

Requirements
For All Instruments of Conveyance
In Monroe County, Ohio

Transfer and Conveyance Standards of the
Monroe County Auditor & Engineer

Effective November 8, 2013

TRANSFER PROCEDURES FOR MONROE COUNTY

The following Requirements, which are a revision and expansion of the requirements adopted on June 20, 1996, are now established in conjunction with the Monroe County Engineer and the Monroe County Auditor as prescribed by Ohio Revised Code Section 319.203, effective on this date: November 8, 2013. The requirements adopted June 20, 1996 are hereby rescinded.

In accordance with ORC 317.22, no deed of absolute conveyance of land or any conveyance of minerals or mineral rights shall be recorded by the County Recorder until it has been presented to the County Auditor and indorsed "Transferred" or "Transfer Not Necessary".

Instruments to be submitted to the Monroe County Engineer's Tax Map Office and/or the Monroe County Auditor's Office before conveyance and/or recording are as follows:

Existing descriptions of record, all street, alley, road and subdivision vacations, new surveys plats, and descriptions, subdivision plats, road establishments, and annexations.

Part 1: Transfer/Conveyance Rules

The Auditor and Engineer's Tax Map Department may reject any instrument of conveyance that is not in compliance with the Ohio Revised Code or Administrative Code. These rules apply to any instrument of conveyance of an interest in real property that would cause any of the following:

- A. Change in the Legal Owner. 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 or any one of a group of owners must be presented to the County Auditor pursuant to ORC 319.20.
- B. Change in Legal Description. Any document that changes, corrects, or amends the description of any parcel of land must be presented to the County Auditor.
- C. Transfer of Interest that May Affect True Value. Any instrument that creates, transfers, 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 so as to allow the Auditor to comply with ORC 5713.03.

Part 2: Determination of Necessity of Transfer and Requirements for Transfer

A. The Auditor and/or the Tax Map Office will examine each instrument being presented to determine whether the instrument will effect a change in the legal ownership of the property, thereby requiring a transfer. Types of documents that will effect a change in the legal owner include, but are not limited to:

1. Warranty Deed
2. Quit Claim Deed
3. Transfer by Affidavit of Next of Kin (see ORC 317.22) *
4. Transfer by Affidavit of Survivorship (see ORC 5302.17) **
5. Certificate of Transfer *
6. Transfer on Death Confirmation Affidavit (see ORC 5302.222) **
7. Transfer by Affidavit of Facts Related to Title (see ORC 5301.252)
8. Transfer by Affidavit Extinguishing a Life Estate **
9. Fiduciary or Executor's Deed
10. Deed in Lieu of Foreclosure
11. Trustee's Deed
12. Judgment Entry
13. Corrective Deeds

* Does not require Death Certificate

** Requires Death Certificate

B. Any affidavit or other document intended to change the legal ownership of one or more parcels of real property must include a legal description of the property to be transferred. If an affidavit conveys the interest of a deceased owner (either ownership interest or a life estate), an original death certificate must also be attached.

C. The Auditor will not approve a transfer where a grantor is not a prior grantee as reflected in the current Auditor's records, unless the document to be transferred, or an affidavit of facts which complies with the provisions of ORC 5301.252, explains to the Auditor's satisfaction the reason for the break in title.

- D. Any difference in the name of a grantor and a prior grantee based upon the inclusion of middle names, initials, or different versions of names must be explained in the document to be transferred or by an affidavit of facts which complies with the provisions of ORC 5301.252.
- E. Any document presented for transfer that conveys less than 100% interest in the property described must clearly and accurately state the percentage of interest to be conveyed.
- E. All corrective deeds shall explain, in the deed, the corrective action being taken, and include the volume and page number of the prior deed being corrected.
- F. In order to effect a change in the name of real property currently held by one of more individuals as trustee(s) of a trust, a Memorandum of Trust must be on file with the County Recorder. The document to be transferred will need to reference the volume and page number of the memorandum.
- G. A Transfer on Death Designation Affidavit does not create a transfer, because the vesting of interest in the real property in the beneficiaries is contingent upon the death of the grantor(s) while the Affidavit is in effect. No transfer will occur until a Transfer on Death Confirmation Affidavit is filed along with a certified copy of a death certificate.

