

Noble County

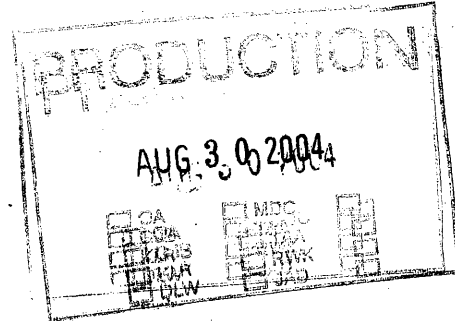
The following information has been provided to us by the Noble County Auditor, to be effective as of August 1, 1996. You are cautioned not to rely upon the following information without having your attorney review your instrument of conveyance and contact the Auditor to determine the current standards.

The Noble County Auditor has asked us to remind everyone that the Noble County Courthouse closes at 11:30 AM each Thursday. Their hours are:

Monday, Tuesday and Wednesday
8:00 AM to 4:00 PM

Thursday
8:00 AM to 11:30 AM

Friday
8:00 AM to 7:00 PM



In addition to the accompanying rules for the transfer of real property in Noble County, we want to bring your attention several other problems we have in property transfers.

Quite frequently, the sale of a mobile home is included in the purchase price as stated on the conveyance form even though the mobile home has been taxed as personal property and does not appear on our tax duplicate.

This results in an overpayment of transfer tax, and also results in our land sales studies being skewed.

Another problem we sometimes encounter occurs with the transfer of land that has been in the current agricultural use value program.

On these occasions, the new owner may not choose to farm the land, or we may find that he or she does not qualify for the program. In such a case, there would be recoupment of the three previous years tax equalling the tax savings the former owner had enjoyed. Because this recoupment follows the land, it would then become the burden of the new owner.

DTE form 102 was prescribed to rectify this problem. In some cases though, the new owner has told us that he or she was never told about the possibility of a recoupment at the time of the transfer.

We must insist that form 102 be filed at the time of the transfer of any land that has been in the current agricultural use value program.

David Fleming
Noble County Auditor

TRANSFER PROCEDURES FOR NOBLE COUNTY

The following requirements are now adopted and established in conjunction with the Noble County Engineer and the Noble County Auditor as prescribed by Ohio Revised Code Section 319.203.

INSTRUMENTS TO BE SUBMITTED TO THE NOBLE COUNTY ENGINEER'S MAP

DEPARTMENT BEFORE CONVEYANCE AND/OR RECORDING ARE AS FOLLOWS:

Existing descriptions of record, all street, alley, road and subdivision vacations, new survey plats and descriptions, subdivision plats, road establishments, annexation descriptions and land contracts except, court ordered transfers, including but not limited to orders of sale, judgment entry transfers, certificates of transfer, sheriff sales, and tax foreclosures, are not subject to this rule, however the properties must be presented to the Noble County Engineer's Map room for tax map corrections and the above are subject to red stamp that is described below.

INSTRUMENTS SUBMITTED WILL BE SUBJECT TO THE FOLLOWING PROCEDURES PRIOR TO THEIR ACCEPTANCE FOR TRANSFER OF THE TAX DUPLICATES OF NOBLE COUNTY, OHIO:

- A. Descriptions 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 "TAX MAP CORRECTED, MUST BE SURVEYED BEFORE RECONVEYED," will be signed and dated by Noble County Map Department Personnel. Any deed that is currently red stamped will require a new description before it is transferred again.
- B. Descriptions that meet current requirements will transfer with a black stamp, "TAX MAP CORRECTED" and will be signed and dated by Noble County Map Department Personnel.
- C. Descriptions transferring within an immediate family, will transfer with a red stamp even if the prior description was red stamped. Exceptions are not limited as in Rule No. 4 of existing metes and bounds descriptions. The remaining acreage of each tract to be conveyed shall be stated. Immediate family will include grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father, father-in-law, mother, mother-in-law, spouse, child, and grandchild.
- D. Descriptions will be checked as promptly as possible. To avoid a delay, instruments of conveyance and new surveys should be submitted at least two days prior to the transfer. Instruments conveying, by a new survey description, cannot be processed until the new survey description and plat is submitted to the Noble County Engineer's Map Department for approval.
- E. Surveys submitted and approved will be stamped "SURVEY CHECKED" signed and dated by personnel from the Noble County Engineer's Map Department.
- F. Division sheets are required to be signed by both parties, completed, and filed in Auditor's Office when the deed is being transferred.

