

**TRANSFER AND CONVEYANCE STANDARDS
OF THE GUERNSEY COUNTY AUDITOR
AND THE GUERNSEY COUNTY ENGINEER**

The following requirements are a revision, correction and amplification of the requirements contained in the resolution recorded on Pages 136 and 137 of the Commissioner's Journal, Guernsey County, Ohio, dated December 11, 1967 and hereby rescinded. Also, requirements adopted July 1, 1996 are hereby rescinded.

The following standards are now adopted and established in conjunction with the Guernsey County Engineer and the Guernsey County Auditor, as prescribed by ORC 319.203, effective on June 1, 2013.

INSTRUMENTS THAT NEED TO FOLLOW THESE STANDARDS:

Existing descriptions of record, all street alley, road and subdivision vacations, new surveys, subdivisions, road dedications, annexation descriptions and land contracts.

SECTION 1. Application of Transfer and Conveyance Rules.

The Auditor and Engineer may reject any conveyance that is not in compliance with the Ohio Revised Code or Administrative Code. These rules apply to any transfer and conveyance of an interest in real property made by conveyance, partition, devise, descent, court order, certificate of transfer, affidavit, or any other document that would cause any of the following:

- (A) Change in the Name of Owner(s) of Land.
Any document that creates, transfers, or terminates any interest in land or minerals that would cause the County Auditor to change the name of the owner of any one of the owners must be presented to the County Auditor under ORC 319.20:
- (B) Change in Description.
Any document that changes, corrects, or amends the description of any parcel of land must be presented to the County Auditor under ORC 5713.02:
- (C) Transfer of Interest that May Affect True Value:
Any document that creates, transfers, or terminates any interest in land that may affect the true value of a parcel for real property tax purposes must be presented to the County Auditor under ORC 5713.03.

SECTION 2. Special Transfers.

The following transfers are subject to special requirements:

- (A) Transfer by Affidavit of Next of Kin.
A transfer under the law of descent and distribution shall be made pursuant to affidavit under ORC 317.22.
- (B) Transfer of Survivorship Interest.
A transfer of a survivorship interest shall be made pursuant to ORC 5302.17, only upon certificate of transfer or upon affidavit, including a legal description, auditor's parcel number and certified copy of death certificate of the deceased joint tenant(s).
- (C) Transfer on Death Designation and Transfer on Death Confirmation Affidavits.
Pursuant to ORC 5302.22 and 5302.23, a Transfer on Death Designation Affidavit does not create a transfer, but must include a legal description and auditor's parcel number, this affidavit does not require an exemption form or transfer fee.

A Transfer on Death Confirmation Affidavit does create a transfer and must include a legal description and auditor's parcel number, this affidavit requires an exemption form, certified copy of death certificate and transfer fee.

(D) Transfer by Affidavit under ORC 5301.252.

A transfer of the name of the owner or any one of the owners may be made by affidavit pursuant to ORC 5301.252 (B) (1); the correction of a legal description may be made by affidavit pursuant to ORC 5301.252 (B) (4) and (B) (5); however, except in the case of the termination of a life estate or survivorship estate, no transfer shall be made by affidavit pursuant to ORC 5301.252 (B) (2) and (B) (3). Affidavits changing any dimensioning of tax parcels, street names or subdivision names shall be submitted to and approved by the County Engineer.

(E) Corrective Deeds

All corrective deeds shall explain, in the deed, the corrective action being taken, volume and page of the prior deed being corrected, and conform to the requirements of ORC 5301. An affidavit setting forth the facts which support the correction of the previously recorded deed may be required at the discretion of the Auditor.

SECTION 3. Specific Requirements for all Documents of Transfer.

All documents transferring an interest in real property that are subject to ORC 319.20, including all court orders and certificates of transfer shall contain all of the following:

(A) Reference to Prior Instrument of Record.

