

***TRANSFER AND CONVEYANCE STANDARDS  
OF THE PICKAWAY COUNTY AUDITOR  
AND THE PICKAWAY COUNTY ENGINEER***

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***Robert E. Parker, P.E., P.S., Engineer***

**AS ADOPTED UNDER OHIO REVISED CODE SECTION 319.203**

First Public Hearing held July 17, 2003

Second Public Hearing held July 30, 2003

**Effective September 1, 2003**

The requirements described in the ***Transfer and Conveyance Standards of the Pickaway County Auditor and the Pickaway County Engineer*** are designed to provide a fair and consistent method for the review of legal descriptions and survey plats, and to correct errors or inaccuracies in those documents.

Section 319.203 of the Ohio Revised Code (ORC) 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 in Pickaway County, Ohio.

These standards shall be minimum requirements for conveyances in Pickaway County. Wherever these standards are different from the requirements of other lawfully adopted regulations or laws, the more restrictive standards shall govern. If any section, sentence, clause, phrase or portion of these standards is held invalid by any court, then such portion shall be deemed a separate, distinct, and independent provision not affecting the validity of the remaining standards.

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Melissa A. Betz, Pickaway County Auditor

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Robert E. Parker, P.E., P.S., Pickaway County Engineer

## **Section 1**

### **Application of Transfer and Conveyance Rules**

1.0 These rules apply to any transfer and conveyance of an interest in real property made by conveyance, partition, devise, descent, court order, certificate of transfer, affidavit, or any other document, that would cause any of the following:

1.1 Change In The Name Of Owner(s) Of Land; any document that creates, transfers, or terminates any interest in land or minerals that would cause the County Auditor to change the name of the owner or any one of the owners must be presented to the County Auditor under O.R.C. 319.20

1.2 Changes in Description; any document that changes, corrects, or amends the description of any parcel of land must be presented to the County Auditor under O.R.C. 5713.02

1.3 Transfer of Interest That May Affect True Value; any document that creates, transfers, or terminates any interest in land that may affect the true value of a parcel for real property tax purposes must be presented to the County Auditor under O.R.C. 5713.03.

## **Section 2**

### **Special Transfers**

2.0 The following transfers are subject to special requirements:

2.1 Transfers by Affidavit of Next Of Kin; a transfer under the law of descent and distribution shall be made pursuant to affidavit under ORC 317.22. Furthermore, because of the difficulties the County Auditor has had with this type of transfer, a copy of the death certificate or other official acknowledgment of death must be attached to the affidavit and recorded with the Pickaway County Recorder.

2.2 Transfer of Survivorship Interest; a transfer of a survivorship interest shall be made pursuant to O.R.C. 5302.17, only upon certificate of transfer or upon affidavit and certified copy of a death certificate of the deceased joint tenant.

2.3 Transfers by Affidavit under O.R.C. 5301.252; A transfer of the name of the owner or any one of the owners may be made by affidavit pursuant to O.R.C. 5301.252 (B)(1); the correction of a legal description may be made by affidavit pursuant to O.R.C. 5301.252 (B)(4) and (B)(5); however, except in the case of the termination of a life estate or survivorship estate, no transfer shall be made by affidavit pursuant to O.R.C. 5301.252 (B)(2) and (B)(3).

2.4 Transfer upon Death under O.R.C. 5302.22 and 5302.23; a transfer of interest of the owner or owners may be made to named beneficiaries, or contingent beneficiaries, by an affidavit which shall be transferred and recorded pursuant to O.R.C. 5302.22 and O.R.C. 5302.23.

2.5 Corrective Deed; any document that changes, corrects, or amends any prior instrument presented to the Auditor must clearly state the reason for the corrective instrument by affidavit and must include the volume and page of the previously recorded instrument. The affidavit must also be recorded with the corrective deed.

### **Section 3**

#### **Specific Requirements for All Documents of Transfer**

3.0 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:

3.1 Reference to prior instrument of record required; a reference to the volume and page of the record of the next preceding recorded instrument by or through which the grantor claims title as required by O.R.C. 319.20

3.2 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 ORC 319.20

3.3 Identification of Interest Conveyed; the grantor shall inform the County Auditor in writing whether the grantor is conveying less than the grantor's current interest in the land.

3.4 Instruments to Conform to Law; all deeds and other instruments transferring an interest in Real Property shall conform to the laws of Ohio or to the law of the place where the instruments were executed.

