can be sold at a specified price, in a given market, at a particular time. (2) A letter from a lender showing the amount due in order to pay off a mortgage or trust deed.

Department of Real Estate -- That department of the state government responsible for the licensing and regulation of persons engaged in the real estate business. The person heading the department is usually called The Real Estate Commissioner. Other names for the department are The Division of Real Estate and the Real Estate Commission.

Deposit -- (1) Money given by the buyer with an offer to purchase. Shows good faith. Also called earnest money. (2) A natural accumulation of resources (oil, gold, etc.) which may be commercially recovered and marketed.

Developer -- (1) A builder. (2) One who prepares the raw land for construction and then sells to a builder.

Development -- A planned construction project, rather than simply the building of unrelated buildings.

Development Loan -- A loan for the purchase of land or off-site improvements, rather than building costs. The land involved is used to secure the loan.

Disclaimer -- (1) Statement on a publication attempting to limit liability in event the information is inaccurate. (2) Renunciation of a claim or right of another. (3) Refusal to accept an estate, either as trustee or as owner.

Distress Sale -- A sale of property when the seller is under extreme pressure to sell. Generally the property is sold for less than market value.

Documentary Tax Stamps -- Stamps, similar to postage stamps, affixed to a deed, showing the amount of transfer tax paid. Most states now "stamp" the deed rather than affixing a stamp.

Documentary Transfer Tax -- A state tax on the sale of real property, based on the sale price or equity transferred.

Dominant Tenement -- A parcel of land which benefits from an easement. For example: An easement exists over parcel A for access to parcel B. Parcel B is the dominant tenement; parcel A is the servient tenement.

Down Payment -- Cash portion paid by a buyer from his own funds, as opposed to that portion of the purchase price that is financed.

Downzoning -- A change in the allowable use of land by the appropriate zoning authority to a lesser (usually less available) use. Example: Eight units per acre to four units per acre.

Dresser Drawer Title -- The failure to record evidence of title; instead, placing it in a "dresser drawer". Also called "Trunk Title".

Duplex -- (1) Any building containing exactly two dwelling units. Most commonly refers to the units that are side by side, with a common wall and roof. (2) An apartment on two floors or levels.

Easement -- A right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another. It is either for the benefit of land (appurtenant), such as the right to cross parcel A to get to B, or "in gross", such as public utility easement.

Easement Appurtenant -- An easement for the benefit of another parcel of land, such as the right to cross parcel A to reach B. The easement will pass with the transfer of property to a new owner.

Easement in Gross -- An easement for the benefit of a person or company, rather than for the benefit of another parcel of land. Commonly, such easements as for public utilities.

Easement of Necessity -- An easement granted by a court when it is determined that said easement is absolutely necessary for the use and enjoyment of the land. Commonly given to landlocked parcels.

Egress -- A term concerning a right to come and go across the land (public or private) of another. Usually part of the term ingress and egress.

Encroachment -- Generally, construction onto the property of another, as of a wall, fence, building, etc.

Encumbrance, Incumbrance -- A claim, lien, charge or liability attached to and binding real property. Any right to, or interest in, land which may exist in one other than the owner, but which will not prevent the transfer of fee title.

Environmental Impact Report -- A report of the probable effect of a development on the surrounding area (environment). The report is prepared by an independent company to federal, state, or local guidelines.

Equitable Ownership -- Ownership by one whom does not have legal title, such as vendee under a land contract or, technically, a trustor under a deed of trust (legal title being in the trustee). Also called equitable title.

Equity -- (1) A legal doctrine based on fairness, rather than strict interpretation of the letter of the law. (2) The market value of real property, less the amount of existing liens. (3) Any ownership investment (stocks, real estate, etc.) as opposed to investing as a lender (bonds, mortgages, etc.)

Escheat -- A reversion of property to the state in the absence of an individual owner. Usually occurs when a property owner dies interstate, and without heirs.

Escrow -- Delivery of a deed by a grantor to a third party for delivery to the grantee upon the happening of a contingent event. Contemporarily, in some states, all instruments necessary to the sale (including funds) are delivered to a third (neutral) party, with instructions as to their use.

Escrow Instructions -- Instructions which are signed by both buyer and seller, and which enable an escrow agent to carry out the procedures, necessary to transfer real property, a business, or other assignable interest.

Escrow Officer -- An escrow agent. In some states, one who has, through experience and education, gained a certain degree of expertise in escrow matters.

Estoppel -- The prevention of one from asserting a legal right because of prior actions inconsistent with the assertion.

Evidence of Title -- A document establishing ownership to property. Most commonly, a deed.

Exclusive Agency Listing -- A listing or agreement protecting the listing broker's commission against the sale of property by another agent but not against the sale of the principal. The term is not universal, as some areas use this term, nonexclusive listing, to describe this agreement.

Exclusive Listing -- A written contract between a property owner and a real estate broker, whereby the owner promises to pay a fee or commission to the broker if certain real property of the owner is sold during a stated period, regardless of whether the broker is or is not the cause of the sale. The broker promises to put forth his or her best efforts to sell the property, and may make specific promises as to advertising or other promotion in certain instances.

Execute -- To complete; to fulfill a purposes, such as to execute an instrument, meaning to sign, seal (contemporarily, to notarize), and deliver.

Farmer Home and Administration (FMHA) -- The federal agency which makes, participates, and ensures loans for rural housing and farms.

Federal Deposit Insurance Corporation (FDIC) -- The federal corporation which insures against loss of deposits in banks and, since 1989, in savings associations.

Federal Tax Lien -- A lien attaching to property for nonpayment of a federal tax (estate, income, etc.). A federal tax lien differs from other liens in that it is not automatically wiped out by foreclosing on a mortgage or trust deed recorded before the tax lien (except by judicial foreclosure).