Each tract being conveyed shall reference the volume and page of the record of the last preceding recorded instrument or instruments by or through which the grantor claims title, as required by ORC 319.20.

(B) Tax Mailing Address of Grantee.

A statement of the complete tax mailing address of the grantee or any one of the grantees, as required by ORC 319.20.

(C) Identification of Interest Conveyed.

If a document being presented is conveying less than a full (100%) interest in the land or minerals, the lesser interest intended to be conveyed and transferred shall be clearly stated on the document. The Auditor may request written documentation outlining the designation of each owner's interest on multiple owner parcels.

(D) Instruments to Conform to Law.

All deeds and other instruments transferring an interest in real property shall conform to the laws of Ohio or to the law of the place where the instruments were executed.

(E) Document of Transfer shall include Parcel Number(s).

The document of transfer shall include the County Auditor's parcel number(s) of each parcel or lot being transferred at the conclusion of each parent tract.

(F) Legal Description.

All documents of transfer shall contain a legal description formatted to and sufficient in form and detail to comply with the detailed specification spelled out in Section 5 of this document and the specification established by and held to in the current revision of O.A.C. section 4733-37-06.

(G) Conveyance Forms.

No instrument(s) will be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX conveyance form. All forms must be typed or legibly printed.

(H) Multi-Parcel Transfers.

Multi-parcel transfers on a single instrument of transfer will only be accepted if the grantee(s) are identical and grantor(s) are identical for all described properties.

SECTION 4. Document Standards.

The County Auditor will approve no transfer unless the documents presented to the County Auditor meet all of the following requirements:

(A) Original Required.

The document of transfer must have original signature of the grantor or affiant. In most cases a copy of a court order will be accepted, but the copy must bear the signature of a judge and show on its face that it has been filed with the clerk of court or be a certified copy from the clerk of courts.

(B) Poor Original Not Accepted.

No document of transfer will be accepted which has attached to it a previously recorded document that is identified as "Poor Original" by the County Recorder.

(C) Illegible Writing.

No document of transfer will be accepted in which the document or attachment to it is illegible as determined by the County Auditor or County Engineer.

SECTION 5. Sufficiency of Description

(A) Identification

The description of land shall be sufficient to allow the County Auditor and County Engineer to identify the land that is being transferred. Typographical errors that do not affect the County Auditor or Engineer's ability to identify the property will be disregarded, but typographical errors that cannot be resolved will cause the disapproval of the transfer.

(B) Description of Surface Tax Parcels

All documents that transfer an ownership interest in a surface tax parcel shall contain one of the following types of descriptions:

(1) Platted Lot- A platted lot shall be described by its lot number or other designation and the name of the subdivision and volume and page as platted and recorded, as required by O.R.C. 711.101.

(2) Metes and Bounds Descriptions- Each new tract of land that is not a platted lot or condominium unit shall be described by a metes and bounds description prepared in accordance with O.A.C. 4733-37-06 minimum standards and the requirements set forth herein.

(C) Description of Mineral Tax Parcels

All documents that transfer an ownership interest in mineral rights shall contain the following:

(1) A metes and bounds, that is adequate to locate the perimeter, of the surface area under which the minerals are located, or a description identifying the parcel(s) as a specific quarter section or a fractional part thereof.

(2) Restatement of the total acreage after all exceptions.

- (3) A reference by volume and page to the document of record by which the transferor acquired title to the minerals. A copy of the source document must accompany the new instrument. (This copy is for informational purposes, and will not be recorded.)
- (4) A recitation of the current surface parcel numbers under which the minerals being transferred. *Example- "Within or underlying all or a portion of the following auditor parcel number(s):"*

SECTION 6. Breaks in the Chain of Title.