3.5 Document 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.

3.6 Conveyance Forms; no instruments will be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX conveyance form.

## **Section 4**

### **Quality of Documents**

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

4.1 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 court or be a certified copy from the clerk of courts.

4.2 Poor Original Not Accepted; no document of transfer will be accepted which has attached to it a previously recorded document that is identified as a "Poor Original." Also, Facsimile (fax) copies of documents are unacceptable.

4.3 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.

4.4 Prior Recording Information or Stamps; no document of transfer will be accepted in which the document or attachment to it has prior recording information or stamps from previously recorded deeds.

## **Section 5**

### **Sufficiency of Description**

5.0 Identification; The description of land shall be sufficient to allow the County Auditor and County Engineer to identify the land that is being transferred.

5.1 Clerical errors that do not affect the County Auditor's or County Engineer's ability to identify the property will be disregarded, but clerical errors that cannot be resolved will cause the County Auditor to disapprove the transfer. Examples of insufficient description of land include, but is not limited to, incorrect or omission of county, township, range, section, or Virginia Military District number; significant traverse closure error as determined by the County Engineer; calculated land area does not match auditor's tax list; metes and bounds errors in distance, bearing, or any other description that is ambiguous or incorrect. Descriptions of land that have been determined insufficient by the County Engineer shall be resolved before the Auditor will approve the transfer. To ensure that requirements for a new survey do not conflict with legal proceedings due to a foreclosure or other court action, the Engineer may stamp the deed "*New Survey Required Next Transfer*" and the deed may use the original description.

5.2 Description of Tax Parcels; All documents that transfer an ownership interest in a tax parcel shall contain one of the following types of description:

5.2 (a) Platted Lot; a platted lot shall be described by its lot number or other designation and the name of the subdivision as platted, as required by ORC 711.101

5.2 (b) Condominium Unit; a condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration as required by ORC 5311.10.

5.2 (c) Metes-and-Bounds Description; each tract of land that is not a platted lot or condominium unit shall be described by a metes-and-bounds description in accordance with these rules and approval of the County Engineer.

5.3 No More Than Three Exceptions In Description; No transfer will be approved where the description of the land set forth more than three (3) exceptions to any metes and bounds description. An exception describes land that is included in the general description, but that is not being transferred and is excepted out and identified by a separate description of its own.

## **Section 6**

### **Boundary Surveys**

6.0 A boundary survey is required when any tract, lot, or parcel that is being conveyed is not described in the same manner as the tract, lot or parcel was described in the immediately preceding conveyance of record. A plat of the boundary survey must be submitted to the County Engineer for approval.

6.1 Must Meet Minimum Standards; All boundary surveys required under 6.0 must be made in accordance with the minimum boundary survey standards prescribed by Chapter 4733-37 of the Ohio Administrative Code, along with the current requirements of the County Engineer.(See Section 11)

## **Section 7**

### **Breaks In the Chain of Title**

7.0 Because the County Auditor needs to determine the ownership of each tract, lot or parcel of real property and because the County Auditor maintains ownership history of each tax parcel the following is required:

7.1 Grantor Is Not Prior Grantee; No transfer will be approved where a grantor is not a prior grantee, unless the document itself or an affidavit that satisfies the requirements of O.R.C. 5301.252 is provided to the County Auditor that explains to the County Auditor's satisfaction why there is a break in the chain of title. The County Auditor may also require additional evidence when necessary to establish the correct ownership of the property.

7.2 Minor Differences In Names; Differences in the name of the grantor and prior grantee based upon the inclusion or omission of middle names or initial, or different version of first names (e.g. Charles, Charley), or due to change in name, and similar differences of a minor nature, must be explained in the document itself or by affidavit as required by O.R.C. 5301.252(B)(1).

## **Section 8**

### **Planning Commission Approval of Parcel Split**

8.0 Subdivision of Existing Parcel; Any transfer or conveyance that causes a tax parcel to be: split into two (2) or more parcels, any one of which is five (5) acres or less; or, leaves an existing parcel with a remainder five or less acres; or, combines two or more tracts or parts of tracts; or, changes the boundary or boundaries of existing tract(s); or otherwise is under the jurisdiction of the local platting authority is required to be approved before it will be accepted by the County Auditor. The county's platting authorities are the Pickaway County Regional Planning Commission if in unincorporated Pickaway County, the City of Circleville Planning and Zoning Commission within the City of Circleville or by the appropriate municipal planning commission where they exist in the villages within Pickaway County. The stamp or signature indicating such approval of the appropriate planning commission shall be placed on the survey plat or on the instrument of conveyance that will be recorded. The Engineer or Auditor can provide a list of the municipalities in Pickaway County requiring subdivision approval.