Fee Simple -- An estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited. Commonly, a synonym for ownership.

Fee Simple Absolute -- A term now used synonymously with fee simple.

F.H.A.(Federal Housing Administration) -- A federal agency which insures first mortgages, enabling lenders to loan a very high percentage of the sale price.

FHA Escape Clause -- A clause stating that the buyer (borrower) shall not be obligated to buy nor shall any deposit be lost if the appraisal is less than the agreed upon amount.

Fictitious Instrument -- An instrument (usually a mortgage or deed of trust) which is recorded not on specific property but to be incorporated by reference into future mortgages or deeds of trust. This is done by reference to the recording information of the fictitious instrument in the instrument recorded against specific property. This shortens the latter instrument and thereby cuts the cost of printing, paper, recording, etc. The fictitious instrument contains general language applicable to any specific property.

Financing Costs -- The cost and interest and other charges involved in borrowing money to build or purchase real estate.

First Refusal Right -- A right, usually given by an owner to a lessee, which gives the lessee a first chance to buy the property if the owner decides to sell. The owner must have a legitimate offer, which the lessee can match or refuse. If the lessee refuses, the property can then be sold to the offeror.

Flood Insurance -- Insurance indemnifying against loss by flood damage. Required by lenders (usually banks) in areas designated (federally) as potential flood areas. The insurance is private but federally subsidized.

Floor Time -- A period during the working day when a specific salesperson is responsible for general inquiring (walk-in or telephone) regarding property in a brokerage office. This is generally established as a set, rotating number of hours per week for each salesperson. When a salesperson is "on the floor" he or she must be in the office or make arrangements with another salesperson to cover the floor during those hours.

FNMA (Fannie Mae) -- A private corporation dealing in the purchase of first mortgages at a discount.

FNMA Buydown -- FNMA (Federal National Mortgage Association) accepts loans containing a buy down provision on single family residential, owner occupied properties. A prepayment (points) will buy a lower rate of interest during the first one to five years of the loan. Restrictions apply to the amount of the buydown and rise in payment amount as the loan progresses.

Forced Sale -- A sale which is not the voluntary act of the owner, such as to satisfy a debt, whether a mortgage, judgment, etc. The selling price of such a sale would not be considered market value.

Foreclosure Sale -- a sale of property used as security for a debt, to satisfy said debt.

Fraud -- A deception, intended to wrongfully obtain money or property from the reliance of another on the deceptive statements or acts, believing them to be true.

Free and Clear -- Real property against which there are no liens, especially voluntary liens (mortgages).

Frontage -- The linear measurement along the front of a parcel, that is, the portion facing a road, waterway, walkway, etc. that would be considered the most valuable measurement of the property.

Fully Amortizing Loan -- A loan of equal, regular payments, which cause the principal and interest to be completely paid by the due date.

General Partner -- A member of the partnership who has authority to bind the partnership and shares in the profits and losses. A partnership must have at least one general partner and may have more, as well as limited partners.

Gift Letter -- A letter to HUD from the owner (giver) stating that a gift of money has been made to the buyer in order to purchase specific property. The relationship of the donor and recipient is stated, as well as the amount of gift.

GNMA (Ginnie Mae) -- Government National Mortgage Association. A federal association, working with FHA, which offers special assistance in obtaining mortgages and purchases mortgages in a secondary capacity.

Grant Deed -- One of the many types of deeds used to transfer real property. Contains warranties against prior conveyances or encumbrances. When title insurance is purchased, warranties in a deed are of little practical significance.

Grantee -- One to whom a grant is made, generally the buyer.

Grantor -- One who grants property or property rights.

Grantor-Grantee Index -- The record of the passing of title to all the properties in a county as kept by the county recorder's office. Property is checked, by tracing the names of the sellers and buyers (chain and title). Title companies usually have more efficient methods by keeping records according to property description, rather than people's names.

Greenbelt -- A landscaped area surrounding a development to separate and protect it from neighboring incompatible use, such as separating office buildings from an industrial park.

Ground Lease -- A lease of vacant land, or land exclusive of any buildings on it. Usually a net lease.

Hard Money Mortgage -- A mortgage given in return for cash, rather than to secure a portion of the purchase price, as with a purchase money mortgage.

Hardpan -- A compacted layer of soil, usually containing clay, through which it is difficult to drain or dig.

Hazard Insurance -- Real estate insurance protecting against loss caused by fire, some natural causes, vandalism, etc., depending upon the terms of the policy.

Hereditaments -- (1) Anything which could be considered real property. (2) Anything which may be inherited.

Homeowner's Association -- (1) An association of people who own homes in a given area, formed for the purpose of improving or maintaining the quality of the area. (2) An association formed by the builder of condominiums or planned developments, and required by statute in some states. The builder's participation as well as the duties of the association is controlled by statute.

Homestead -- The dwelling (house and contiguous land) of the head of a family. Some states grant statutory exemptions, protecting homestead property (usually to set a maximum amount) against the rights of creditors. Property tax exemptions (usually to set a maximum amount) are also available in some states. Statutory requirements to establish a homestead may include a formal declaration to be recorded.

Home Warranty Insurance -- Private insurance insuring a buyer against defects (usually in plumbing, heating and electrical) in the home he has purchased. The period of insurance varies and both new and used homes may be insured.

Hypothecate -- To mortgage or pledge without delivery of the security to the lender.

Impound Account -- Account held by a lender for payment of taxes, insurance, or other periodic debts against real property. The mortgagor or beneficiary pays a portion of, for example, the yearly taxes, with each monthly payment. The lender pays the tax bill from the accumulated funds.

Indemnity Agreement -- An agreement by which one party agrees to repay another for any loss or damage the latter may suffer.

Ingress and Egress -- A right to enter upon and pass through land.

Installment Contract -- A method of purchasing by installment (usually monthly) payments. When referring to real property, it is usually called a land contract.