Because the County Auditor needs to determine the ownership of each tract, lot or parcel of real property and because the County Auditor maintains ownership history of each tax parcel:

- (A) Grantor is not Prior Grantee.
No transfer will be approved where a grantor is not a prior grantee, as shown on the current auditors records, unless the document itself or an affidavit that satisfies the requirements of ORC 5301.252 is provided to the County Auditor that explains to the County Auditor's satisfaction why there is a break in the chain of title. The County Auditor may also require additional evidence when necessary to establish the correct ownership of the property.
- (B) Change of Trustees of a Trust.
Upon death, resignation, removal, or other event terminating the appointment of a trustee, the successor trustee(s) must satisfy the requirements of either ORC 5301.255 or ORC 5302.171
 - (1) The filing of a Memorandum of Trust with the Recorder **will not** remove a trustee(s) name from the Auditor's tax records until an instrument containing a legal description is filed for record.
 - (a) The next instrument of record will need to reference the volume and page of the memorandum and recite the name and date of trust and the current trustee(s) title. i.e. sole trustee, co-trustee, etc.
 - (2) An Affidavit for Successor Trustee must include a legal description, auditor parcel number(s), and prior deed reference.
- (C) Minor Differences in Names.
Differences in the name of the grantor and a prior grantee based upon the inclusion or omission of middle names or initials, or different versions of first names (e.g. Charles, Charley), or due to change in name, and similar differences of a minor nature, must be explained in the document itself or an affidavit, as required by ORC 5301.252 (B) (1).

SECTION 7. Procedures for Transfer by the County Engineer.

Instruments submitted will be subject to the following procedures prior to their acceptance for transfer on the tax duplicates of Guernsey County, Ohio:

- (A) Description(s) that do not meet current requirements may transfer one time with a **RED STAMP** if that description can be located on a tax map. The stamp states "NEW DESCRIPTION NECESSARY FOR FUTURE TAX MAP TRANSFER", will be signed and dated by Guernsey County Map Department Personnel.
- (B) Descriptions transferring within the immediate family will transfer with a red stamp even if the prior description was red stamped. **(Immediate family includes: mother, father, son, daughter, grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law,**

son-in-law, father-in-law, mother-in-law, spouse, and grandchild.) Exceptions are not limited as in Section 9 B (4) "Transferring Existing Deed Descriptions of All Meets and Bounds Descriptions of Record".

- (C) Description(s) that meet current requirements will transfer with a **GREEN STAMP, DESCRIPTION APPROVED**" and will be signed and dated by Guernsey County Map Department Personnel.
- (D) Description(s) that are included on Transfer on Death Designation Affidavits will be stamped "DOCUMENT NOT APPLICABLE FOR TRANSFER, LEGAL DESCRIPTION NOT REVIEWED" and will be signed and dated by Guernsey County Map Department Personnel.
- (E) Description(s) that create new mineral parcels or that are located on mineral deeds will be stamped "DESCRIPTION AND CONVEYANCE OF MINERALS NOT VERIFIED FOR LOCATION OR OWNERSHIP" and will be signed and dated by Guernsey County Map Department Personnel.
- (F) Descriptions will be checked as promptly as possible. To avoid a delay, instruments of conveyance should be **SUBMITTED AT LEAST THREE DAYS PRIOR TO THE TRANSFER.**
- (G) The surveyors name, number and date of survey must be included on all instruments of conveyance.

It is understood that all situations not addressed by these requirements will be handled as special cases by the Guernsey County Engineer's Map Department.

SECTION 8. Minimum Description Requirements

The following requirements are through the joint efforts of the following counties: Athens, Guernsey, Meigs, Monroe, Morgan, Noble, Muskingum and Washington. Understand that all counties may have additional new survey and transfer requirements that pertain only to their individual county.

Descriptions/plats submitted shall conform to the requirements as set forth in the most current versions of the Requirements and Provisions of Chapter 711 and Sections 315.251, 319.203 of the Ohio Revised Code and The Minimum Standards for Boundary Surveying in the State of Ohio, Administrative Code Chapter 4733-37 plus the following requirements.

