

REQUIREMENTS FOR INSTRUMENTS OF CONVEYANCE IN GREENE COUNTY, OHIO

All instruments conveying an interest in real property that are subject to O.R.C. 319.20, including all court orders and certificate of transfers, shall contain the following:

- (A) Instruments Shall Conform to Law
 - a. All deeds and other instruments conveying an interest in real property shall conform to the laws of the State of Ohio.
- (B) Original Document
 - a. The instrument must have the original signature of the grantor or affiant. Certificate of Transfer and other court ordered transfers must bear the signature of the presiding judge and show it has been filed with the Clerk of Courts, or be a certified copy of the journal entry.
- (C) Physical Quality of the Document
 - a. No instrument will be accepted which has been previously identified as a "Poor Original" or has taped, stapled or pasted portions attached thereto.
 - b. Authors are advised to follow the current Recorder's guidelines established by O.R.C. 317.114 to avoid additional recording fees. The application of additional fees will not apply to documents as set forth in O.R.C. 317.114 (B) & (C).
 - c. All instruments must be typewritten. Documents that have been handwritten, or have had handwritten numbers inserted on an original document to be transferred, will not be accepted.
 - d. Documents will not be accepted that contain any type of watermarked images.
- (D) Identification of Interest Conveyed
 - a. The instrument shall clearly identify the interest in the real property being conveyed.
- (E) Conveyance of Interest Involving Power of Attorney and Memorandum of Trust
 - a. Power of Attorney needs to state Volume and Page or Instrument number where it is recorded as required by O.R.C. 1337.04.
 - b. Memorandum of Trust needs to state Volume and Page or Instrument number where it is recorded as required by O.R.C. 5301.255, or by O.R.C. 5302.171 when it is an Affidavit for successor trustee.
- (F) Reference to Prior Instrument of Record
 - a. A reference to the volume and page or instrument number of the immediately preceding recorded source by or through which the grantor claims title as required by O.R.C. 319.20.
- (G) Tax Mailing address of Grantee

- a. A statement containing the complete tax mailing address of the person, persons or institution responsible for paying taxes for the transferred parcel(s).

(H) Parcel Numbers

- a. Instruments of Conveyance shall denote the Parcel Number(s) assigned by the Auditor.

(I) Sufficiency of the Legal Description

- a. The description of land must allow the County Auditor and County Engineer to unambiguously identify the real property being transferred. Descriptions containing clerical errors that do not affect these office's ability to identify the property will be accepted provided the clerical errors can be corrected upon the face of the instrument. Corrections made to an existing description shall be notated on the instrument so that the changes will be fully documented.

b. Description of Tax Parcels

i. Requirements for Recorded Lots of Record

- i. All instruments conveying a recorded lot in a municipality or recorded subdivided area shall designate the lot number(s), the official recorded name and the plat cabinet and page reference, along with the original plat book and page, if applicable.
- ii. Any out-lot or portion of a recorded lot must have an accurate description to establish a tax structure for the portion being conveyed, so as to enable the County Offices to determine the remainder or balance left, based on the current Tax Maps and Parcel Numbers.
- iii. Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have a metes and bounds description.

ii. Requirement for Existing Metes and Bounds Descriptions of Record

- i. All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer.
- ii. Any existing metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.
- iii. All existing metes and bounds descriptions of record, which do not alter the current tax structure of a parcel(s) will be check by the Tax Map Department to verify and identify the tax parcel(s). The descriptions will also subject to a mathematical closure verification to ensure a minimum closure error 1:10,000 measure in feet.
- iv. All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which out-lots or exceptions to title exist must incorporate the following requirements:

- a. Beginning with the effective date of this document, a total of three (3) exceptions will be allowed. If a property has a previously recorded legal description that contains greater than three (3) exceptions, the legal description will be “Conditionally Approved” for this transfer, and be stamped as such.
 - b. Each out-lot or exception of the original tract(s) must be described verbatim, along with the prior recorded deed reference.
 - c. Each documented exception must recite the “Situating” clause and its recorded source by which it can be readily verified.
 - d. Instruments of conveyance using exceptions to title to convey the balance or remainder of a tax parcel(s) shall incorporate a statement identifying the tax parcel(s) and district to be conveyed, and the current taxable area as witnessed by the Auditor’s tax duplicates for the subject conveyance. (i.e., “it is the intent of this instrument to convey all of Tax Parcel(s) number, containing acreage or footage, as shown by the Greene County Auditor.”)
 - e. It is not the intent that all easements and restrictions are to be recited unless they are on the previous instrument or readily available.
 - v. Condominium Unit
 - a. A condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration pursuant to O.R.C. 5311.10 and as denoted on the recorded source.
- iii. Requirements for New Metes and Bounds Descriptions for Conveyance**
- i. All new metes and bounds descriptions must conform to the “Minimum Standards for Boundary Surveys in the State of Ohio”, per Chapter 4733-37 of the Ohio Administrative Code, and must incorporate the following:
 - a. Situating
 - i. Must denote State, County, Political Township or Municipality (whichever is applicable). It must also denote the Section, Township and Range, or the Virginia Military Survey Number(s).
 - ii. Must denote recorded title and deed reference as to the tract(s) of origination.
 - b. Place of Commencement
 - i. All descriptions must be referenced to an established, monumented, point of commencement (or beginning) such as, but not limited to, intersections of centerlines of streets or roads of record, PLSS section lines, Virginia Military Survey lines, PLSS section corners, Virginia Military

Survey corners or platted lot corners. A description of the monument used at the place of commencement shall be indicated.

c. Courses

- i. Each course of a new metes and bounds description should be a separate paragraph, and all courses must be stated in a clockwise direction from the point of beginning to the point of termination for the subject description.
- ii. Each course of a new metes and bounds description shall contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and decimal parts thereof.
- iii. Any course of a new metes and bounds description which is a curve must contain the description of the curve (left or right), the radius (in feet and decimal parts thereof), the delta angle, and the long chord bearing (expressed in degrees, minutes and seconds) and distance (expressed in feet and decimal parts thereof).
- iv. Each course must contain the names of current adjoining owners, along with the record of ownership.
- v. Each course must recite the monumentation, either placed or found, along each course, or at the point of origination and/or termination of each course.
- vi. Each course must indicate all other common lines such as centerlines of roads, rivers, streams, lot lines, PLSS section lines, Virginia Military Survey lines, corporation lines or any other pertinent lines of record.
 1. All references to roads, rivers, streams, railroads, etc. must use current or existing names of record. Old or original names should be recited when possible.

d. Acreage

- i. All new metes and bounds descriptions must give the acreage contained within its perimeter and calculated to at least the third decimal place. Calculated square footage may also be mentioned as an option. Areas shall be given for both the total area of the parcel and area in the road right of way.
- ii. Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the total acreage must be recited as to the entire description as required in each existing tax parcel to create an accurate tax structure.

e. Basis of Bearings

- i. All new metes and bounds descriptions shall contain a statement as to the basis of the reference direction used.
 - f. Author
 - i. All new metes and bounds descriptions must be prepared by a Professional Surveyor and incorporate the following:
 1. Surveyor's Name
 2. Ohio Registration Number
 3. The date of writing and/or survey
 4. A statement indicating whether the subject description was prepared from an actual field survey or from existing records.
 - ii. In a straight transfer, the author of the original description must be repeated in the current deed for transfer.
 - g. All new metes and bounds descriptions will be subject to independent computer verification as to the accuracy of the traverse closure of the area described, as per Section 4733-37-04 of the Ohio Administrative Code.
 - h. All new metes and bounds descriptions shall be accompanied by a signed plat of survey. Original stamped "Legally Sufficient as Described" legal description will be required at the time of first transfer.
 - i. All instruments containing new metes and bounds descriptions, which meet all the aforementioned requirements, will be stamped "Legally Sufficient as Described" and the proper notations will be made on the instrument of conveyance, verifying a correct tax structure to the County Auditor.
 - j. All splits less than five (5) acres must be approved by the Greene County Regional Planning and Coordinating Committee or the applicable Municipal Planning Commission after the approval of the Tax Map Department. If there is an overlap of review authority dealing with survey requirements the County Engineer's decision is final.
 - k. All splits lying within any unincorporated area of Greene County must also be accompanied by an "Access Permit" obtained through the County Engineer's Office, excepting properties that have frontage on a state route. Properties located on a state route may require an access permit through the Ohio Department of Transportation.
- iv. Requirements for Plats of Survey**
- i. All plats of survey shall conform to the "Minimum Standards for Boundary Surveys in the State of Ohio", per Section 4733-37 of the Ohio Administrative Code.