Institutional Lenders -- Banks, savings and loan associations, and other businesses, which make loans to the public in the ordinary course of business, rather than individuals, or companies which may make loans to employees.

Insured Mortgage -- A mortgage insured against loss to the mortgagee in the event of default and a failure of the mortgaged property to satisfy the balance owing plus costs of foreclosure. May be insured by F.H.A., VA, or by independent mortgage insurance companies.

Intestate -- Without leaving a will, or leaving an invalid will, so that the property of the estate passes by the laws of succession rather than the direction of the deceased.

Involuntary Lien -- A lien, such as a tax lien, judgment lien, etc., which attaches to property without the consent of the owner, rather than a mortgage lien, to which the owner agrees.

Joinder -- Joining together in some legal proceeding.

Joint Protection Policy -- A policy of title insurance which insures both the owners and the lender under the same policy.

Judgment Creditor -- A person, corporation, etc., that has been awarded a money judgment by a court. Recording an abstract of said judgment would create a lien on real property owned by the judgment debtor in the county where the abstract is recorded.

Judgment Debtor -- A person, corporation, etc., against whom a money judgment has been awarded by the court.

Judgment -- The decision of a court of law. Money judgments, when recorded, become a lien on real property of the defendant.

Land Bank -- An accumulation of land held for future use.

Land Loan -- A loan with collateral security of unimproved land. Usually the loan to value ratio is less than on improved land.

Landlocked Parcel -- A parcel of land surrounded entirely by private owned land, with no access to a public right of way (road). Condemnation for a limited access highway is a major cause of such parcels.

Lease -- An agreement by which an owner of real property (lessor) gives the right of possession to another (lessee), for a specified period of time (term) and for a specific consideration (rent).

Legal Description -- A method of geographically identifying a parcel of land, which is acceptable in a court of law.

Legal Owner -- The term has come to be used as a technical difference from the equitable owner, and not as opposed to an illegal owner. The legal owner has title to the property, although the title may actually carry no rights to the property other than a lien.

Legal Title -- Usually title without ownership rights, such as the title placed in a trustee under a deed of trust, or the title in a vendor under a land contract.

Lender -- Any person or entity advancing funds which are to be repaid. A general term encompassing all mortgagees, and beneficiaries under deeds of trust.

Letter of Credit -- A letter, usually from a bank, requesting a person or company to extend credit to a certain person or company and guaranteeing payment. Most commonly used in the purchase of good from another country. The letter may be revocable or irrevocable, but most parties insist on the irrevocable.

Line of Credit -- An amount of money a borrower may obtain from a bank without special credit check. The money is generally for business purposes and the amount would not include the borrower's own home loan and other personal secured loans.

Liquidated Damages -- A definite amount of damages, set forth in a contract, to be paid by the party breaching the contract. A predetermined estimate of actual damages from a breach.

Lis Pendens -- A legal notice recorded to show pending litigation relating to real property, and giving notice that anyone acquiring an interest in said property subsequent to the date of the notice may be bound by the outcome of the litigation.

Listing -- An agreement between an owner of real property and a real estate agent, whereby the agent agrees to secure a buyer or tenant for specific property at a certain price and terms in return for a fee or commission.

Listing Agent -- A real estate agent obtaining a listing (see which), as opposed to the selling agent.

Loan Origination Fee -- A one time setup fee charged by the lender.

Loan Package -- The file of all items necessary for the lender to decide to give or not to give a loan. These items would include the information on the prospective borrower (loan application, credit report, financial statement, employment letters, etc.), and information on the property (appraisal, survey, etc.). There may be a charge for "packaging" the loan.

Loan Policy -- A title insurance policy insuring a mortgagee, or beneficiary under a deed of trust, against loss caused by invalid title in the borrower, or loss of priority of the mortgage or deed of trust.

Loan Servicing -- The bookkeeping and collection of a loan. It may be done by the lender or by another for the lender.

Loan to Value Ratio -- The ratio, expressed as a percentage, of the amount of a loan to the value or selling price of real property. Usually, the higher the percentage, the greater the interest charged. Maximum percentage for banks, savings and loans, or government insured loans, is set by statute.

Loss Payable Clause -- A clause in a fire insurance policy, listing the priority of claims in the event of destruction of the property insured. Generally, a mortgagee, or beneficiary under a deed of trust, is the party appearing in the clause, being paid to the amount owing under the mortgage or deed of trust before the owner is paid.

M.A.I.(Member Appraisal Institute) -- The designation given to a member of the American Institute of Real Estate Appraisers. A designation earned through experience, education and examination.

Maintenance Fee -- As applied to condominiums and planned developments, the amount charged each unit owner to maintain the common area. Usually a monthly fee paid as part of the budget.

Management Fee -- The amount paid for property management or the estimated value of such management if owner managed or the building is not yet built.

Marketable Title -- Title that can be readily marketed (sold) to a reasonably prudent purchaser aware of the facts and their legal meaning concerning liens and encumbrances.

Market Value -- The highest price a willing buyer would pay and a willing seller accept, both being fully informed, and the property exposed for a reasonable period of time. The market value may be different from the price a property can actually be sold for at a given time.

Mechanic's Lien -- A lien created by statute for the purpose of securing priority of payment for the price or value of work performed and materials furnished in construction or repair of improvements to land, and which attaches to the land as well as the improvements.

Metes and Bounds -- Description of land by boundary lines, with their terminal points and angles. Originally metes referred to distance, bounds to direction; contemporarily, the words have no individual meaning of practical significance.

Mineral Rights -- The ownership of the minerals (coal, gold, iron, etc.) under the ground, with or without ownership of the surface of the land.

Minerals -- In real estate terms, those minerals of value which may be taken by mining, such as coal, iron, copper, gold, silver, etc. Mineral rights, as well as oil rights, may be sold or leased separately from the land itself.