Part 3: Sufficiency of Description

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

Part 4: Auditor's Transfer Procedures

- A. No instrument will be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX conveyance form. All forms must be typed or legibly printed.
- B. For property receiving the Homestead Reduction, the DTE 101 Form must also be completed.

- C. For property enrolled in the CAUV program, the DTE 102 Form must also be completed.
- D. For any parcel to be conveyed which is a new split out of one or more larger tracts, the instrument must be accompanied by an Auditor's Division of Property Form, with the correct parent parcel and acreage identified.
- E. For any instrument which will incorporate a new description of an existing tract by survey, the former acreage should not be referenced. For any new survey resulting in a combination of parcels, either the parcel number to be retained should be referenced (contact the Auditor's office to determine this number), or a blank should be left to be completed at the time of transfer. For a new survey resulting in a split, either a new parcel number should be obtained before the instrument is presented for transfer, the parent parcel should be referenced with the words "part of", or a blank should be left to be completed at the time of transfer.
- F. For any instrument submitted as in letter 'E', the documentation submitted to the Auditor's office (Division sheet and survey) must be sufficient for Auditor's personnel to determine the current owner and acreage of the tracts to be altered by virtue of the instrument, and the manner in which they are being altered (split, combination, new description, etc.)

Part 5: Engineer's Transfer Procedures

Instruments submitted will be subject to the following procedures prior to their acceptance for transfer on the tax duplicate of Monroe 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. This stamp stating, "Survey Required for Future Transfer", will be signed and dated by Monroe County Engineer's Tax Map Department Personnel.
- B. Descriptions (s) that meet current requirements will transfer with a **blue stamp**, "Approved for Transfer" by the Monroe County Engineer's Tax Map Department.
- C. Descriptions transferring within an immediate family will transfer with a red stamp even if the prior description was red stamped. (Immediate family includes: a spouse, a parent, a child, a sibling, an in-law, or a grandchild.) Exceptions are not limited as in rule #4 of existing metes and bounds descriptions. The remaining acreage of each tract to be conveyed shall be stated. (In the event that less than 100% interest in the property is being

conveyed outside the immediate family, the transfer will not be treated as a transfer within the immediate family and the new survey requirement will apply.) Please notify the Monroe County Engineer's Tax Map Department if a document being presented constitutes a transfer within the immediate family. You may be asked to complete a document stating the family relationship. (Please note that a transfer to an LLC, partnership, corporation, or other entity will not be considered a transfer within the immediate family.)

- D. Instruments conveying property by court order, foreclose, sheriff's sale, etc., will not be required to have a new survey at the time of transfer even if the description was red stamped on a prior deed, provided that the description has not been changed from the previous deed. A new survey will be required before the next transfer if the property is transferring outside the immediate family.
- E. Descriptions including parcels or portions of parcels that have been transferred by prior instruments but which have not been excepted will not be approved for transfer, even if the same legal description was approved for transfer in a previous instrument.
- F. Descriptions will be checked as promptly as possible. To avoid a delay, instruments should be submitted as least two days prior to the transfer. Instruments conveying a new description cannot be processed until the new survey description and plat is submitted to the Monroe County Engineer's Tax Map Department for approval.
- G. It is understood that all situations can not be addressed by these requirements and will be handled as special cases by the County Auditor and Engineer's Tax Map Department.

Part 6: Minimum Requirements for All Instruments of Conveyance in Monroe County

Descriptions/plats submitted shall conform to the requirements as set forth in the Requirements and Provisions of Chapter 711 and Sections 315.251, and 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. The following requirements are through the joint efforts of Athens, Guernsey, Meigs, Monroe, Morgan, Muskingum, Noble, and Washington Counties.