8.1 Auditor Will Not Determine Exemptions; The County Auditor will not determine whether any split of five acres or less is exempt from planning commission approval, and will accept only a communication from the appropriate planning commission that the split is exempt.

8.2 No Transfer By Plat; The County Auditor will not transfer (change the name of any owner of) any real property pursuant to a plat, except by

dedication of property to a public purpose upon acceptance by political subdivision that is set forth on the plat or in a separate document.

## **Section 9**

### **Transfers of Property In The Name Of a Trust**

9.0 Before any real property that is in the name of a trust can be transferred or conveyed from the trust, the trustee or grantee shall file an affidavit setting forth the information required by ORC 317.22 (B)(2).

## **Section 10**

### **Land That Is Split By Taxing District Boundaries**

10.0 Where a tract of land that is described by a single metes and bounds description is located in more than one county, the Pickaway County Auditor shall consult with the County Auditor(s) of the other county to determine the treatment of the land for real property tax purposes.

10.1 No single tax parcel shall be created by the County Auditor that is located in different taxing districts. Any land with a single metes and bounds description that is split by taxing district lines shall be made into separate tax parcels by the County Auditor. Any platted lot that is located in different tax districts shall be placed in the district in which the front of the parcel is located, as determined by street address, or in which the greater part of the parcel is located if a taxing district line crosses through the front of the lot.

## **Section 11**

### **Requirements of Conveyance by the County Engineer**

11.0 All new metes and bounds descriptions, and all plats of survey must incorporate the principals and minimum standards of good surveying, engineering and draftsmanship, and must meet the "Minimum Standards for Boundary Surveys in the State of Ohio" as defined by Section 4733-37 of the Ohio Administrative Code.

11.1 Requirements For All Recorded Lot(s) Of Record; all instruments conveying a recorded lot or other designation in a municipality or recorded subdivision area must designate the lot number or other designation, the official recorded name, the Plat Book and Page or Official Record reference, and the prior recorded deed reference if any exists.

11.2 Any parcel, out lot, or portion of a recorded lot or other designation must have an accurate description to enable the County Engineer and

County Auditor to determine the residue or balance left, based on existing available records.

11.3 Any area being conveyed in what is commonly known as an “Unrecorded Plat” must have an accurate metes and bounds description.

11.4 All existing metes and bounds descriptions of record will be checked by the County Engineer to verify and identify to the County Auditor the tax parcel(s) to be conveyed. Requirements for existing metes-and-bounds descriptions of record are;

11.4 (a): All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer. The correction of scrivener errors, omissions, or other obvious mistakes is permitted in order to make the description more accurate.

11.4 (b): Any existing metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.

11.4 (c): All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which out lots or exceptions exist must incorporate the following requirements:

11.4 (d): Each out lot or exception of the original tract(s) must be described verbatim as witnessed by the previous conveyance of record.

11.4 (e): Each documented exception must refer to its recorded source if any, by which it can be verified.

11.4 (f): All instruments of conveyance using exceptions to convey the balance or remainder of a tax parcel(s) must incorporate a statement identifying the tax parcel(s) and district to be conveyed, and the current taxable area as set forth on the County Auditor’s tax list for the subject conveyance, (i.e., it is the intent of this instrument to convey all of Tax Parcel(s) number and district, containing acreage or footage, as shown by the County Auditor’s records).

11.5 Legal descriptions may be submitted for pre-approval prior to the creation of the final instrument of transfer. Plats and legal descriptions may be submitted in person, by mail, or electronically by arrangement with the Engineer.

## **Section 12**

### **Requirements for New Metes and Bounds Descriptions for Conveyance**

12.0 All new metes and bounds descriptions, not previously recorded, must be prepared by a Professional Surveyor licensed in the State of Ohio and must be in compliance with the Ohio Administrative Code, Chapter 4733-37.