- ii. The surveyor shall prepare a scale drawing of every new metes and bounds description he or she has originated, and make available a copy of the drawing to be filed with the Greene County Engineer's Office.
- iii. The size of the plat of survey shall be in compliance with current recording standards of the Greene County Tax Map Department and Greene County Recorder's Office, with a title block containing the "GREENE COUNTY SURVEYOR'S RECORD No._____, PAGE_____".
- iv. All plat of survey drawings must incorporate the following details:
 - a. A situate, such that the general location of the subject survey can be readily identifiable. This requirement should include the same information as established by Section (I), 1, a. of the "Requirements New Metes and Bounds Descriptions for Conveyance".
 - b. A north arrow with a clear statement as to the basis of the reference direction used.
 - c. The control station(s) or starting point reference as cited in the deed description.
 - d. All monumentation either found or placed, as cited by the metes and bounds description, together with a legend of the symbols used to identify the subject monumentation showing the type, size and material for each. If all monuments are identified individually, no legend will be required.
 - e. All existing title and source of title of adjoining owners along each boundary line of the subject survey.
 - f. All boundary information for each course as established by the "Requirements for New Metes and Bounds Description".
 - g. A citation of pertinent documents and sources of data used as a basis for carrying out the work.
 - h. The graphic and written scale of the subject drawing.
 - i. If needed to properly locate the survey, a general vicinity map.
 - j. The acreage of each parcel created and how much acreage is being taken out of adjoining parcels, including the acreage (residue) even if over 10 acres shall be noted.
 - k. The Surveyor's printed and signed name, Ohio Registration Number, and reproducible stamp or seal, along with a surveyor's statement certifying that the plat was prepared in accordance with the Ohio Administrative Code 4733-37 and that all monumentation is or will be set as shown.
- v. **Easements**

Easements should be checked for the best interests of the grantor and grantee, so the parties involved may be advised as to any problems that

may be present. The following guidelines are suggested:

- i. Have the easement location accurately described.
 - a. Have the place of beginning (starting point) located on a retracable boundary line on a new or existing parcel of land.
- ii. Prepare description by one of the following methods:
 - a. By bearing and distance of each course.
 - b. By centerline description, such as "being a 20-foot-wide easement, 10 feet on each side of the following described centerline."
 - c. By dimension and area, such as "a 30-foot-wide strip of land adjacent to the east line of subplot Number 10 for the entire length of said east line, containing approximately 500 square feet."
- iii. Include a statement of intent for granting of the use of the easement.
- iv. Provide an adequate drawing depicting the easement.

vi. Land Contracts

- i. All land contracts shall be checked for conformance to known regulations which may be applicable upon final transfer. The Land Contracts should be checked to alert the parties involved of any possible problem which would arise at a future date when the property comes in for transfer. Land contracts are subject to Section XI, DEFECTIVE DESCRIPTIONS of the "Requirements for all Instruments of Conveyance in Greene County."
- ii. Bring the instrument to the Greene County Engineer's Tax Map Department for checking.
 - a. Have it checked for Minor Subdivision approval (if applicable).
 - b. Check the instrument for violation of description regulations.
- iii. Discuss any problems with Tax Map Department personnel.
- iv. Obtain appropriate stamp of approval from the Tax Map Department for recording.

vii. Transfer of Property Owned by a Partnership

- i. It is necessary, under Ohio law, that a document recording the forming of a partnership be first filed with the Ohio Secretary of State prior to any transfer of property from or to the partnership

viii. Acreage Change

- i. Whenever a probable error exists in the area of a parcel of land as shown on the Auditor's current tax rolls, the Engineer's Tax Map Department shall be presented with a recorded, signed and sealed plat of survey prepared by a registered surveyor correcting the error. The County Auditor will accept such changes, in writing, only from the Engineer's Tax Map Department or the appropriate court. A new deed

shall be prepared and recorded in accordance with the corrected survey prepared by a registered surveyor.

ix. Annexations

- i. All contents of an annexation petition should be presented to the Greene County Board of Commissioners, who will submit them to the proper review agencies for review. These agencies include, but are not necessarily limited to, County Engineer, County Prosecutor, Regional Planning and Coordinating Commission, County Auditor and City or Village officials.

x. Road, Street and Alleys

For the Engineer's Tax Map Department to properly serve the needs of the County Auditor's Office concerning the keeping of an accurate tax base, the Engineer's Tax Map Department must be informed of any road, street, or alley dedications or vacations by the responsible government agency.