Mobile Home -- Originally, a trailer pulled behind a car or truck cab. Now includes large homes, which are not truly mobile but are constructed in the same manner as trailers, as opposed to conventional on-site construction.

Monument -- A visible, permanent object, marked by a surveyor, to indicate the boundaries of land. May be artificial, such as post, or natural, such as a tree or large stone.

Mortgage -- (1) To hypothecate as security, real property for the payment of a debt. The borrower (mortgagor) retains possession and use of the property. (2) The instrument by which real estate is hypothecated as security for repayment of a loan.

Mortgage Banker -- A company providing mortgage financing with its own funds rather than simply bringing together lender and borrower, as does a mortgage broker. Although the mortgage banker uses its own funds, these funds are generally borrowed and the financing is either short term or, if long term, the mortgages are sold to investors (many times insurance companies) within a short time, in general mortgage.

Mortgage Broker -- One who, for a fee, brings together a borrower and lender, and handles the necessary applications for the borrower to obtain a loan against a real property by giving a mortgage or deed of trust as a security. Also called a loan broker.

Mortgage Company -- A company authorized to service real estate loans, charging a fee for this service.

Mutual Water Company -- A company in which the owners are the customers. Stock is issued to the users, who are the organizers of the company.

NAR (National Association of REALTORS®) -- An association of people engaged in the real estate business. Organized in 1908, it currently lists over half a million members. With headquarters in Chicago, it is dedicated to the betterment of the real estate industry through education, legislation, and high ethical standards for its members.

Negative Cash Flow -- When the income from an investment property does not equal the usual expenses, the owner must come up with cash each month to meet these expenses.

Non Exclusive Listing -- A listing under which the real estate broker has an exclusive listing as opposed to other agents, but the owner may sell the property without using an agent, and not be liable to pay a commission. Also called an agency agreement.

Non Judicial Foreclosure Sale -- Sale by a trustee under a deed of trust, or mortgage under a power of sale of a mortgage. There is no court (judicial) proceeding.

Notary Public -- One who is authorized by the state or federal government, to administer oaths, and to attest to the authenticity of the signatures. A federal authorization may extend the authority to attest to the authenticity of certain documents, and to act as a notary in foreign countries.

Notice of Action -- A recorded notice that property may be subject to a lien, or even that the title is defective, due to pending litigation. Notice of a pending suit. Also called "Lis Pendens".

Notice of Completion -- A notice, recorded to show that construction job is finished. The length of time in which a mechanic's liens may be filed depends upon when and if a notice of completion is recorded.

Notice of Default -- A notice is filed to show that the borrower under a mortgage or deed of trust is in default (behind on the payments).

Offer -- A presentation of proposal for acceptance, in order to form a contract. To be legally binding, an offer must be definite as to price and terms.

Off-Site Improvements -- Development of land to make adjacent property suitable for construction. Includes sidewalks, curbs, streets, sewers, streetlights, etc.

Open House -- A house which is open without appointment to prospective buyers (or tenants) for inspection, during certain hours and days of the week.

Open Listing -- A written authorization to a real estate agent by a property owner, stating that a commission will be paid to the agent upon presentation of an offer which meets a specified price and terms. However, the agent has no exclusive right to sell and must bring in his offer before any other offer is presented or accepted.

Origination Fee -- A fee made by a lender for making a real estate loan. Usually a percentage of the amount loaned, such as one percent.

Owner's Policy -- Title insurance for the owner of the property, rather than a lien holder.

Owner will carry mortgage -- A term used to indicate that the seller is willing to take back a purchase money mortgage.

Parcel 2 Easement -- A colloquial term used to describe an appurtenant easement of the dominant tenement, because the easement is described in the legal description. Usually, the property is described as parcel 1 and the easement as parcel 2.

Parcel Map -- A map allowed in some states as a substitute for a subdivision map for 1 to 4 parcels (lots) with no common area. The procedure is much simpler and less costly than creating subdivision map.

Peroration -- To divide (prorate) property taxes, insurance premiums, rental income, etc., between buyer and seller proportionally to time of use or the date of closing.

PI (Principal and Interest) -- Used to indicate what is included in a monthly payment on real property. If the payment includes only principal and interest, property taxes and hazard insurance would make the total payment higher.

PITI (Principal, Interest, Taxes and Insurance) -- Used to indicate what is included in a monthly payment on real property. Principal, interest, taxes and insurance are the four major portions of a usual monthly payment.

Planned (Unit) Development -- A subdivision of five or more individually owned lots with one or more other parcels owned in common or with reciprocal rights in one or more other parcels. The lots are generally small, being the exact size of the improvements, or slightly larger.

Point of Beginning (POB) -- A term used in metes and bounds descriptions. The description will start with the words "Beginning at a point" and end with "to the point of the beginning".

Power of Attorney -- An authority by which one person (principal) enables another (attorney in fact) to act for him. (1) General power -- Authorizes sale, mortgaging, etc. of all property of the principal. Invalid in some jurisdictions. (2) Special Power -- Specifies property, buyers, price and terms. How specific it must be varies in each state.

Preliminary Title Report -- A report showing the condition of title before a sale or loan transaction. After completion of the transaction, a title insurance policy is issued.

Prepayment Penalty -- A penalty under note, mortgage, or deed of trust, imposed when the loan is paid before it is due.

Prescriptive Easement -- The granting of an easement by a court, based on the presumption that a written easement was given (though none existed), after a period of open and continuous use of land.

Private Mortgage Insurance -- Insurance against a loss by a lender in the event of default by a borrower (mortgagor). The insurance is similar to insurance by a governmental agency such as FHA, except that a private insurance company issues it. The premium is paid by the borrower and is included in the mortgage payment.

