

STANDARDS FOR THE APPROVAL OF REAL ESTATE TRANSFERS

Purpose

The following standards governing the conveyance of real property in Holmes County are adopted and established by the County Auditor and the County Engineer, as prescribed by section 319.203 of the Ohio Revised Code.

The purpose of these standards is to minimize the errors passed down from former transfers and obtain accurate descriptions for deeds, easements, land contracts, and other instruments that require the use of legal descriptions.

These standards are very similar to the ones we have used for the past twenty years. Please take a few minutes to review all of the standards so that you are familiar with them. This will help avoid delays in the approval process.


Tax Map Office personnel will perform all required reviews. Special situations not covered by these standards will be interpreted by the County Engineer and/or the Prosecuting Attorney.

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STANDARDS FOR THE APPROVAL OF REAL ESTATE TRANSFERS

HOLMES COUNTY, OHIO

The following are to be submitted to the Tax Map Office prior to transfer or recording:

All descriptions for transfer of real estate
All Plats (including formal Subdivisions)
Plats for annexation, dedication, vacation
Land Contracts and Condominium plans
Easements/rights-of-way for ingress and egress

A. Procedure for transfer of real estate

- A-1 All instruments of conveyance shall be submitted to the Tax Map Office for review.
- A-2 Any document which is improperly submitted or without sufficient information will not be processed.
- A-3 Documents submitted for review shall be signed and intended for immediate transfer.
- A-4 Signed original documents will be reviewed once daily. Documents will be accepted for review until 4:00 pm each working day. When possible documents will be released the next working day. Allow 1 full work day (24 hours from drop off to pick up) for document review. Preliminary approval does not waive this time requirement for document review. Every effort will be made to handle "emergency" cases in a timely manner, as long as this privilege is not abused. If advance arrangements are not made for "emergency" situations, documents will be processed in the usual time frame.
- A-5 Documents requiring Planning Commission review and/or approval will be forwarded to said commission. Not all parcels over five (5) acres are exempt from Planning Commission review (see paragraph E-1, E-2).
- A-6 The instrument of conveyance shall provide a space of sufficient size to permit placement of a "Reviewed" and/or "Plat" stamp on a page containing the legal description. If this is not provided, the document will not be processed.
- A-7 A surveyor's plat for recording purposes shall accompany all instruments which contain a legal description for any new survey. Said plat shall be recorded with the County Recorder and the book volume and page shall be noted on the instrument of conveyance. Plat scale must be the scale of the original drawing. FAX plats will not be accepted. Recording fees will be assessed by the County Recorder at the time of transfer.
- A-8 In an effort to avoid any surprises at the time of transfer, upon request we will give documents a "preliminary review" as time permits. Preliminary review does not waive the required 24 hour turn-around for final review of signed documents. A copy of the instrument intended for transfer shall be presented for pre-transfer verification. Signatures are not required for preliminary review. A plat and description for a new survey may be submitted for preliminary review to determine if it is correct and/or acceptable.

B. All Descriptions

- B-1 All descriptions for transfer of real estate shall be checked by the Tax Map Office to verify and identify the parcels to be conveyed.
- B-2 Instruments for transfer submitted for review shall state, Grantor, Grantee, political location, geographical location, book and page reference for all deeds by which the grantor took title, and adequate legal description of the property, the plat reference for any parcel/exception with a recorded survey, and surveyor's name and registration number (for parcels with new surveys).
- B-3 Any area being conveyed shall have an accurate description, including all residual parcels with exceptions to title.
- B-4 Vague or inaccurate descriptions shall require a new survey for transfer (including survivorship deeds, trusts, affidavits for transfer and certificates of transfer). Terms such as "in a northerly direction", "from thence to the place of beginning", "with the meandering of the stream", portions of lots or sections described as a given number of feet or given number of acres off an end or any side, etc. are not a definite or adequate description and will not be accepted.
- B-5 Town lots or outlots shall be surveyed in cases where the original layout has insufficient information with regard to location, size, area, etc.
- B-6 Descriptions for an entire lot designated by number in a platted and recorded subdivision or town layout shall state the geographic and political location, correct lot number, name of subdivision, acreage, along with the plat book volume and page. For any renumbered lot, the original lot number is also required.
- B-7 When an area to be conveyed originated by means of vacation of any road or alley, a specific description by meets and bounds shall be used. Reference to the record of said vacation proceedings shall be included.