- (A) Transferring Existing Deed Descriptions of: "All Lots and Outlots" (Platted and Unplatted)
 - (1) Lots in platted areas which are shown on plats in the office of the County recorder shall be described by lot number, officially recorded name of addition or subdivision and with reference to a plat book and page number, slide number or envelope number.
 - (2) Descriptions of parts of such lots and outlots of recorded plats, shall be adequately tied to a recorded lot corner or street intersection shown on the recorded plat and shall give dimensions of each part.
 - (3) Deed descriptions referring to lots and outlots of unrecorded plats shall be by metes and bounds and adequately tied by metes and bounds. The number of a lot(s) of an unrecorded plat will not be accepted for transfer and may be used as reference only.
 - (4) All new lot splits shall require a new survey and will be subject to Planning Commission regulations.

(B) Transferring Existing Deed Descriptions of: "All Meets and Bounds Descriptions of Record"

- (1) Deed descriptions referring to acreage in unplatted areas shall be by metes and bounds and adequately tied in by metes and bounds and referenced to a point identifiable by reference to a map of the area such as the following:
 - (a) Quarter township corner, section or quarter section corner, fractional section, military lot or partition lot corner or nearby recorded subdivision corner.
 - (b) Previously recorded surveys of monumented tie downs that meet current transfer requirements.
 - (c) When none of the above resources can be located, recorded highway monumentation or intersection of two roads listed on the current state inventory of county roads may be used.
 - (d) Adequate tie-in to any of the above points of reference must be given. The bearing and distance from appropriate section line, military lot corner, recorded subdivision lot corner, or partition lot corner shall be used for reference.
- (2) Vague terms used on older deeds, such as "in a northerly direction", "with the meandering of a stream", "along a road", are not acceptable, nor are references to points of beginning "on the lands of John Doe," etc.
- (3) The description of a tract lying in more than one section, military lot, fractional section, partition lot or quarter township, a tract of land lying part within and part without a municipal corporation, tracts that include two or more taxing districts, and portions of recorded subdivisions shall state the acreage, dimension, Auditor's parcel number, and most recent prior deed reference of each part.
- (4) The description of a tract containing an excepted area shall be fully described and/or referenced by a most recent prior recorded description that meets the current transfer requirements. The acreage and recorded volume and page of the exception shall be recited. No more than four (4) exceptions per tract will be approved. Exceptions shall be added at the conclusion of each parent tract. The remaining acreage of a parent tract transferring exceptions shall be stated.
- (5) Error of closure of existing metes and bounds descriptions shall not be greater than 1/2000.
- (6) Description(s) presented for transfer that differ in context from the prior recorded description, will not be accepted for transfer unless a new survey has been performed on the tract to be conveyed. See requirement #4 above, concerning exceptions and #8 below for scrivener errors.
- (7) Changes from the previous description that involves scrivener errors, omissions or other obvious mistakes are permitted in order for the description to be acceptable for transfer.
- (8) Acreage within a vacated subdivision must have a new survey before transferring unless the original tract was one of rule #10 or if the original description meets the current transfer requirements.