Pro Rate -- To divide in proportionate shares, such as taxes, insurance, rent or other items which buyer and seller share as of the time of closing, or other agreed upon time.

Public Records -- Usually at a county level, the records of all documents, which are necessary to give, notice. The records are available to the public. All transactions for real estate sales should be recorded.

Public Report -- A report given to prospective purchasers in a new subdivision, stating the conditions of the area (costs of common facilities, availability of schools, noise factor if near an airport, etc.) issued by the real estate commission.

Purchase Agreement -- An agreement between a buyer and seller of real property.

Quitclaim Deed -- A deed operating as a release; intended to pass any title, interest, or claim, which the grantor may have in the property, but not containing any warranty of a valid interest or title in the grantor.

Range -- (1) A division of land in the government survey, being a six mile wide row of townships, running North and South, and used in legal descriptions. (2) Land used for grazing livestock.

Real Estate -- (1) Land and anything permanently affixed to the land, such as buildings, fences and those things attached to the buildings, such as light fixtures, plumbing and heating fixtures, or other such items that would be personal property if not attached. The term is generally synonymous with real property, although in some states a distinction may be made. (2) May refer to rights in real property as well as the property itself.

Real Estate Board -- A state license granted to one as a broker or salesperson, after passing an examination. Some states have educational requirements before the brokers' examination may be taken.

Real Estate Owned (REO) -- Most commonly refers to property owned by a lender from foreclosure of mortgages or trust deeds. The property is usually for sale.

REALTOR® -- A designation given to a real estate broker or sales-associate who is a member of a board associated with the National Association of Realtors® or with the National Association of Real Estate Boards.

Recital -- Setting forth in a deed or other writing some explanation for the transaction. For example: A deed may state that the property is being transferred in lieu of foreclosure.

Reconveyance -- An instrument used to transfer title from a trustee to the equitable owner of real estate, when title is held as collateral security for a debt. Most commonly used upon payment in full of a trust deed. Also called a deed of reconveyance or release.

Recordation -- Filing instruments for public record (and notice) with a recorder (usually a county official).

Recorded Map -- A map recorded in a county recorder's office. May be a subdivision map or describe a non-subdivided parcel. Reference to a recorded map is commonly used in legal descriptions.

Recorded Plat -- Subdivision map filed as a matter of public record.

Recorder's Office -- The county office where instruments are recorded, giving public notice.

Recording -- Filing documents affecting real property as a matter of public record, giving notice to future purchasers, creditors, or other interested parties. Recording is controlled by statute and usually requires the witnessing and notarizing of an instrument to be recorded.

Recording Fee -- The amount paid to the recorder's office in order to make a document a matter of public record.

Referral -- In real estate business, generally the act of a past client recommending a real estate broker or agent to one currently a buyer or seller. Also, any recommendation by one real estate agent of another for a referral fee.

Refinance -- (1) The renewing of an existing loan with the same borrower and lender. (2) A loan on the same property by either the same borrower or lender. (3) The selling of loans by the original lender.

Regulation Z -- Federal Reserve regulation issued under the Truth-In-Lending Law, which requires that a credit purchaser be advised in writing of all costs connected with the credit portion of the purchase.

Reinstatement -- (1) Payment of a note, mortgage, deed of trust, etc., to bring it from default to good standing. (2) Restoring the previously used entitlement of a veteran to enable the veteran to purchase property under a VA program. (Also called restoration of Eligibility).

R.E.I.T.(Real Estate Investment Trusts) -- A method of investing in real estate in a group, with certain tax advantages. Federal and state statutes dictate procedure.

Release -- An instrument releasing property from the lien of the mortgage, judgment, etc. When a trust deed is used, the instrument is called a reconveyance. In some areas, a "discharge" is used instead of a release.

Request for Reconveyance -- A request by a beneficiary under a deed of trust to the trustee, requesting the trustee to reconvey the property (release the lien) to the trustor, usually upon payment in full.

RESPA (Real Estate Settlement Procedures Act) -- A federal statute effective June 20, 1975, requiring disclosure of certain costs in the sale of residential (one to four family) improved property which is to be financed by a federally insured lender.

Restriction -- Most commonly used to describe a use or uses prohibited to the owner of land. Restrictions are set forth by former owners in deeds or in the case of a subdivision, a declaration of restrictions is recorded by the developer. A limitation on use of the property by law (zoning ordinances) may also be termed a restriction.

Revenue Stamps -- Formerly federal tax on sale of real property. Canceled and replaced by state tax stamps. The stamps (similar to postage stamps) are affixed to the conveyance instrument (deed), or a rubber stamp is used to show the amount of tax.

Right of Survivorship -- The right of a survivor of a deceased person to the property of said deceased. A distinguishing characteristic of a joint tenancy relationship.

Right of Way -- A strip of land, which is used as a roadbed, either for a street or railway. The land is set aside as an easement or in fee, either by agreement or condemnation. May also be used to describe the right itself to pass over the land of another.

Riparian -- Belonging or relating to the bank of a river or stream. Land within the natural watershed of a river or stream.

Riparian Owner -- One who owns land along the bank of a river or stream.

Riparian Rights -- Rights of an owner to riparian lands and water.

Rollover Loan -- A loan, which is periodically reviewed, adjusted (usually to reflect current interest rates) and extended. Short term loans can be rolled over into long term loans. The process is by initial agreement or necessity.

Running with the Land -- Usually concerned with easements and covenants. Passing with the transfer of the land.

Sales-Associate -- One who is licensed to work in real estate under a licensed broker.

Sales Kit -- Material carried by a salesperson to aid in listings and sale. This is the "tool kit" of real estate, containing forms, maps, tape measure, amortization schedules, pens, paper, etc.

Satisfaction -- Discharge of an obligation by payment of the amount due, as on mortgage, trust deed, or contract; or payment of a debt awarded, such as satisfaction of a judgment. Also the recorded instrument stating said payment has been made.

