



Your guide to

Real Estate

laws and customs

A State-by-State Guide



First American
Title Insurance Company

NATIONAL COMMERCIAL SERVICES

Real Estate Laws & Customs by State

Yes No

State	Title Insurance Rates	Form of Conveyance	State Encumbrance Forms	Attorney State	Preliminary Report or Commitment	Deed Transfer Tax	Mortgage Tax	Leasehold Tax
Alabama	Filed Rate	Warranty Deed	Mortgage		Commitment Only			
Alaska	Filed Rate	Warranty Deed	Deed of Trust		Commitment Only			
Arizona	Filed Rate	Warranty Deed	Deed of Trust Mortgage		Commitment Only			
Arkansas	Not Filed	Warranty Deed	Deed of Trust Mortgage		Commitment Only	Based on full consideration set forth in Affidavit of Value		
California	Filed Rate	Grant Deed	Deed of Trust		Preliminary Report and Commitment upon request	County Documentary Transfer Tax City Tax (in some cities)		Applies to all leases of 35 years or more; whether options to extend are counted for lease term, varies by County
Colorado	Filed Rate	Warranty Deed, Special Warranty Deed, Bargain and Sale Deed, or Quitclaim Deed	Deed of Trust/Public Trustee for each County		Commitment Only	Documentary Fee City Transfer Fee (in some cities)		
Connecticut	Filed Rate	Warranty Deed Quitclaim Deed	Mortgage		Commitment Only	City Conveyance Tax State Conveyance Tax		Unless duration is tantamount to a conveyance, e.g., 99 years
Delaware	Filed Rate	Special Warranty Deed	Mortgage		Commitment Only	State Transfer Tax Local Transfer Tax		Unless lease exceeds 5 years
District of Columbia	Not Filed	Special Warranty Deed	Deed of Trust with Private Power of Sale		Commitment Only	Transfer Tax Recordation Tax	Recordation Tax on Construction Loan and Refinance Deeds of Trust	Excludes leases with terms of 30 years or less, including options to renew
Florida	Promulgated Rate by State Insurance Department	Special Warranty Deed or Warranty Deed	Mortgage		Commitment Only	Documentary Stamp Tax plus surtax (Dade County)	Both Documentary Stamp Tax & Non-Recurring Intangible Tax	Unless there is a determinable consideration other than the future duty to pay rent (for example, assignment of leasehold)
Georgia	Published Rate	Warranty Deed	Deed to Secure Debt Mortgage (rare)		Commitment Only	Real Estate Transfer Tax must be accompanied by R.E. Transfer Tax Declaration Form	Intangible Recording Tax	
Hawaii	Posted Rate	Warranty Deed	Mortgage		Commitment Only	State Conveyance Tax Certificate Form must accompany Deeds, Leases & Assignments thereof, and Agreements of Sale		Applied where unexpired term is for 5 years or more—See Deed Transfer Tax
Idaho	Filed Rate	Warranty Deed or Corporate Deed	Deed of Trust Mortgage (over 40 acres use Mortgage)		Commitment Only			
Illinois	Not Filed	Warranty Deed, Special Warranty Deed, Quitclaim Deed	Mortgage Deed of Trust		Commitment Only	State, County, and in some cases, a Municipal Transfer Tax		State, some Counties, and some Municipalities
Indiana	Not Filed	Warranty Deed	Mortgage		Commitment Only			
Iowa	No title insurance companies are licensed within the state. Title policies written outside state.	Warranty Deed	Mortgage		Commitment Only	Real Estate Transfer Tax. A Real Estate Transfer Declaration of Value and a Ground Water Affidavit must accompany all Deeds to be recorded.		
Kansas	Filed Rate	Warranty Deed	Mortgage		Commitment Only	Sales Validation Questionnaire must accompany all Deeds to be recorded	Mortgage Registration Tax	
Kentucky	Filed Rate	Warranty Deed	Mortgage		Commitment Only			
Louisiana	Filed Rate	Warranty Deed or Act of Sale	Mortgage	Attorney must examine title	Commitment Only	Orleans Parish Only	Orleans Parish Only	Orleans Parish Only
Maine	Filed Rate up to \$1 million	Warranty Deed	Mortgage		Commitment Only	A Declaration of Value must accompany Deeds to be recorded		
Maryland	Filed Rate	Grant Deed	Mortgage (rare) and Deed of Trust	Most documents must be approved by a Maryland attorney prior to recordation	Commitment Only	State Prop. Transfer Tax, State Doc. Recording Stamp Tax, Agric. Transfer Tax, and County Transfer Tax (these tax rates vary by County)	Counties vary; may have document Stamp, Recording Tax and County Transfer Tax	Yes: State Transfer and State Recording Tax do not apply to leases of 7 years or less with renewals of 7 years or less; County Transfer Tax varies
Massachusetts	Not Filed	Quitclaim Deed Warranty Deed	Mortgage		Commitment Only	Deed stamps based on consideration in Deed. Extra County taxes in Barnstable, Land Bank fee in Dukes & Nantucket Counties.		Unless duration is tantamount to a conveyance, e.g., 99 years
Michigan	Filed Rate	Warranty Deed	Mortgage		Commitment Only	Based on full consideration set forth on face of Deed or on a Real Estate Transfer Valuation Affidavit		
Minnesota	Filed Rate	Warranty Deed	Mortgage		Commitment Only	State Deed Tax. A Certificate of Real Estate Value and Well Disclosure Certificate must accompany all Deeds to be recorded.	Mortgage Registry Tax	
Mississippi	Not Filed	Warranty Deed	Deed of Trust		Commitment Only			
Missouri	Filed Rate	Warranty Deed	Deed of Trust		Commitment Only	Various Counties require a Certificate of Real Estate Value		