**REQUIREMENTS FOR 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. Such a recorded lot will not require a metes and bounds description or acreage, provided it can be reasonably ascertained from said recorded plat.
2. Descriptions of parts of such lots and outlots of recorded plats, which are in metes and bounds, shall be adequately tied to a recorded lot corner 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 for reference only.
4. Any new lot split shall require a survey and shall be subject to Monroe County Subdivision Regulations.

**REQUIREMENTS FOR TRANSFERRING
EXISTING DEED DESCRIPTIONS OF:**

"ALL METES 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
 - B. Previously recorded surveys of monumented tie downs that meet current transfer requirements.
 - C. Adequate tie-in to any of the above points of reference must be given. The bearing and distance from appropriate section line for reference shall be used when needed.
2. Vague terms used on older deeds, such as "in 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, fractional section, partition lot or quarter township, or a tract of land lying part within and part without a municipal corporation; tracts that includes two or more taxing districts, and portions of recorded subdivisions shall state the acreage, dimension, Auditor's parcel number, if applicable, and most recent prior deed reference of each part if applicable.

4. The description of a tract containing an excepted area shall be fully described and/or referenced by the most recent prior recorded description that meets the current transfer requirements. The acreage of the exception shall be recited. No more than four (4) exceptions per tract will be approved. Exceptions are to be added at the conclusion of each parent tract.
5. Each tract being conveyed shall state the Auditor's parcel number, if applicable, and most recent prior deed reference at the conclusion of each parent tract.
6. A survey shall be required for all new splits, which shall be subject to Monroe County Subdivision Regulations.
7. Error of closure of existing metes and bounds descriptions shall not be greater than 1/10,000.
8. 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. Description(s) with exceptions to the parent tract are permitted. See requirement #4 above, concerning exceptions and #9 for scrivener errors.
9. 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.
10. Acreage within a vacated subdivision must have a new survey before transferring unless the original tract was one of rule #11 or if the original description meets the current transfer requirements.
11. Descriptions such as quarter section (160 Ac.), 1/2 of quarter section (80. Ac.), 1/2 of 1/2 of quarter section (40. Ac.) and 1/2 of the 1/2 of the 1/2 quarter section being 20. Ac. are acceptable descriptions. If any of the above are created by a split, then the split would require a new survey.
12. The preamble of all descriptions shall state the following: State, county, township, range and township number, section number or lot number, subdivision, quarter section and corporation or village.
13. Descriptions presented for transfer which contain fraction numbers or subdivision numbers will not be accepted.
14. Rights-of-way/easements for ingress and egress do not affect the boundary of the property or the legal ownership of the property. Therefore, rights-of-way for ingress and egress will not be reviewed by any of the reviewing agencies. It is the responsibility of the parties affected by the easement to make sure that their interests are adequately protected.

Part 7: Requirements for New Surveys:

The new survey and its plat shall satisfy the requirements as set forth in 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 Tax Map Department. A plat map and description shall 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. ***Fax 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 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) for the requirements for existing deed descriptions, with the exception of Rule C.
4. The Auditor's parcel number, if applicable, 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, lease lot, farm lot, river lot, 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 portions of a recorded subdivision shall state the acreage lying in each part, dimensions, deed reference and Auditor's parcel number (if applicable) of each part and state 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. A legal size plat of the survey shall be recorded with the deed.

The following are applicable in Monroe County only:

8. All splits must meet the Monroe County Subdivision Regulations (Unincorporated Area) and are subject to the 100 year Flood Plain Restrictions, if applicable.

9. There will be no new tracts of land created without a frontage on a public road or a roadway that is 50' wide its entire length, unless it is approved by the Monroe County Engineer's office.
10. Division Sheets are required to be signed by both parties, completed, and filed in Auditor's Office when the deed is being transferred.
11. A new survey that contains a correction in the legal description from a prior deed shall explain the error which has been corrected by the new description.