

**STANDARDS GOVERNING CONVEYANCES
OF REAL PROPERTY IN ALLEN COUNTY, OHIO**

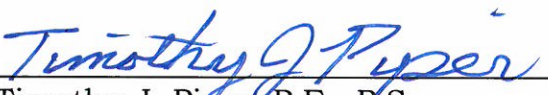
ADOPTED VERSION 15.01.29

Section 319.203 of the Ohio Revised Code states, ***“The County Auditor and the County Engineer shall adopt standards governing the conveyance of real property in the County.”*** This section also states, ***“Before the County Auditor transfers any conveyance of real property presented to the auditor under Section 319.20 of the Revised Code, the County Auditor shall review the conveyance to determine whether it complies with the standards adopted under this section. The County Auditor shall not transfer any conveyance that does not comply with those standards.”***

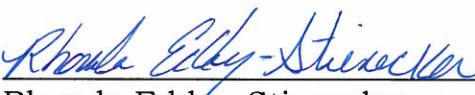
In compliance with the ORC the following standards are hereby adopted to govern survey plats and descriptions of real estate to be transferred. The purpose of these standards is to allow for the efficient operation of the Allen County Tax Map Department, to maintain an accurate record of property ownership and parcel identity, and to collect an accurate conveyance fee required by Ohio Revised Code (ORC) Sections 319.20 and 322.02. Therefore, it is necessary that certain requirements and procedures be met before the approval of a property transfer. The review process and the approval of a transfer DOES NOT ensure clear title to a property. The Allen County Auditor’s Office and the Allen County Engineer’s Office bear no liability for any title problems that the reviewed descriptions may cause. It should be understood that not all situations can be covered by these standards and requirements. When these situations arise, they will be addressed on a case-by-case basis and interpreted by the Auditor’s and/or Engineer’s staff. The approval of the legal description(s) by the County Engineer’s Tax Map office does not ensure Auditor’s approval to affix a transfer stamp.

If a boundary survey is required by ORC Sections 315.251 or 5713.15, the survey plat and description shall satisfy the adopted **Minimum Standards For Boundary Surveys** promulgated by the Board of Registration for Professional Engineers and Surveyors, and these standards. Appeal of review decisions of the survey plat and description by the County Engineer or County Auditor may be submitted to the Board of Registration for Professional Engineers and Surveyors.

All authors of instruments of conveyance are encouraged to have their descriptions submitted to the County Engineer’s office several days prior to the actual time of conveyance. This will help avoid delays and allow time for any necessary corrections. Documents will be reviewed in a timely matter on a “first in, first out” basis and will not be subject to any deadlines or closing dates.



Timothy J. Piper, P.E., P.S.
Allen County Engineer



Rhonda Eddy - Stienecker
Allen County Auditor

Adopted this 29th day of January, 2015.

Effective date: **February 2, 2015**

**PROCEDURE FOR SUBMITTAL OF LEGAL
DESCRIPTIONS/CONVEYANCES
OF REAL PROPERTY FOR REVIEW BY CO. ENGINEER &
CO. AUDITOR**

SECTION I

I. SPECIFIC REQUIREMENTS FOR ALL DOCUMENTS OF TRANSFER

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

1. Reference to Prior Instrument of Record

A reference to the County Recorder's volume and page of the record of the most recent prior recorded instrument by or through which the grantor claims title, as required by O.R.C. 319.20

2. 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 O.R.C. 319.20.

3. Identification of Interest Conveyed

The grantor (or representative) shall inform the County Auditor in writing whether the grantor is conveying less than the grantor's current interest in the land. It is also the responsibility of the grantor (or representative) to inform the County Auditor what interest in the property each owner will have with the new deed of record. Total percentage must equal 100%.

4. Documents of Transfer Shall Include Parcel Number and Address.

The document of transfer shall include the County Auditor's Parcel Number(s) of the land and the current site address of the property, if any.

5. Instruments to Conform to Law

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

II. ACCOMPANYING DOCUMENTS TO ALL DOCUMENTS OF TRANSFER

1. Conveyance Forms

No instruments will be transferred unless accompanied by a properly completed DTE 100 Conveyance Fee Statement of Value and Receipt or DTE 100 EX Statement of Reason for Exemption from Real Property Conveyance Fee. The DTE forms may be obtained at the County Auditor's office.