C. Existing Descriptions

"Existing description" is defined as the legal description which appears on the most recent preceding instrument of conveyance (deed form) on record in the office of the Holmes County Recorder (mortgage and lease descriptions are excluded).

- C-1 If an existing description is ambiguous or deficient, one (1) transfer may be allowed to an immediate family member, but an accurate survey and meets and bounds description shall be required before any additional transfers. Any parcel previously stamped "Last transfer without new survey" will not be allowed any additional transfers without a new survey. Trusts will not be considered a "family transfer" without verification of ownership. All "Trusts" shall be subject to these standards.
- C-2 All existing descriptions of record must be described as witnessed by the previous instrument of record and transfer. The correction of typographical errors, omissions, or other obvious mistakes will be permitted to make the description more accurate. Exceptions must comply with paragraph D-2 of these standards. Any correction which significantly changes the parcel or its location must reference the previous recorded deed in which it is found.
- C-3 Existing descriptions shall be changed to reflect the new corporate location when it has been incorporated into a municipality or other political subdivision by means of annexation since the last previous conveyance.
- C-4 Existing descriptions of military lots or sections in the original survey of the county (i.e. patent deeds) will generally be accepted, provided the legal description is accurate with all boundaries clearly defined and includes an acreage statement.

D. Exceptions

"Exception" is defined as any tract of land taken from or excluded from the parent tract.

- D-1 Exception descriptions shall be placed immediately after the parcel from which it is excepted.
- D-2 All exceptions shall be recited verbatim as it appears on the original deed of conveyance, state the total area excepted and include the volume and page of any recorded plat. A simple reference to another document for the description is not acceptable.
- D-3 Exceptions shall be accurate and easily located on the Tax Map with all boundaries clearly defined.
- D-4 A maximum of five (5) exceptions per parcel. More than 5 exceptions will require a new survey of the parcel conveyed.

E. Partial Transfer

- E-1 Separation of existing parcels shall be reviewed and approved by the Planning Commission when the separation of said parcels creates a tract (conveyed or retained) under 5.0 acres or access for ingress and egress is altered or unclear.
- E-2 When only a portion of the grantor's land is to be conveyed, a survey, plat, and written metes and bounds description shall be required. The Planning Commission shall review any parcel conveyed, or residue thereof, which may fall under Holmes County Subdivision Regulations.
- E-3 The conveyance of a portion of a lot in a recorded subdivision or town layout shall be by metes and bounds description and include a reference to a verified fixed monument within the subdivision when possible.
- E-4 When an Incorporated village has adopted formal review procedures for lot splits, written approval of said village shall be placed upon the plat prior to review by the Tax Map Office. Approval of the lot split by any village does not waive the requirements of these standards.
- E-5 When the grantor of a parcel has obtained a new boundary survey of the property, the legal description of said survey shall be placed on record by recordation of a deed and plat prior to approval of any outsale therefrom. Subsequent outsales may appear as exceptions once the boundary of the parent tract has been established.

F. Easements

- F-1 All easements for ingress and egress shall be shown on a surveyors plat and described as a centerline with a stated width each side; a metes and bounds description may be included as a matter of option. All easements for ingress and egress are subject to review by the Holmes County Planning Commission.

G. Court Deeds

- G-1 Court ordered conveyances resulting from Federal Court, Bankruptcy Court, Court of Common Pleas, including Sheriff's deeds, deeds upon foreclosure, partition and by a trustee in bankruptcy will be accepted.
- G-2 When the description does not meet these standards, said description will be allowed to transfer one (1) time only. Any subsequent transfer shall require a survey, plat and legal description.
- G-3 If the description in such an instrument of conveyance does not meet these standards, the instrument of conveyance shall contain an explanation of why it is exempt from these standards.