Descriptions/plats submitted shall conform to the requirements as set forth in the Requirements and Provisions of Chapter 711 and Sections 315.251, 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.

MINIMUM REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE IN NOBLE COUNTY

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, name of addition or subdivision and with a reference to a plat book and page number or slide number.
2. Descriptions of parts of such lots and outlets of recorded plats, shall be adequately tied to a

recorded lot corner or street intersection 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 of an unrecorded plat may be used as reference only.
4. Any new lot splits shall require a survey.

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. Section or quarter section corner, or quarter quarter section corner or nearby recorded subdivision corner.
 - B. Previously recorded surveys of monumented tie downs that meet current transfer requirements.
 - C. When none of the above resources can be located, recorded highway monumentation or intersection or two roads listed on the current state inventory of county roads may be used.
 - D. Adequate tie-in to any of the above points of reference must be given. The bearings and distance from appropriate section line shall be used for reference.
2. Vague terms used on older deeds, such as "in a 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, a tract of land lying part within and part without a municipal corporation; tracts that include two or more taxing districts, and portions of recorded subdivisions shall state the acreage, dimension, Auditor's parcel number, and most recent prior deed reference of each part.
4. The description of a tract containing an excepted area shall be fully described and/or referenced by a 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 and prior deed reference at the conclusion of each parent tract.
6. A survey shall be required for all splits.
7. Error of closure of existing metes and bounds descriptions shall not be greater than 1/2000.
8. Descriptions presented for transfer that contain fraction numbers will not be accepted. Descriptions presented for transfer that differ in context from the prior recorded description, will not be accepted for transfer. Descriptions with exceptions to the parent tract are permitted. See requirements No. 4 above concerning exceptions.
9. Acreage within a vacated subdivision must have a new survey before transferring unless the original tract was one of rule No. 10 or if the original description meets the current transfer requirements.

10. Descriptions such as quarter section (160 acres), 1/2 of quarter section (80.00 acres), 1/2 of 1/2 of quarter section (40.00 acres) and 1/2 of the 1/2 of the 1/2 quarter section (20.00 acres) are acceptable descriptions. If any of the above are created by a split, then the split would require a new survey.
11. An affidavit involving real estate that is presented to the Auditor's Office shall have a copy of the property description attached.
12. The preamble of all descriptions shall state the following: State, county, township, range, township number, section number, subdivision, quarter section and corporation or village.
13. Land contracts will be reviewed for compliance with these minimum requirements and stamped appropriately. Land contracts will be noted on tax maps.
14. All new descriptions shall describe the intent of the description, be it all of the property, a part of the property, or the remainder of the property. All new descriptions shall indicate from which tract of the parent tract the new parcel is being taken.
15. All corrective deeds shall explain, in the deed, the corrective action being taken.

NOTICE TO PURCHASERS

If you are transferring a piece of property in Wayne Township or Buffalo Township, you must contact the zoning inspector of the applicable township in order for you determine if the property dimensions are in accordance with the zoning regulations of said townships.

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 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 submitted must be in scale drawing and not reduced. Faxed 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 surveys seal and signature shall be on the plat and description. Plats of new surveys should be recorded with deed, if size permits.
3. Tie downs for new surveys must use comers that are the same as referenced in rule No. I (A-D) for the requirements for existing deed descriptions, with the exception of a portion of (c) concerning the intersection of two roads.
4. The Auditor's parcel number shall appear on the description and plat map of the tracts to be conveyed.
5. The description of a tract lying in more than one section, a tract of land lying in part within and in 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.
6. 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 tracts.

7. Any course of a new meets 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.

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