- i. All descriptions and plats shall conform to **Section (I), b., iii, i, a. "Requirements for New Metes and Bounds Descriptions for Conveyance"** and **Section (I), b., iv, "Requirements for Plats of Survey"**.
- ii. All descriptions and plats shall be submitted to the County Engineer's Tax Map Department for preliminary approval.
- iii. Obtain ordinance or resolution approval from appropriate agency (County Commissioners and/or Township Trustees, City or Village) along with abutting property owners.
- iv. The ordinance or resolution shall be published according to law.
- v. Obtain final approval from the County Engineer's Tax Map Department.
- vi. Obtain transfer of parcel(s) from County Auditor.
- vii. Record appropriate certified documents with County Recorder's Office
 - a. Original petition
 - b. Legal Description and Plat
 - c. Ordinance/Resolution from County Commissioners/Township Trustees/ City or Village Council
 - d. Copy of publication notice

The dedication of a road, street or alley for public use does not constitute the acceptance of same for maintenance by the responsible government agency. Roads, streets or alleys must be constructed to the applicable standards of the responsible government agency before they can be formally accepted for maintenance purposes.

(J) Changes to Property Map

- a. Explanation: To consolidate parcels on the property maps and remove their separate lines of demarcation, certain procedures shall be followed. Each deed description may affect the deed description of adjoining properties and changes must be available for future reference in a clear and uninterrupted chain. Therefore, before parcel lines may be removed from the property map, the following procedure will be required (this applies to metes and bounds descriptions):
 - i. A plat drawing and legal description prepared by a registered professional surveyor showing the combined parcels as one parcel shall be submitted to the Engineer's Tax Map Department.
 - ii. The survey record and description shall be checked for compliance with local regulations and if accepted the plat shall be submitted to the Engineer's Tax Map Department and recorded in the survey records volume.
 - iii. The legal instrument must be filed with the County Auditor and recorded with the County Recorder.

Note: Changes to lots in recorded subdivisions will be by replat only, following the subdivision procedures.

(K) Deficient Descriptions

- a. The legal description shall be legally sufficient to allow the Engineer's Tax Map Department to specifically identify the land being transferred. If the legal description is discovered to have certain insufficiencies, it will be stamped with "New Survey Required For Next Transfer" on said legal description. This will allow for the immediate transfer of the property, but future transfers will not be allowed with the current, deficient legal description. All future transfers will require a new survey in compliance with the requirements for New Metes and Bounds Descriptions of Conveyance and Requirements for Plats of Survey.
- b. The Engineer's Tax Map Department will deem a legal description inadequate for future transfers in the following circumstances:
 - i. Inadequate or Invalid Point of Beginning.
 - ii. Vague and/or ambiguous language.
 - iii. More than Three (3) exceptions.
- c. Certain types of transfers will be accepted when the previous legal description has been stamped "New Survey Required For Next Transfer". These would include:
 - i. Transfers pursuant to a court order, i.e. Probate Court or Certificate of Transfer.
 - ii. Sheriff's Deed.

- iii. Auditor's Deed.
 - iv. Transfer is a completion of a previously recorded Land Contract containing the same legal description.
 - v. Transfer to immediate family members, with no money exchanged.
 - vi. Transfer with a signed letter from Professional Surveyor stating they are under contract to perform survey for new legal description and signed letter from a Real Estate Title Company or Attorney stating the new, approved legal description will be recorded once approved by the Engineer's Office. If these commitments are not met, no subsequent letters from Professional Surveyor, Real Estate Title Company or Attorney will be accepted.
- d. The corrections of scrivener errors, omissions, or other obvious mistakes may be recommended by the Engineer's Tax Map Department. These corrections shall not be construed to include rewriting of legal descriptions or exceptions and/or calculations of areas or missing bearings and distances. No form of visible correction shall be noticeable on the final document, i.e. "white out", crossing or "xxx"ing out, lining out any words or sentences, etc.