- (9) Descriptions such as quarter section (160 Ac.), 1/2 of quarter section (80.00 Ac.), 1/2 of 1/2 of quarter section (40.00 Ac.) and 1/2 of the 1/2 of the 1/2 quarter section being 20.00 Ac. are acceptable descriptions. If any of the above would create a split, then the split would require a new survey.
- (10) The preamble of all descriptions shall state the following: State, county, township, range, township number, section, partition lot or military lot number, subdivision, quarter section and corporation or village.
- (11) Land Contracts will be reviewed for compliance with these minimum requirements and stamped appropriately and must meet Planning Commission & Health Dept. regulations.
- (12) Instruments conveying by court order, foreclosures, etc. will not be required to have a new survey at the time of transfer even if the description was previously red stamped, and if the description has not changed from the previous deed it will then be reviewed and stamped accordingly. A new survey will be required before the next transfer if the property transfers out of the immediate family. If there is a split from the parent tract it will require a new survey and be subject to Planning Commission & Health Department regulations before it can transfer.
- (13) Instruments of conveyance that are transferring and have been previously red stamped and are not in the immediate family, must use the following procedures:
 - (a) A letter from the surveyor must be submitted to the Map Department stating he/she has been contracted to do the survey within 90 days of the transfer and include the Auditors Parcel number(s) range, township, & section in the submitted letter.
 - (b) The following statement must be added to the instrument to be conveyed. **“SURVEY PENDING, TO BE COMPLETED AND SUBMITTED TO THE GUERNSEY COUNTY ENGINEER’S MAP DEPARTMENT WITHIN 90 DAYS OF THIS TRANSFER”** or the deed will not be processed. This is to be used only when the surveyor cannot complete the survey before the deed is to transfer.

(C) New Surveys

The new survey and its plat shall satisfy the requirements as set forth in the most current version of The Minimum Standards for Boundary Surveying in the State of Ohio, Administrative Code chapter 4733-37 and promulgated by The Board of Registration for Professional Engineers and Surveyors of the State of Ohio pursuant to chapter 4733.

Additional requirements are as follows:

- (1) A copy of all new surveys for fee transfers shall be submitted to the Engineer’s Map Department. A plat map and description must accompany the survey and remain a part of the Map Department records and will become public information. The plat map submitted must be a scale drawing and not reduced. Faxed copies are not acceptable.
- (2) The new survey shall include the property adjoiners’ names and deed references on the plat and incorporated into the written description. The surveyor’s original seal and signature shall be on the plat and description.

- (3) Tie downs for new surveys must use corners that are the same as referenced in rule # 1(A-D) pages 6 for the requirements for existing deed descriptions with the exception of a portion of (C) page 6 concerning the intersection of two roads.
- (4) The Auditor's parcel number shall appear on the description and plat map of the tract(s) to be conveyed. Descriptions that encompass part of more than one tract must state the acreage and dimension of each part, deed reference, and Auditor's parcel number of each part and state if the tract is all or part of said tract(s).
- (5) The description of a tract lying in more than one section, military lot, fractional section, partition lot or quarter township; a tract of land lying part within and part without a municipal corporation, or in two or more taxing districts; and a tract that includes a portion of a recorded subdivision shall state the acreage lying in each part, dimensions, deed references and Auditor's parcel number of each part and if the tract is all or part of said tract(s)
- (6) Any course of a new metes and bounds description which is a curve must contain the direction of the curve (right or left), the radius (in feet and decimal parts thereof), and the long chord bearing and distance (in feet and decimal parts thereof) of the same.
- (7) All new lot splits shall require a new survey and be subject to Planning Commission regulations.
- (8) Split application forms must be attached with the instrument of conveyance at the time of transfer (Yellow form-Auditors Office & White form for Planning Commission / Map Department.) or the transaction will not be processed. Also all Planning Commission fees must be paid before transferring.
- (9) New surveys of two or more tracts from the same parent tract cannot have the exact same acreage.
- (10) Instruments conveying tract(s) by new survey descriptions cannot be processed until the original survey description and plat has been submitted and checked by the Guernsey County Engineers Map Department. Surveys submitted and approved will be **blue stamped stating "Survey checked"**. Allow at least **five days** for checking new surveys.
- (11) Annexations must have a new perimeter survey by a licensed surveyor of the territory to be annexed along with Auditors parcel numbers, names and acreages of parcels to be annexed.


 DELMAR E. GEORGE, P.E. P.S.
 GUERNSEY COUNTY ENGINEER


 TONY BROWN
 GUERNSEY COUNTY AUDITOR

Adopted 5/21/2013

Public hearings held: May 7, 2013 at 9:00am and May 21, 2013 at 9:00am