UCC Status: All states are authorized for UCC Insurance.

UCC Designation: Property & Casualty States: Alabama, Arizona, Arkansas, Colorado, Connecticut, Georgia, Idaho, Indiana, Kansas, Kentucky, Michigan, and Minnesota.

Title Insurance States: Alaska, California, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Mississippi, and Missouri.

Real Estate Laws & Customs by State

Yes No

State	Title Insurance Rates	Form of Conveyance	State Encumbrance Forms	Attorney State	Preliminary Report or Commitment	Deed Transfer Tax	Mortgage Tax	Leasehold Tax
Montana	Filed Rate	Warranty Deed Corporate Deed	Land Sales Contract Deed of Trust Mortgage		Commitment Only			
Nebraska	Filed Rate	Warranty Deed	Deed of Trust Mortgage		Commitment Only	\$2.25 per thousand; Documentary Stamp Act Real Estate Transfer Statement filed with Deed		
Nevada	Filed Rate	Grant Deed Bargain and Sale Deed Quitclaim Deed	Deed of Trust		Preliminary Report Commitment Upon Request	Real Property Transfer Tax		
New Hampshire	Filed Rate	Warranty Deed Quitclaim Deed	Mortgage		Commitment Only	Real Property Transfer Tax		Unless duration is tantamount to a conveyance, e.g., 99 years
New Jersey	Filed Rate	Bargain and Sale Deed Special Warranty Deed	Mortgage	Deeds and Mortgages (North New Jersey) South New Jersey	Commitment Only	Realty Transfer Fee		If lease is less than 99 years including possible renewals
New Mexico	Promulgated Rate by State Insurance Department	Warranty Deed New Mexico Real Estate Contract	Deed of Trust Mortgage		Commitment Only			
New York	Filed Rate	Bargain and Sale Deed	Mortgage		Certificate of Title	N.Y. State Transfer Tax Local Transfer Tax depends on location of property	Varies by County	N.Y. State Transfer Tax Local Transfer depends on location of property
North Carolina	Filed Rate	Warranty Deed	Deed of Trust		Commitment Only	Excise stamp on conveyance		Depends on County
North Dakota	Filed Rate	Warranty Deed	Mortgage	Abstracts and Attorneys' Opinions are required to issue any title insurance policy	Commitment Only			
Ohio	Filed Rate	Warranty Deed Quitclaim Deed Limited Warranty Deed	Mortgage		Commitment Only	Amount varies by County from \$1- \$4/\$1000. \$0.50 per parcel Transfer tax.		Except for 99-year leasehold in some Counties
Oklahoma	Not Filed	Warranty Deed	Mortgage		Commitment Only	Documentary Stamp Tax	Buyer usually pays	
Oregon	Filed Rate	Warranty Deed Bargain and Sale Deed	Deed of Trust Mortgage (rare)		Preliminary Report Commitment Upon Request	Real Property Transfer Tax assessed in Washington County		
Pennsylvania	Filed Rate	Special Warranty Deed	Mortgage		Commitment Only	Realty Transfer Tax		Unless lease is for 30 years or more (consult with local office)
Rhode Island	Negotiable	Warranty Deed Quitclaim Deed Bargain and Sale Deed	Mortgage		Commitment Only	Real Estate Conveyance Tax		
South Carolina	Filed Rate	Warranty Deed	Mortgage		Commitment Only	Documentary Stamp Tax		
South Dakota	Filed Rate	Warranty Deed	Mortgage	Policy must be signed by licensed abstractor for a fee in County where property is located	Commitment Only	Certificate of Real Estate Value		
Tennessee	Filed Rate	Warranty Deed Quitclaim Deed Special Warranty Deed	Deed of Trust Mortgage (rare)	All recorded documents	Commitment Only	Warranty Deed: tax on greater of consideration paid or property value; Quitclaim Deed: tax on consideration paid		
Texas	Promulgated Rate by State Insurance Department	Warranty Deed	Deed of Trust Mortgage		Commitment Only			
Utah	Filed Rate	Warranty Deed Special Warranty Deed Quitclaim Deed	Deed of Trust Mortgage		Commitment Only			
Vermont	Filed Rate up to \$2 million	Warranty Deed Quitclaim Deed Fiduciary Deed	Mortgage		Commitment Only	Property Transfer Tax— Declaration required		Unless lease is 50 years or more
Virginia	Not Filed	Warranty Deed Special Warranty Deed	Deed of Trust	Deeds must be prepared by a non-title company attorney	Commitment Only	Recordation Tax and Grantor Tax. Local recording taxes as authorized by the State.	State, City, and County may apply	State, City, and County may apply
Washington	Filed Rate (Subject to State sales tax)	Warranty Deed	Deed of Trust Mortgage		Commitment Only	Real Estate Excise Tax based on percentage of sales price		
West Virginia	Filed Rate	Warranty Deed	Deed of Trust	Attorney must certify title, prepare Deeds and Deeds of Trust and conduct settlement	Commitment Only	State Excise Tax & County Excise Tax & Non-Resident Withholding Tax		
Wisconsin	Filed Rate	Warranty Deed	Mortgage		Commitment Only	Real Estate Transfer Tax		Unless lease is 99 years or more
Wyoming	Filed Rate	Warranty Deed Quitclaim Deed	Mortgage		Commitment Only	Statement of Consideration must be completed to record a Deed		

