

Your Guide to **Real Estate** Customs by State



First American Title™
NATIONAL COMMERCIAL SERVICES

Real Estate 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	Recordation Tax		
Alaska	Filed Rate	Warranty Deed	Deed of Trust		Commitment			
Arizona	Filed Rate	Warranty Deed	Deed of Trust Mortgage		Commitment			
Arkansas	Not Filed	Warranty Deed	Deed of Trust Mortgage (more common)		Commitment	Real property tax transfer		
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	Bargain and Sale Deed, Quitclaim Deed Special Warranty Deed, Warranty Deed	Deed of Trust/Public Trustee for each County		Commitment	Documentary Fee City Transfer Fee (in some cities)		
Connecticut	Filed Rate	Warranty Deed Quitclaim Deed	Mortgage		Commitment	City Conveyance Tax State Conveyance Tax		Unless duration is tantamount to a conveyance, e.g., 99 years
Delaware	Filed Rate	Special Warranty Deed Warranty Deed	Mortgage		Commitment	State Transfer Tax Local Transfer Tax		Unless lease exceeds 5 years
District of Columbia	Filed Rate	Special Warranty Deed	Deed of Trust with Private Power of Sale		Commitment	Transfer Tax Recordation Tax	Recordation Tax on Money loaned subject to any applicable exemptions	Excludes leases with terms of 30 years or less, including options to renew
Florida	Promulgated Rate by State Insurance Department	Special Warranty Deed Warranty Deed	Mortgage		Commitment	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	Limited Warranty Deed Warranty Deed	Deed to Secure Debt Mortgage (rare)		Commitment	Real Estate Transfer Tax must be accompanied by Real Estate Transfer Tax Declaration Form	Intangible Recording Tax	
Hawaii	Posted Rate	Warranty Deed	Mortgage		Preliminary Report; Commitment upon Request	State Conveyance Tax Certificate Form must be accompanied by 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	Quitclaim Deed Warranty Deed	Deed of Trust Mortgage		Commitment			
Illinois	Not Filed	Quit-Claim Deed, Special Warranty Deed, Warranty Deed	Mortgage Deed of Trust (rare)		Commitment	Real Estate Transfer Tax State, County and in some cases, a Municipal Transfer Tax		Assignments of the lessee's interest in a lease that has a term of 30 years or more. This is for state and county, and some municipalities.
Indiana	Filed	Warranty Deed	Mortgage		Commitment			
Iowa	No title insurance companies are licensed within the state. Title policies written outside state.	Warranty Deed	Mortgage		Commitment	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	Special Warranty Deed Warranty Deed	Mortgage		Commitment	No; Sales Validation Questionnaire must accompany all Deeds to be recorded	Mortgage Registration Tax	
Kentucky	Filed Rate	Warranty Deed	Mortgage		Commitment	Real Estate Transfer Fee		
Louisiana	Filed Rate	Act of Sale Warranty Deed	Mortgage	Yes; attorney must examine title	Commitment	No; Orleans Parish Only	Documentary transfer tax in Orleans Parish Only	Orleans Parish Only
Maine	Filed Rate up to \$1 million	Warranty Deed	Mortgage		Commitment	Real Estate Transfer Tax A Declaration of Value must accompany Deeds to be recorded		
Maryland	Filed Rate	Special Warranty Deed (preferred)	Deed of Trust Mortgage (rare)	Yes; most documents must be approved by a Maryland attorney prior to recordation	Commitment	Recordation Tax, State Transfer Tax and County Transfer Tax	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	Excise Tax Deed stamps based on consideration in Deed. Extra county taxes in Barnstable. Land Bank fee in Dukes and Nantucket Counties		Unless duration is tantamount to a conveyance, e.g., 99 years
Michigan	Filed Rate	Warranty Deed	Mortgage		Commitment	Real Estate Transfer Tax. Based on full consideration set forth on face of Deed or on a Real Estate Transfer Valuation Affidavit		
Minnesota	Filed Rate up to \$1 million	Warranty Deed	Mortgage		Commitment	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			
Missouri	Filed Rate	Warranty Deed	Deed of Trust		Commitment	No; various counties require a Certificate of Real Estate Value		