Secondary Financing -- A loan secured by a mortgage or trust deed, which lien is junior (secondary) to another mortgage or trust deed.

Secondary Mortgage Market -- The buying and selling of first mortgages or trust deeds by banks, insurance companies, government agencies, and other mortgagees. This enables lenders to keep an adequate supply of money for new loans. The mortgages may be sold at full value (par) or above, but are usually sold at a discount. The secondary mortgage market should not be confused with second mortgage.

Second Mortgage -- A mortgage which ranks after a first mortgage in priority. Properties may have two, three or more mortgages, deeds of trust, or land contracts, as liens at the same time. Legal priority would determine whether they are called a first, second, third, etc. lien.

Selling Agent -- The real estate agent obtaining the buyer rather than listing the property. The listing and selling agent may be the same person or company.

Settlement Statement -- A statement prepared by broker, escrow, or lender, giving a complete breakdown of costs involved in a real estate sale. A separate statement is prepared for the buyer and seller.

Sheathing -- The covering over the outside studs (or rafters) of a roof. May be wallboard, plywood, etc.

Short Form Document -- A document which refers either to another document not of record containing the total agreement, or incorporates by reference a document of record.

Simultaneous Issue -- A simultaneous issuance by a little insurance company of policies insuring both an owner and a lender. The Lender's policy is issued at a reduced rate.

Single Family House -- A general term originally used to distinguish a house designed for use by one family from an apartment house. More recently, used to distinguish a house with no common area from a planned development or condominium.

Slant Drilling -- A method of drilling for oil or gas from adjoining property when surface rights have not yet been granted.

Special Assessment -- Lien assessed against real property by a public authority to pay costs of public improvements (sidewalks, sewers, streetlights, etc.) which directly benefits the assessed property.

Spite Fence -- A fence built for the purpose of causing a problem for one's neighbor. May ruin the view, make access of a new vehicle, etc., or simply ugly.

Square Foot Method -- Determining the replacement cost of a building by finding the cost per square foot of comparable building.

Standard Coverage Policy -- A title insurance policy used in several states, not having as broad coverage as the nationally recognized American Land Title Association (A.L.T.A.) policies.

Start Card -- A file card used as a record of the opening of an escrow. It lists the date the escrow opened, escrow number, name of escrow officer, names of parties to the escrow, lender, title company, legal description of the property, consideration, and type of transaction (sale, loan, etc.).

Starter -- A copy of the last policy issued by a title insurer, which describes the condition of the title to land upon which a new policy is to be written. In some states this is furnished to an attorney for his opinion as to the condition of the title, and is called a back title letter or back title certificate.

Statement of Information -- A confidential form filled out by buyer and seller to help a title company determine if any liens are recorded against either. Very helpful when people with common names are involved. Also called a statement of identity.

Statute of Frauds -- State laws, requiring certain contracts to be in writing. All contracts for the sale of real property must be in writing. Leases (personal property) for more than one year must be in writing.

Statutory Lien -- An involuntary lien (created by law rather than contract). Includes tax liens, judgment liens, mechanic's liens, etc.

Street Improvement Bonds -- Interest bearing bonds, issued by a local government, to secure assessments for street improvements. The owners of the property assessed may pay in a lump sum or pay installments on the bonds, including interest.

Strip Center -- Any shopping area, generally with common parking, comprised of a row of stores. Usually does not contain major department stores or grocery chain stores.

Studs (Studding) -- Vertical supports (wood or metal) in walls and partitions.

Subcontractor -- One who works under a general contractor (builder), such as an electrical contractor, cement contractor, etc.

"Subject To" Clause -- A clause in deed, stating that the grantee takes title "subject to" an existing mortgage. The original mortgagor is alone responsible for any deficiency, should there be foreclosure of the mortgage. Differs from an "assumption" clause, whereby the grantee "assumes" and agrees to pay the existing mortgage.

Subordination Agreement -- An agreement by which an encumbrance is made subject (junior) to a junior encumbrance. For example: A loan on vacant land is made subject to a subsequent construction loan.

Substitution Agreement -- A document which is recorded to change the trustee under a deed of trust. A simple procedure in some states; more regulated in others.

Surface Rights -- The rights (easements) to use the surface of the land, including the right to drill or mine through the surface when subsurface rights are involved.

Take Out Loan -- The "permanent" (long term) financing of real estate after completion of construction.

Tax Deed -- (1) Deed from tax collector to government body after a period of non-payment of taxes according to statute. (2) Deed to a purchaser at a public sale of land taken for delinquent taxes. The purchaser receives only such title as the former owners had, and strict procedures must be followed to prevent attachment of prior liens.

Tax Lien -- (1) A lien for nonpayment of property taxes. Attaches only to the property upon which the taxes are unpaid. (2) A federal income tax lien. May attach to all property of the one owing the taxes.

Tax Roll -- A list, usually published by a county, containing the descriptions of all parcels in said county, the names of the owners (or those receiving the tax bill), the assessed value and tax amount.

Tentative Map -- A map submitted by a subdivider to a planning commission for approval; approval is usually conditioned upon charges. The final map, embodying the changes, is recorded.

Testate -- Having written a last will and testament.

Title Company -- An agency issuing the policy of a title insurance company.

Title Insurance -- Insurance against loss resulting from defects of title to a specifically described parcel of real property. Defects may run to the fee (chain of title) or to encumbrance.

Title Insurance Company -- A company which issues insurance regarding the title of real property.

Title Order -- An order for a search of title to some parcel of property, eventually leading to the issuance of a policy of title insurance.

Title Page -- The page in a subdivision map which is signed by all parties having an interest in the land, agreeing to the subdivision.