H. Certificate of Transfer and Affidavit for Transfer

- H-1 Since a "Certificate for Transfer of Real Estate" and an "Affidavit for Transfer of Real Estate" are not forms of conveyance, but simply recorded evidence of transfers of title to real estate which have already taken place as a matter of law, they will be permitted to transfer, provided the legal description is as accurate as possible from existing descriptions in the record of deeds (excluding mortgage descriptions, lease descriptions, etc.).
- H-2 When the legal description is deemed insufficient, the instrument shall be stamped "Last transfer without new survey" and any subsequent transfer shall require a survey, plat and legal description.
- H-3 When the legal description is deemed insufficient, conveyance of an interest in the real estate described in the Certificate of Transfer or Affidavit of Transfer by an owner in either of said instruments to another such owner will be permitted one (1) time only. Thereafter, a survey shall be required for any transfer, whether conveyed to a person who already owns an interest in said property or to an outside third party.

I. Land Contracts

- I-1 Legal descriptions which appear on any Land Installment Contract shall be subject to these standards.
- I-2 Substandard descriptions which appear in any Land Contract shall not be used for the instrument of conveyance. Land Contracts which contain a substandard description may be recorded for the sole purpose of placing said document in the public record. Substandard descriptions shall require a survey for deed transfer.
- I-3 Approval for recording of the land contract does not constitute approval of the legal description for use in an instrument of conveyance. Upon satisfaction of the land contract, the legal description (including any survey plat) used for the instrument of conveyance shall be subject to the standards and regulations in effect at the time of transfer.
- I-4 Recording of the land contract does not waive the requirements of other governing authorities which may be in effect at the time of deed transfer.
- I-5 When a survey has been completed for the parcel(s) contained in the Land Contract, a copy (8.5" x 14" max. size) of the plat of said survey shall be attached as an exhibit to the land contract (do not record plat in the Plat Records).

J. Condominiums

- J-1 Condominiums will be viewed as new subdivisions.
- J-2 Unit owners shall have a deed for each unit owned. Condominiums and their deeds are subject to all rules and regulations as they apply.
- J-3 Drawings shall show the square feet of units, unit location, common area, limited common area, and include the legal description and a survey plat of the land to be held in the condominium name. All condominium drawings shall be recorded with the office of the Recorder of Holmes County, Ohio. Survey plat and legal description are subject to all state and local regulations in effect at the time of transfer and recording.

K. Miscellaneous

- K-1 Individual parcels may be combined back into the original parcel without a new survey only when an acceptable survey plat and legal description for all parcels are on file with the Tax Map Office, and said survey plat and legal description meet all requirements in effect at the time of proposed transfer.
- K-2 Annexation plats must show the outside boundary of the area to be annexed and all property owners and property lines within the annexed area, the deed acreage (or calculated portion) of each parcel annexed, the total acreage of the annexed area, and state whether the plat was prepared from an actual field survey or from existing records. The legal description shall cite the exterior boundary of the entire area annexed.
- K-3 The portion of any alley/street to be vacated shall be described by metes and bounds and shall be shown on a plat. In cases where the portion vacated is bounded by more than one property owner, subdescriptions are required to reflect the area reverting to the appropriate adjacent property owner.

L. New Surveys

The Tax Map Office shall determine the sufficiency of any plat submitted for transfer or recording.

- L-1 All survey plats shall be filed with the Tax Map Office.
- L-2 The surveyor shall prepare a scale drawing of every new metes and bounds description originated by said surveyor. Plat shall include the following:
- Plat title stating the location of the survey, municipality and/or township name, geographical location (township, range, section, lot and quarter).
 - Surveyor's name, registration number and seal shall be in a form which may be clearly reproduced
 - date of survey
 - written and graphic scales
 - north arrow
 - acreage: accurate within 1/100 (.01) and carried out three (3) decimal places (.001).
 - courses shall be in bearings, expressed in degrees, minutes and seconds
 - distances recited in feet and decimal parts thereof (carried out two decimal places).
 - name of the grantor and the volume and page of acquirement
 - each parcel shall show a tie (bearing and distance) to a section corner, quarter-section corner, lot corner, or a lot in an adjacent recorded allotment; surveys of small tracts adjacent to a platted and recorded subdivision shall be tied to said subdivision
 - adjoining property owners (complete names with volume and page of deed recording)
 - identify adjacent townships, ranges, sections, allotments, villages, quarters, and roads
 - error of closure is not to exceed 1 ft. in 5,000 ft.
 - state whether the plat was prepared from an actual field survey or from existing records
 - legend of symbols used to identify monumentation
- L-3 The plat shall include the following plat details as the apply:
- When a parcel crosses a section or lot line, a bearing and distance locating said line shall be given.
 - Curve data shall include chord bearing and distance, arc distance, radius, tangent, and delta.
 - When a pin is set back from a corner, the distance from said corner to pin shall be given and also the remainder of that distance on the course.
 - When a line is in a road, at least one-half mile of line shall be used to establish said line. The segment of line contained in the surveyed parcel shall be tied to a Lot or Section corner or Quarter-section corner from both directions.
 - Current road name/number and right-of-way width, where available, shall be shown
 - When a survey distance is discovered to be different from a recorded distance, and a closed traverse has been made, both should be shown on the plat.
- L-4 An acreage breakdown shall be given for each area of a parcel taken from more than one tract/parcel of the previous conveyance and/or the portion taken from more than one section, quarter, or military lot