12.1 In addition, the following items shall be required:

12.1(a) The situate must denote the state, county and municipality or township, range, section, half section, or Virginia Military District Number, etc.

12.1(b) The situate must denote recorded title and deed reference and Auditor's Parcel Number as to the tract(s) of origination.

12.1(c) All descriptions must be referenced to an established point of beginning such as centerline intersections of streets or roads of record, established property corners of record, section and or quarter section corners or lines, or Virginia Military District corners or lines, etc.

12.1(d) Each course of a new metes and bounds description should be a separate paragraph, and all courses must be stated in a clockwise direction from the point of beginning to the point of termination for the subject description.

12.1(e) Each course of a new metes and bounds description must contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and the decimal parts thereof, from point of origination to a point of termination of each course.

12.1(f) Each course must contain the names of current adjoining owners together with the recorded Deed Book and Page or Official Record for each. When a course being described adjoins a recorded platted subdivision a call for the Plat Book and page will suffice.

12.1(g) Each course must show all other common lines such as centerline of roads, rivers, streams, quarter or half section lines, Virginia Military District lines or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.

12.1(h) Any course of a new metes 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 same.

12.1(i) All references to roads, rivers, streams, railroads, etc., must use current or existing names of record. Old or original names should also be mentioned.

12.1(j) All new metes and bounds descriptions must give the area contained within its perimeter in acres and calculated to the third decimal place as required by the County Auditor.

12.1(k) Whenever a new metes and bounds description encompasses two or more taxing districts or two or more tax parcels, a breakdown of the total area must be recited for each tax district or parcel.

12.1(l) All new metes and bounds descriptions will be subject to computer verification as to the accuracy of the traverse closure (1/10,000 minimum allowable traverse closure or 0.02 feet, whichever is more accurate) of the area as described. Whenever this process is necessary there may be a delay in approving the conveyance for transfer purposes.

12.1(m) All instruments including new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped "Description Acceptable" and the proper notations will be made on the instrument of conveyance, verifying a correct tax structure to the County Auditor.

12.1(n) Whenever the descriptive content of any legal instrument of conveyance is determined to be ambiguous, it will require a survey of the parcel(s) being described be made and a new description and plat be submitted to the County Engineer for approval prior to the transfer of said parcel(s).

### **Requirements for Plats of Surveys**

12.2 A Professional Surveyor, licensed in the State of Ohio, shall prepare a scaled plat of every new metes and bounds description he or she has originated and make available copies of the plat to be filed with the County Engineer.

12.2 (a) All plats shall be on high quality bond paper, vellum, polyester film, or tracing cloth with permanent ink. Plats shall bear the original signature and seal of the Surveyor. Unless prior approval is obtained from the Engineer, the minimum plat size shall be 8 ½ by 14 inches and the maximum plat size shall be 24 by 36 inches. Not less than three (3) plats shall be submitted to the Engineer.

12.2 (b) Lettering shall be applied directly to the plat without the use of an intermediate film or material.

12.2 (c) Xerographic or blue print copies are not acceptable.

12.2 (d) Reduced copies of plats may be attached to the instrument(s) of conveyance for purposes of recording the plat. The reduced copy shall be clearly labeled "**REDUCED COPY**" and shall otherwise be legible. Facsimile copies and poor quality reductions are unacceptable. The original full-scale plat shall be submitted to the engineer as required above. If an acceptable reduced copy is not provided, the full-scale plat shall be recorded with the Pickaway County Recorder. Plats that dedicate property to a public

purpose, such as subdivisions, streets or parks, shall be recorded at full-scale.

12.2 (e) A vicinity, or location, map shall be drawn on the plat to show the location of any split(s) relative to the original tract.

12.2 (f) All plats must be in compliance with the Ohio Administrative Code Chapter 4733-37.

12.2 (g) Names and source of title of adjoining owners along each boundary of the subject survey must be properly indicated.

12.3 The Basis of Bearing statement on all plats and deed descriptions to be made of record within the Pickaway County offices must be stated with reference to a deed of record and official record, a plat of record or a road improvement plan of record along with the bearing used. The State Plane Coordinate System, Ohio South Zone, NAD27 or NAD83, may also be used as a Basis of Bearing only if the control monuments used along with the bearing between them are denoted in the statement. Assumed bearings may be used provided there are no bearings shown of record.

12.4 Any survey plat or legal description submitted using the metric system shall show the English equivalent.