Title Plant -- A filing of all recorded information to real property, paralleling the records of the county recorder's office, although the filing system may be different.

Title Search -- A review of all recorded documents affecting a specific piece of property to determine the present condition of the title.

Tombstone Title -- Information to validate title taken from tombstones, such as the death of the owner, date of death, names of survivors, etc.

Torrens Title -- A system by which title to land is registered with a registrar of land titles, instead of being recorded. Originally established by Sir Torrens in Australia in 1858.

Transfer Tax -- State tax on the transfer of real property. Based on purchase price or money changing hands. Check statutes for each state. Also called the documentary transfer tax.

Underwriter -- One who insures another. A small title insurance company may buy insurance from a larger one (the underwriter) for all or part of the liability of its policies. A larger title company may buy part of the insurance from another company on high liability policies.

Unity of Title -- In joint tenancy, the holding by the joint tenants under the same title.

Unmarketable Title -- Not salable. A title which has serious defects.

Unrecorded Instrument -- A deed, mortgage, etc., which is not recorded in the county recorder's office and, therefore, not protected under recording statutes. Valid between the parties involved, but not against innocent third parties.

Variable Interest Rate -- An interest rate which fluctuates as the prevailing rate moves up or down. In mortgages there are usually maximums as to the frequency and amount of fluctuation. Also called "flexible interest rate".

Vested -- Present ownership rights, absolute and fixed. Modernly, ownership rights, even though on a land contract or subject to a mortgage or deed of trust.

Veteran's Administration (VA) Loans -- Housing loans to veterans by banks, savings and loans, or other lenders which are insured by the Veteran's Administration, enabling veterans to buy a residence with little or no down payment.

Voluntary Lien -- A lien placed against real property by the voluntary act of the owner. Most commonly, a mortgage or deed of trust.

Warranty Deed -- A deed used in many states to convey fee title to real property. Until the widespread use of title insurance, the warranties by the grantor were very important to the grantee. When title insurance is purchased, the warranties become less important as practical means of recovery by the grantee for defective title.

Wetlands -- Lands which, in their normal condition, have wet or spongy soil, such as a marsh or bog.

**TENNESSEE CODE SECTIONS
WHICH MAY APPLY TO DOCUMENTS
RECORDED WITH THE REGISTER
OF DEEDS OFFICE**

General:

Duties of office. TCA 8-13-108

Records open to public inspection. TCA 10-7-503

Confidential records. TCA 10-7-504

Social Security Numbers on documents. TCA 10-7-515

Illegible documents. TCA 66-24-101(b)

Document must be submitted in English. TCA 66-24-101(c)

Documents must have current derivation clause. TCA 66-24-110

If no preceding instrument the document must recite the code 66-24-110 (a)(4)

Property identification map. TCA 66-24-113(c)

Name & address of preparer of instrument. TCA 66-24-115(a)(1)

Acknowledgements:

Signature by mark or symbol. TCA 1-3-105(30)

Online notarization procedures. TCA 8-16-310

Documents must be notarized or witnessed by two (2) witnesses for validity. TCA 66-22-101 & 66-22-115

Persons authorized to notarize. TCA 66-22-102

Form of Notary Acknowledgment-Individual. TCA 66-22-107

Form of Notary Acknowledgment-Corporate. TCA 66-22-108

Acknowledgements. TCA 66-22-114

Certificate of acknowledgment from another state –No notary seal required in some states, ok to record in TN. TCA 66-22-115 (a) (2)

Where property is in two counties the document must be recorded in both.
TCA 66-24-103 (106)

Electronic Filing:

Certificate of Authenticity for each electronic filed document.
TCA 66-24-101(d)(3)

Fees:

Register to adopt policy regarding overages. TCA 8-13-111

Recording Fees-General. TCA 8-21-1001

Data Processing Fees. TCA 8-21-1001(g)(1)

Electronic Filing Fees. TCA 8-21-1001(j)(1) The register shall waive & exempt all electronic filing submission fees authorized for government documents filed by local, state, or federal government entities.

The \$2.00 electronic filing fee was adopted for Hamilton County by Resolution 813-5 on August 7.2013

Charge/Debit cards allowed-passed 5-9-2000. TCA 9-1-108

Electronic access to county government information fees. TCA 10-7-123

State & Federal Credit Unions exempt from tax. TCA 45-4-803

Documents:

Affidavit of Affixation:

Manufactured home affixed to real property. TCA 55-3-138.

Affidavit of Heirship:

Recording Affidavit of Heirship documents. TCA 30-2-712

Affidavit of Scrivener's Error:

To attach a document including a document previously recorded with corrections made by the affiant with such affidavit. TCA 66-24-101(a)(27)

Bonds:

Bond to indemnify against recorded lien – Recording Bond – Recording of contractors payment bond. TCA 66-11-142 (Bond to Discharge Lien)

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

Charters:

Charter recording fees. TCA 48-11-303(d)

Deeds:

Tax deeds and decrees of redemption-TAXABLE. TCA 26-5-113

Disclaimer of property interest/Renunciation-NOT TAXABLE. TCA 31-1-103

Forms of conveyances. TCA 66-5-103

Deeds are not valid unless notarized/witnessed and registered in County where property lies. TCA 66-5-106

Effective date of conveyance. TCA 66-5-109

Exempt property transfers. TCA 66-5-209

Source of title. TCA 66-24-110(a)

Name and address of new owners and name and address to which tax bills are to be mailed must be on document. TCA 66-24-114

Documents must state the name of the person or firm who prepared them for recording. TCA 66-24-115

Parcel identification number or affidavit required on deed. TCA 66-24-122

Probate fee amounts. TCA 67-4-409

Conveyance must state consideration or value, whichever is greater.
TCA 67-4-409(a)(1)

No transfer tax shall be due or paid on the transfer of a leasehold estate.
TCA 67-4-409(a)(2)