- L-5 Platted lots, or portions thereof, shall not be combined with other lands into one description unless the original lots are vacated or replatted.

Separate parcels and written descriptions are required: 1) when any survey crosses from one taxing district to another or 2) for township land and village land or 3) for each outlot or platted lot in a town layout or subdivision. (Do not make one description which crosses from one into the other.)

- L-6 Plats shall be drawn on 11" x 17" paper or smaller when possible. Larger sizes (up to a maximum size of 24" x 36") will be acceptable only when a reproducible is provided. Reproducible plats shall be filed with the Tax Map Office prior to approval of any deed for conveyance of any parcel shown thereon. Said reproducible plat shall not be xerox (or xerox type) copies on reproducible media and will not be accepted.

- L-7 There will be no charge for filing originals with the Tax Map Office. "Filing" a plat with the Tax Map Office does not constitute recording. A copy of the plat for recording purposes shall be provided by the parties involved with the transfer. Recording fees will be assessed at the time of transfer.

- L-8 As time permits, preliminary plats will be checked upon request. Final approval will not be granted until such time as the parcel is transferred.

- L-9 Lots which are split within an Incorporated village which has adopted formal review procedures for lot splits, require written approval from said village placed upon the plat prior to final review by the Tax Map Office. Approval of a lot split by any village does not waive the requirements of these regulations or any other governing authority in effect at the time of transfer.

- L-10 New surveys shall not contain any exceptions thereto when being placed on record the first time by an instrument of conveyance. (see E-10)

- L-11 New descriptions shall be written only by a registered surveyor. Surveyor's name and registration number shall appear on the deed immediately following the description of the surveyed parcel. The surveyed parcel shall be shown on a plat.

- L-12 All new metes and bounds descriptions shall incorporate the following:
- SITUATE -shall denote the state, county, township or municipality, geographic township, range, section or lot and quarter and shall state the recorded title and deed reference as to the tract(s) of origin.
 - STARTING POINT - All descriptions shall be referenced to an established section or quarter section corner, lot corner or corner of a lot in an adjacent recorded subdivision.
 - COURSES - Each course of a new metes and bounds description shall:
 - a) be stated in a clockwise direction from point of beginning to point of termination for the subject description.
 - b) contain a bearing expressed in degrees, minutes, and seconds and a distance recited in feet and decimal parts thereof. The sum of all segment distances shall indicate the length of the entire line.
 - c) recite all controlling monumentation, either placed or found, along each course.
 - d) indicate all other common lines such as roads, streams, quarter or half section lines, or any other pertinent common line of record.
 - CURVES - Any course which is a curve shall contain the direction of the curve (right or left), length of the arc, the radius (in feet and decimal parts thereof), the long chord bearing and distance, and points of curvature.
 - ACREAGE - The acreage of the parcel shall be stated and calculated to the third decimal point.
 - SURVEYOR - Written descriptions shall be prepared by registered surveyor and shall include: Surveyor Name, Ohio Registration Number, date of the writing and/or survey, statement indicating the description was prepared from a field survey or from existing records.
 - REFERENCES - All references to roads, streams, railroads etc. shall use current or existing names and/or numbers of record.
 - CLOSURE - All new metes and bounds descriptions shall be subject to verification as to the accuracy of the traverse closure of the area described. (1:5000 minimum allowable closure)
 - PRIOR DEED REFERENCES - Deed reference(s) by which the grantor of the conveyance acquired title shall be recited, identifying whether from a deed book or official record.