UCC Status: All states are authorized for UCC Insurance.

UCC Designation: Property & Casualty States: Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, and Tennessee.

Title Insurance States: Montana, Nevada, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Customary Standard Fee Splits

Buyer Seller

State	Owner's Policy	Loan Policy	Search: Exam, Attorney, Abstract Fees	Transfer Taxes	Escrow Fees	Recording/Filing Fees
Alabama	Negotiable, usually Seller		Negotiable		Negotiable	Negotiable
Alaska			Included in premium	N/A	Divided Equally	Divided Equally
Arizona			Included in premium	N/A Affidavit of Real Property Value must be submitted with deed for recording. Seller pays for filing.	Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Arkansas			Negotiable, usually Seller	Customarily Split	Divided Equally	Negotiable, usually Buyer
California	Varies		Included in premium	Seller pays County tax City tax varies	Varies by County	Seller pays recording fees on documents needed to clear title
Colorado			Included in premium, except for multi-chains of title or special services		Divided Equally	
Connecticut				All deeds must be accompanied by a Conveyance Tax Return, even if transfer is exempt	Negotiable	Buyer pays for recording Deed & Mortgage documents Seller pays for recording of releases
Delaware				Divided Equally	Negotiable	
District of Columbia	Negotiable	Negotiable	Negotiable	Buyer pays Recordation Tax Seller pays Transfer Tax	Negotiable	Negotiable
Florida	Negotiable, usually Buyer		Negotiable, usually Seller	Negotiable, usually Seller	Negotiable, usually Divided Equally	Buyer pays for instruments of conveyance & financing Seller pays instruments to clear title
Georgia	Negotiable		Negotiable		Negotiable	Varies
Hawaii	Buyer—40% Seller—60%		Included in premium	Negotiable, usually Seller	Divided Equally	
Idaho	Negotiable, usually Seller	Negotiable, usually Buyer	Included in premium	N/A	Divided Equally	Buyer pays for Deed of Trust or Mortgage Seller pays to record conveyance Deed and release docs
Illinois	Negotiable, usually Seller		Buyer pays loan policy charges Seller pays any abstract charges—fees vary	Buyer pays for local transfer tax Seller pays State and County	Divided Equally	Buyer pays for recording Deed and Mortgage docs Seller pays for recording of releases
Indiana	Negotiable, usually Seller	Negotiable, usually Buyer	May be charged as Additional Fees	N/A	Negotiable, usually Divided Equally	Negotiable, usually Buyer pays for instruments of conveyance and financing Seller pays for instruments to clear title
Iowa	Negotiable		Buyer pays post-closing charges Seller pays pre-closing and abstract charges		Buyer pays post-closing charges Seller pays pre-closing exam and abstracting	Buyer pays all other recording fees Seller pays for recording docs to remove encumbrances
Kansas	Negotiable, usually Seller			N/A	Negotiable, Divided Equally if purchase contract silent	Seller pays for recording of deed
Kentucky	Negotiable					
Louisiana				Varies		Buyer pays all other recording fees Seller pays for recording docs to remove encumbrances
Maine			Seller pays in Penobscot County	Divided Equally		Buyer pays recording fees Seller pays release recording fees
Maryland	Negotiable	Negotiable	Negotiable	Negotiable	Negotiable	Negotiable
Massachusetts					Negotiable	Buyer pays recording fees Seller pays release recording fees
Michigan			Included in premium— complex title exam may incur work charges		Negotiable, usually Buyer	
Minnesota					Shared by parties	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Mississippi	Negotiable			N/A	Negotiable	
Missouri	Varies by County		Varies by County	N/A	Negotiable	Varies by County