No transfer tax is collected creation or dissolution of tenancy by the entirety from one spouse to the other. TCA 67-4-409(a)(3)(A)

No transfer tax is collected to deeds that release a life estate to the beneficiaries of the remainder interest. TCA 67-4-409(a)(3)(C)

No transfer tax is collected to deeds executed by an executor or implements a testamentary devise. TCA 67-4-409(a)(3)(D) (Executor Deed)

No transfer tax is collected to domestic settlement decrees, domestic decrees, or deeds which are an adjustment of property rights between divorcing parties.
TCA 67-4-409(a)(3)(E)

No transfer tax is collected transferring of real estate to a revocable living trust, if the transferor is the trustee of the trust or by a spouse of the transferor.
TCA 67-4-409(a)(3)(F)

Quitclaim deeds taxable on the amount shown in the oath of consideration. TCA 67-4-409(a)(4)

No oath of value shall be required in any transaction that is exempt from tax. TCA 67-4-409(a)(5)

Signature for the oath of consideration. TCA 67-4-409(a)(6)(A)

Deed of Trusts:

Fixture Filing needs to state that it is to be filed in the real property records.
TCA 47-9-502(b)(2)

Fixture filing must show the description of the property on the face of the

document. TCA 47-9-502(b)(3)

Fixture filing must be indexed under the name of the original debtor.

TCA 47-9-508(a)

Financing Statement effectiveness; effect of lapsed time. TCA 47-9-515

Fees collected for recording Fixture filings. TCA 47-9-525

\$15.00 per name indexed Debtor/Record owners if cited. TCA 47-9-525(b)

Trustee on Deed of Trust. TCA 66-5-103(4)

Deeds of Trust are not valid unless notarized/witnessed and registered in County where property lies. TCA 66-24-104

Amount of indebtedness must be stated on documents. TCA 67-4-409(b)(5)(C)

Principal debt is taxable, interest is not. TCA 67-4-409(b)(5)

Property partially within Hamilton County & another county, debt tax calculation. TCA 67-4-409(b)(7)(A)

Increase in indebtedness shall pay the tax on the amount of increase. Such a payment shall be due on the date of the increase occurs, but may be made without penalty if made within sixty (60) days after the increase occurs. TCA 67-4-409(b)(8) Except as provided in subdivision (b)(8), if the holder of the indebtedness fails to pay within the sixty (60) days they are liable for a penalty, in addition to the tax, in the amount of \$250 or double the unpaid tax due, whichever is greater. TCA 67-4-409(b)(12)

No mortgage tax due on instruments pursuant to mergers, consolidations, sales or transfers of substantially all of the assets pursuant to plans of reorganization. TCA 67-4-409(e)

Home Equity Conversion Mortgage. TCA Title 47 Chapter 30.

Liens:

Lis Pendens filing of abstract effect of not filing. TCA 20-3-101

Validity of the lien. TCA 66-11-101

Lien for work & materials. TCA 66-11-180¹⁰²

Surveyors and Appraisers may file liens for services. TCA 66-11-117

Mechanics & Materialmen's Lien. TCA 66-11-145

Federal Tax Liens-Lien index, Lien books and filing of notices. TCA 66-21-202

Federal Tax Liens-Discharge. TCA 66-21-204

Federal Tax Liens no acknowledgement required. Rev. Rul. 71-466, 1971-2 C.B. 409

Master Deeds:

Horizontal Property Regime. TCA 66-27-103

Recording Master Deeds. TCA 66-27-107

Recording Declarations. TCA 66-27-305 (The word CONDOMINIUM has to be in the title)

Military Discharge:

Recording of military discharge documents. TCA 8-13-118

No Fee Charged. TCA 8-21-1001(b)(1)

Request for removal of military discharge form (amended). TCA 10-7-513

Notice:

Deed endorsements regarding deposit of hazardous waste definitions. TCA 66-24-118

Notice of Completion:

Notice of completion after improvements or demolition. TCA 66-11-143

Date of Completion. Any notice of completion registered as herein provided before completion of the improvement or/ demolition is VOID and of no effect whatsoever. TCA 66-11-143(f)

Partnerships:

Partnership recording fees. TCA 61-2-206(b)

Plats:

Plat recording fees. TCA 8-21-1001(b)(2)

Plats for less than 5 acres to be signed. TCA 13-3-401 & 13-3-402

Regional Planning commission platting authority Recording plat by county register. TCA 13-3-402

Plats must be submitted to the planning commission for approval.
TCA 13-3-403

Submission of subdivision plats to commission for approval filing & recording.
TCA 13-4-302

Plats must be signed, sealed and state name of surveyor. TCA 66-24-116

Name, address and license number of surveyor required on certain instruments.
TCA 66-24-121

Releases:

Release of lien must state original file reference numbers. TCA 66-24-110

Release of lien required from holder of note. TCA 66-25-101

Penalty for failure to release. TCA 66-25-102

Trusts:

Capacity of settler of revocable trust. TCA 35-15-601

Revocation or amendment of revocable trust. TCA 35-15-602

UCC's:

UCC's filed with Secretary of State in Nashville (8/8/2001)

Fees collected for recording UCC filings. TCA 47-9-525

\$15.00 per name indexed Debtor/Record owners if cited 47-9-525 (b)

DISCLAIMER

The intent of this manual is solely to be used as a document recording guide. Any company or person is welcome to use this manual as a guide for checking documents. Please note that the original documents presented for recording would be subject to a Register's recording clerk checking those documents.

It is always wise to have a licensed Tennessee attorney prepare any real estate documents that will be filed in the Hamilton County Register's office.

The Register's office may not prepare documents or perform title searches, as we are neither bonded or licensed attorneys.

It is our hope that this guide will help you avoid rejected documents, by reflecting the proper information required for documents to be recorded.

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