UCC Status: All states are authorized for UCC Insurance; Oregon is pending as of September 10, 2014.
UCC Designation: Property & Casualty States: Alabama, Arizona, Arkansas, Colorado, Connecticut, Georgia, Idaho, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania South Carolina, and Tennessee.
Title Insurance States: Alaska, California, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Montana, Nevada, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Real Estate 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	Quitclaim Deed Warranty Deed	Deed of Trust (not to exceed 40 acres) Land Sales Contract Mortgage		Commitment			
Nebraska	Filed Rate	Warranty Deed	Deed of Trust Mortgage		Commitment	Documentary Stamp Tax. \$2.25 per thousand; Documentary Stamp Act Real Estate Transfer Statement filed with Deed		
Nevada	Filed Rate	Bargain and Sale Deed Grant Deed Quitclaim Deed	Deed of Trust		Preliminary Report Commitment	Real Property Transfer Tax		
New Hampshire	Filed Rate	Quitclaim Deed Warranty Deed	Mortgage		Commitment	Real Property Transfer Tax		Unless duration is tantamount to a conveyance, e.g., 99 years
New Jersey	Filed Rate	Bargain and Sale Deed, Covenant against Grantor's Acts; Special Warranty Deed; Warranty Deed	Mortgage	Either attorney or title companies can perform the closing	Commitment	Realty Transfer Fee Additional fee for property exceeding \$1M		If lease is less than 99 years including possible renewals
New Mexico	Promulgated Rate by State Insurance Department	New Mexico Real Estate Contract Warranty Deed	Deed of Trust Mortgage		Commitment			
New York	Filed Rate	Warranty Deed (Zone 1) Bargain and Sale Deed (Zone 2)	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
North Carolina	Filed Rate	Warranty Deed	Deed of Trust		Commitment	Excise stamp on conveyance		Depends on County
North Dakota	Filed Rate	Warranty Deed	Mortgage	Yes; Abstracts and Attorneys' Opinions are required to issue any title insurance policy	Commitment			
Ohio	Filed Rate	Limited Warranty Deed Quitclaim Deed Warranty Deed	Mortgage		Commitment	Real Property Transfer Tax Amount varies by County from \$1 - \$4/\$1000. \$0.50 per parcel transfer tax		None, except for 99-year leasehold in some Counties
Oklahoma	Not Filed	Warranty Deed	Mortgage		Commitment	Documentary Stamp Tax	Buyer usually pays	
Oregon	Filed Rate	Warranty Deed, Special Warranty Deed, Bargain and Sale Deed, and Quitclaim Deed (rare)	Mortgage (rare) Deed of Trust		Preliminary Report Commitment upon request	Real Property Transfer Tax assessed in Washington County only		
Pennsylvania	Filed Rate	Special Warranty Deed	Mortgage		Commitment	Realty Transfer Tax		Unless lease is for 30 years or more (consult with local office)
Rhode Island	Negotiable	Bargain and Sale Deed Quitclaim Deed Warranty Deed	Mortgage		Commitment	Real Estate Conveyance Tax		
South Carolina	Filed Rate	Warranty Deed	Mortgage		Commitment	Documentary Stamp Tax		
South Dakota	Filed Rate	Warranty Deed	Mortgage	No; policy must be signed by a licensed abstractor for a fee in county where property is located	Commitment	Real Estate Transfer Fee Certificate of Real Estate Value		
Tennessee	Filed Rate	Quitclaim Deed Special Warranty Deed Warranty Deed	Deed of Trust Mortgage (rare)	Yes; all recorded documents	Commitment	Real Estate Transfer Recordation Tax Warranty Deed: Tax on greater 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			
Utah	Filed Rate	Quitclaim Deed Special Warranty Deed Warranty Deed	Deed of Trust Mortgage		Commitment			
Vermont	Filed Rate up to \$2 million	Fiduciary Deed Warranty Deed Quitclaim Deed	Mortgage		Commitment	Property Transfer Tax—Declaration required		Unless lease is 50 years or more
Virginia	Not Filed	Special Warranty Deed Warranty Deed	Deed of Trust	Yes; deeds must be prepared by a company non-title company attorney	Commitment	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	Real Estate Excise Tax based on percentage of sales price		
West Virginia	Filed Rate	Warranty Deed	Deed of Trust	Yes; attorney must certify title, prepare Deeds and Deeds of Trust and conduct settlement	Commitment	Transfer Tax and Non Resident Withholding Tax		
Wisconsin	Filed Rate	Warranty Deed	Mortgage		Commitment	Real Estate Transfer Tax		Unless lease is 99 years or more
Wyoming	Filed Rate	Warranty Deed Quitclaim Deed	Mortgage	N/A	Commitment	Statement of Consideration must be completed to record a Deed	N/A	N/A

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Title Insurance States: Alaska, California, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, 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, for most counties — except for multi-chains of title or special services		Negotiable	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Connecticut				Seller: 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, usually Divided Equally	
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 instruments of conveyance & financing Seller pays instruments to clear title
Georgia	Negotiable		Negotiable	Negotiable, usually Seller	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	Negotiable, usually 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	Local transfer tax determined by municipal ordinance 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			N/A	Negotiable, Divided Equally if purchase contract silent	Buyer pays for recording of Deed
Kentucky	Negotiable					
Louisiana				Varies		Buyer pays all other recording fees Seller pays release of encumbrances
Maine			Seller pays in Penobscot County	Divided Equally		Buyer pays recording fees Seller pays release recording fees
Maryland	Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Buyer	Negotiable, usually Divided Equally	Negotiable, usually Buyer	Negotiable, usually Buyer
Massachusetts					Negotiable	Buyer pays recording fees Seller pays release recording fees
Michigan			Negotiable, usually divided equally		Negotiable, usually Buyer	Buyer pays for recording of Deed
Minnesota					Shared by parties	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Mississippi	Negotiable			N/A	Negotiable	Negotiable, usually Buyer
Missouri	Varies by County		Varies by County	N/A	Negotiable	Varies by County

Information at Your Fingertips

First American Title created this helpful state-by-state guide to make your job easier.

Containing valuable information, this guide provides a detailed look at local customs throughout the nation.

If additional information is needed, please reach out to your local First American Title representative.



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	Negotiable, usually seller	Negotiable, usually buyer	Included in premium	N/A	Negotiable, usually divided equally	Buyer: 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 additional fee for property exceeding \$1 million 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			Seller (Zone 1) N/A (Zone 2)	Seller pays, except for Mansion Tax when applicable	N/A	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
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	Negotiable	Buyer pays to record Mortgage Seller pays recording for any docs to convey or disencumber the property
Oregon	Buyer pays for extended coverage portion of premium Seller pays for standard coverage premium		Included in premium	Only in Washington County — Negotiable, but customarily divided equally	Divided Equally	
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	Buyer pays for endorsements Seller pays base premium		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	Buyer; Exam fees not included in premium; fees established by examining attorney.			
Wisconsin			Search fees which are not otherwise included in the premium are added in some counties and may be negotiable.		Negotiable	Buyer pays to record Deed & Mortgage Seller pays for recording docs to remove encumbrances
Wyoming	Negotiable, usually Seller	Negotiable, usually Buyer	Included in premium	N/A	Negotiable, usually divided equally	Buyer pays to record Deed & Mortgage Seller pays to remove encumbrances



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