III. TRANSFER AND CONVEYANCE FEES

Transfer and Conveyance Fees are expected at the time the documents are presented for transfer. Fees are accepted by cash or check only. Checks should be made payable to the Allen County Auditor. Please do not include payment to other offices in Allen County (i.e. recording fees, treasurer fees, engineer fees) in the check payable to the Auditor.

Checks presented to the Auditor must be accurate. The office is not able to

provide change for checks written for more than the amount due. The office is unable to keep excess funds. Customers personally may add money to a check amount either in cash or an additional check if the original check provided is for an amount lower than the amount due. The Auditor will not accept blank checks to be left and filled in by Auditor staff. Please calculate the fees prior to dropping documents for transfer.

IV. QUALITY OF DOCUMENTS

No transfer will be accepted by the County Auditor unless the documents presented meet all of the following requirements:

1. Original Required

The document of transfer must have the 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 Courts or be a certified copy from the Clerk of Courts.

2. Poor Original Not Accepted

No document of transfer will be accepted which has attached to it a previous recorded document that is identified as a "Poor Original" or that is not legible to the County Auditor or County Engineer.

3. 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.

4. County Auditor & County Engineer Approval

No document of transfer will be accepted which has not met the requirements of the County Auditor and the County Engineer.

V. SUFFICIENCY OF DESCRIPTIONS

Platted Lot:

All instruments of conveyance transferring a record lot shall be described by the lot number(s), the official recorded name of the subdivision, the plat book and page (or official record and page) of the subdivision and the political subdivision for which the parcel is located. Description must be approved by the County Engineer (Tax Map Office) either under Section II or III of these standards, prior to transfer by the County Auditor.

Condominium Unit:

All instruments of conveyance transferring a condominium unit shall be described by its unit number(s), the official recorded name of the condominium including Phase and/or Amendment, the plat book and page (or official record and page) of the condominium plat, the volume and page of the condominium declaration and the political subdivision for which the unit is located. Description must be approved by the County Engineer (Tax Map Office) either under Section II or III of these standards, prior to transfer by the County Auditor.

Metes and Bounds Description:

Each tract of land that is not a platted lot or a condominium unit shall be described by a metes and bounds description in accordance with these standards and must be approved by the County Engineer (Tax Map Office) either under Section II or III of these standards, prior to transfer by the County Auditor. **Note: If the description is based on a current survey**

that has been reviewed by the County Engineer's Office, attach the surveyor's legal description (including his/her signature, seal and the County Engineer approval stamp) as an Exhibit to the instrument of conveyance.

Land Installment Contracts:

All Land installment descriptions (platted lots, condominium or metes and bounds) must be approved by the County Engineer (Tax Map Office) either under Section II or III of these standards, prior to approval by the County Auditor. **Note: If the description is based on a current survey that has been reviewed by the County Engineer's Office, attach the surveyor's legal description (including his/her signature, seal and the County Engineer's approval stamp) as an Exhibit to the instrument of conveyance. When applicable, a Land Contract Lot Split approval stamp (from Lima Allen County Regional Planning) will be required prior to recording of the contract.**

VI. PROCEDURE FOR TRANSFER OF ALL INSTRUMENTS OF CONVEYANCE

Note: All necessary signatures, stamps and approvals from the appropriate agencies, municipalities, planning commissions and boards need to be obtained prior to transfer. These standards do not imply compliance with local zoning, health and planning regulations from which approval by the appropriate agencies needs to be obtained PRIOR TO transfer.

1. In advance of transfer, send a preliminary copy of the instrument along with the "Description Pre-Approval Submission Form" and prior deed (if dated prior to 1991) for review to the Tax Map office. This only applies to documents covered under Sections II and III of these regulations.

2. Take the approved original instrument to the Tax Map Office for final "review" stamp. Bring a copy of the Pre-approved instrument and the "Description Pre-Approval Submission Form" along with the original. This only applies to documents covered under Sections II and III of these regulations.

3. Take the original instrument (along with the required conveyance forms) to the Auditor's Office (Real Estate Department) for transfer.