Customary Standard Fee Splits

Buyer Seller

State	Owner's Policy	Loan Policy	Search: Exam, Attorney, Abstract Fees	Transfer Taxes	Escrow Fees	Recording/Filing Fees
Montana			Included in premium	N/A	Divided Equally	Realty Transfer Certificate must be completed to record a Deed
Nebraska	Divided Equally		Included in premium	Seller pays; \$2.25 per thousand	Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Nevada			Included in premium		Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
New Hampshire				Divided Equally		Buyer pays recording fees Seller pays release recording fees
New Jersey				Buyer pays 1% fee on over \$1M properties in certain property classes Seller pays Realty Transfer Fee.	Buyer pays for North NJ title company closings Split closing cost for South NJ	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
New Mexico			Included in premium	N/A	Divided Equally	Parties pay their own attorneys for doc preparation fees. Seller pays Deed; Buyer pays Mortgage.
New York	New York-style closing custom requires the simultaneous transfer of documents and consideration at a meeting of the parties. Recording takes place later. Most closing costs, including cost of title insurance, are paid by the Buyer.					
North Carolina					Negotiable	Buyer pays to record all other documents Seller pays to record Deed and release of any encumbrances
North Dakota			Seller pays for abstract only	N/A		Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Ohio					Negotiable, usually Divided Equally	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Oklahoma	Negotiable	Negotiable	Attorneys' Opinions vary by local practice; abstract fees are various rates filed by each abstract company		Negotiable	Buyer pays to record Mortgage Seller pays recording for any docs to convey or disencumber the property
Oregon			Included in premium	Only in Washington County; Divided Equally	Divided Equally	Buyer pays to record all other docs Seller pays the cost of recording Contract of Sale
Pennsylvania				Divided Equally	Included in premium for all-inclusive rate; not included in approved attorney rate filing	Buyer pays to record Deed & Mortgage Seller pays to record release documents
Rhode Island						Buyer pays to record Deed, Mortgage & Assignment Seller pays for recording docs to remove encumbrances
South Carolina			Search, etc. are NOT included in premium, fees established by attorney-agent	\$3.70/\$1000	Negotiable	Value may be required; Buyer pays to record Deed & Mortgage Seller pays to record release documents
South Dakota	Split is required only when licensed abstractor must sign	Split is required only when licensed abstractor must sign	Varies by County		Varies by County	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Tennessee	Negotiable		Negotiable except in those counties where search and exam fees are included in the premium		Varies by Local Practice	Buyer pays to record Deed & Deed of Trust Seller pays for recording releases
Texas			Included in premium	N/A	Negotiable	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Utah	Negotiable, usually Seller		Included in premium; may be additional "Special Project" charge	N/A	Divided Equally; escrow fees are a minimum filed rate	Buyer pays to record Deed & Mortgage Seller pays to record docs to remove encumbrances
Vermont					Negotiable—Closing normally handled by attorney performing the title examination	
Virginia	Negotiable	Negotiable	Negotiable	Buyer normally pays State & Local Taxes Seller pays Grantor's Tax	Negotiable	Negotiable
Washington			Included in premium		Divided Equally	
West Virginia	Negotiable, usually Buyer	Negotiable, usually Buyer	Exam fees not included in premium. Fees established by examining attorney.			
Wisconsin			Negotiable		Negotiable	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Wyoming			Included in premium	N/A	Negotiable	

Information at Your Fingertips

First American would like to help make your job easier. That's why we've gathered laws and customs information from throughout the nation and put it in an easy-to-use document.

From rates to form information to payment responsibilities, this handy guide provides the data you need no matter where a property is located. But if more information is needed, don't hesitate to call your local First American representative. It's our job to make your job easier.

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