4. Take the original transferred instrument to the Recorder's Office for recording.

SECTION II

I. SUBMITTAL OF INSTRUMENTS OF CONVEYANCE INVOLVING NEITHER THE CREATION OF A NEW PARCEL NOR A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT CONVEYANCE:

A. Instruments of conveyance involving neither the creation of a new parcel nor a legal description different from the legal description of the most recent conveyance, may be submitted to the County Auditor for transfer. Pursuant to ORC section 5713.15, **prior to submittal to the County Auditor for transfer the County Engineer's Tax Map Office will perform a review of the legal description.**

B. The instrument of conveyance shall be delivered for review to the County Engineer's Tax Map office currently located at Room 202 in the Allen County Courthouse, 301 N. Main St., Lima, Ohio 45801. Items may be delivered via fax, email or mail. **The "Description Pre-Approval Submission Form" and a copy of the prior deed(s) (if dated prior to 1991) shall accompany the submittal. See the "Description Pre-Approval Submission Form" for current address, fax number and email address of the Tax Map office.**

UPON RECEIPT:

1: The County Engineer or his agent shall, in a timely manner, perform a review of the legal description and shall do either of the following:

- i. Approve the description as written.
- ii. Identify deficiencies and require one of the following three (3) actions:
 - a. **Corrections be made by the submitting party.** Errors which are obvious scrivener's in nature and can easily be identified will be noted and can be corrected by the submitting party. Examples of these are items such as typographical errors, errors of omission, incorrect reference to subdivision name as platted, missing reference to record plat book and page, transposed letters or numbers, or rotation of bearings (example: northeast should have been southwest).
 - b. **Corrections can be made by the author of the legal description (surveyor).** When he or she is identifiable and/or available the author may be contacted by the submitting party to make corrections through the proper actions (ie. Affidavit, corrective survey, etc.). Examples of these are deficiencies or ambiguities that are not obvious in nature or able to be identified as scrivener's errors.
 - c. **Require a new survey of the parcel for the transfer.** Whenever the existing legal description of an instrument of conveyance is determined to be ambiguous, insufficient or unplattable, **a new survey of the parcel will be required prior to the transfer** by the County Auditor/Engineer, per the requirements of Section III of these standards. **Examples of deficiencies which would require a new survey include, but are not limited to, the following:**
 - Existing metes and bounds legal description of record has an error of closure ratio less than 1 to 1,000 **or** the legal description lacks sufficient courses and distances to calculate a closure (aliquot descriptions not included).
 - Existing legal description is described as being a given number of acres or feet off of an end or a side of an unsurveyed parcel, section, quarter-section or sixteenth-section. (Descriptions such as "the east 1/2 of the southwest quarter of section 10, T3S, R8E", are acceptable, if the section has been subdivided and corners located by using the Bureau of Land Management method listed in the ***Restoration of Lost or Obliterated Corners & Subdivision of Sections*** manual published by the Superintendent of Documents, U.S. Government Printing Office.)
 - Beginning point of a metes and bounds description is not referenced to a known monumented point such as a section corner, quarter-section corner, sixteenth section corner, or subdivision lot corner. (Examples of unacceptable beginnings: "Beginning at a PK nail found in the center of State Road; thence...." or "Beginning at a fence line extended....")
 - Existing legal description is known to extensively overlap adjoining property description or an extensive gap is known to exist between the existing legal description and the adjoining property description.

- Existing legal description does not call out an identifiable location of the parcel as to section, quarter-section, township and range numbers, or political subdivision name (city, village, township name).
- Existing legal description contains more than four (4) excepted descriptions (“save and except”) from the original parcel described.
- Existing deed of record is stamped “New Survey Required Next Transfer”
- A new save and except has been added (Takes by public entities excluded)

2: After the Engineer has completed his/her review and is satisfied that the description is in compliance with these standards, the instrument will be returned to the submitting party to be finalized for transfer. **Note: A copy of the pre-approved instrument along with the approved “Description Pre-approval Submission Form” needs to accompany the final instrument of transfer.**

SECTION III

I. SUBMITTAL OF INSTRUMENTS OF CONVEYANCE INVOLVING THE CREATION OF A NEW PARCEL(S) OR A LEGAL DESCRIPTION DIFFERENT FROM THE LEGAL DESCRIPTION OF THE MOST RECENT CONVEYANCE:

A. Instruments of conveyance involving the creation of a new parcel(s) or a legal description different from the legal description of the most recent conveyance, will require a boundary survey be performed by a Professional Surveyor (registered in the state of Ohio) before the instrument of conveyance is submitted to the County Auditor for transfer. The County Engineer or his agent shall review, in a timely manner, the survey plat and legal description of the boundary survey, based upon these standards. (ORC Sec. 315.251)

B. The survey plat and legal description of the boundary survey shall satisfy the adopted **Minimum Standards For Boundary Surveys (OAC 4733-37)** promulgated by the Board of Registration for Professional Engineers and Surveyors and shall also meet the following standards:

1. **LEGAL DESCRIPTION SUBMITTAL:** Legal descriptions shall be based upon a boundary survey and shall be submitted on either 8-1/2” by 11” or 8-1/2” by 14” paper AND SHALL BE ON A SEPARATE SHEET OF PAPER THAN THE PLAT (excluding vacation plats, condominium plats, subdivision plats and re-plats). NOTE: EACH NEW CALL NEEDS TO BE ON A SEPERATE LINE. ALL DESCRIPTIONS SHALL HAVE A MINIMUM LEFT AND RIGHT MARGIN OF 1” and A MINIMUM TOP MARGIN OF 1 1/2” and A MINIMUM BOTTOM MARGIN OF 1” (per O.R.C. 317.114)

Legal description submittals shall include the following:

- a) the quarter-section, section number, township and range numbers, and political subdivision in which the parcel is located
- b) a beginning point referenced to a known monumented points such as a section corner, quarter-section corner, sixteenth section corner, or a lot corner of a recorded subdivision
- c) a metes and bounds description of the parcel (unless a subdivision lot) which shall have an error of closure ratio of not less than 1 to 10,000
- d) distances listed to the nearest hundredth foot
- e) bearings listed in degrees, minutes and seconds
- f) calls to and descriptions of all monuments set or found

- g) the acreage of the parcel described to the nearest thousandth of an acre, for each section or tax parcel in which the subject parcel is located
- h) a statement that the description is subject to all legal highways and easements of record at the time of recording of the instrument
- i) the deed volume and page number of prior deed reference
- j) a reference to the basis for the bearings used
- k) the name and registration number of the professional surveyor that prepared the description
- l) in lieu of items a), b), d) and k), an unchanged lot in a recorded subdivision shall have the following listed in the description: the lot number; the subdivision name; the plat book and page number; and the political subdivision
- m) "save and except" clauses are not acceptable for new descriptions
- n) the original ink signature, date and seal of the professional surveyor

2. SURVEY PLAT: The survey plat shall be submitted on 11" by 17" (preferred) or 8-1/2" by 14" paper. Minimum print size shall be 0.10" (10 point or Leroy 100). Subdivision, condominium, vacation, dedication and annexation plats shall be submitted on 18" by 24" sheets (each sheet numbered). NOTE: ALL PLATS SHALL BE OUTLINED WITH A BORDER HAVING A 1/2-INCH MINIMUM MARGIN.

Plats shall include the following:

- a) the landowner's name (except on condominium & vacation plats)
- b) a title, such that the general location of the subject survey can be readily identified and page numbers if more than one page
- c) the quarter-section, section number, township and range number, and political subdivision in which the parcel is located (on subdivision lots, show lot number, subdivision name, plat book and page number, and political subdivision (township, village or city))
- d) a north arrow and graphical scale on the plat.
- e) a clear statement as to the basis of the bearings
- f) a beginning point referenced (direction and distance) to two known monumented points such as a section corner, quarter-section corner, sixteenth section corner, or a lot corner of a recorded subdivision
- g) existing and proposed property lines described by bearings (DMS) and distances (to nearest 1/100th foot)
- h) all monumentation either found or set, together with a legend of the symbols used to identify the type, size, condition and material of each monument; iron pins to be set at the intersection of all property lines with existing road right-of-way lines, and all right-of-way line intersections (monumentation for street and alley vacations shall be placed on centerline of street or alley, or new property line)
- i) adjoining landowner's names, deed volumes and page numbers (or for adjacent subdivision lots, adjoining lot numbers, subdivision name, plat book and page number)
- j) names and references to all roads, rivers, streams, railroads, or easements that cross or occupy the subject parcel
- k) the acreage of existing road right-of-way that occupies the subject parcel
- l) whenever a new metes and bounds description encompasses two existing parcels, two sections or two taxing districts, a breakdown of the total area must be shown
- m) the professional surveyor's printed name, address and registration number
- n) a surveyor's clause stating that the plat represents an actual survey and the date it was performed
- o) the original ink date and signature of the professional surveyor
- p) the surveyor's seal with his or her name and registration number
- q) references to other pertinent documents used to prepare the plat
- r) the name and registration number of the professional surveyor of any other referenced survey
- s) metric measurements may be listed in addition to English measurements
- t) the listing of state plane coordinates is optional but may be a requirement of future standards as part of a county-wide network
- u) the parcel number (see attached *Real Estate Map Number and Parcel Number Explanation*). For lots splits, use "being a part of" and list the original parcel

- number.
- v) All plat items shall be contained within a lined border having a ½” minimum margin.
 - w) Condominium Plats Only: Square Footage of each unit; Dimensions and location (distance to property line) of each unit noted; common and limited common areas shown and noted.

C. After the County Engineer or his agent has performed the review of the survey plat and legal description of the boundary survey, the surveyor shall be notified of deficiencies, if any. The surveyor may then resubmit a corrected survey plat and legal description of the boundary survey. When the survey plat and legal description are in compliance with these standards, the County Engineer’s office shall stamp both documents **“Reviewed by _____, on _____ (date), _____ (year)”**, **Allen County Engineer’s**, and the reviewer shall sign and date this clause on both documents. A minimum of one (1) Original and one (1) copy and/or original of the approved survey and legal shall be returned for stamping. The original stamped copy of the survey plat and legal description shall be retained by and filed in the County Engineer’s survey files and shall become public records under Section 149.43 of the ORC. The remaining stamped copies and/or originals will be returned to the surveyor.

D. After receiving the approved copy of the survey plat and legal description from the County Engineer’s office, follow SECTIONS I and II of these standards for conveyance requirements.

SECTION IV

I. JURISDICTION OF STANDARDS:

A. Instruments of conveyance and other documents of record that shall be governed by **Section I and either Section II or Section III of these standards, pursuant to ORC Sections 5713.15, 315.251, 319.203 and other ORC sections, are as follows:**

1. Deeds
2. Corrective Deeds (explanation of corrective action shall be clearly stated)
3. Lot Splits¹
4. Subdivision Plats
5. Condominium Plats (boundary plat & legal description only)
6. Vacation Plats of Streets and Alleys
7. Dedication Plats
8. Descriptions for Land Contracts (both existing parcels and where new parcels are created).

B. Instruments of conveyance and other documents that are governed by **Section I and are EXEMPT from Section II and Section III and HOWEVER may be subject to NEW SURVEY REQUIRED NEXT TRANSFER (NSRNT) are as follows:**

1. Certificate for Transfer of Real Estate
2. Affidavit of Transfer of Real Estate
3. Living Trusts - To or from a Living Trust when the transfer is to or from the

¹**ORC Section 711.131** defines a “Minor Subdivision” also known as a “Lot Split” as: “...a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided.”

Grantor (Settlor) or Beneficiary or Beneficiaries of said Trust and the parcel has not changed in size or other dimension, no new parcel is created, and the transfer is not the result of a sale.

4. Transfer by operation of law or contract e.g. joint and survivorship; transfer on death; and tenancy by the entireties, provided no new parcel is created.
5. Transfer by Court Order, provided no new parcel is created.
6. A conveyance of an interest in real estate by an owner named in either of said instruments to another such owner

C. Instruments of conveyance and other documents that are **not** governed by either Section I or Section II or Section III of these standards are as follows:

1. Easements
2. Descriptions for Mortgages and Leases
3. Mortgage Location Surveys
4. Annexation Plats
5. Liens

CONCLUSION

The purpose of adopting the foregoing standards is to minimize the perpetuation of errors in former transfers and to obtain definite and accurate descriptions for future transfers, as allowed by pertinent sections of the Ohio Revised Code.